

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK DIVISION

ANTHONY D. JACKSON,

Plaintiff,

v.

UNION COUNTY COLLEGE,

Defendant.

Civil Action 2:07-cv-05962-WJM-MF

CONSENT DECREE

This matter is before the Court for entry of this decree by consent of the parties to effectuate a compromise and settlement of all claims. After review and consideration, the Court believes that entry of this decree is in the interest of justice.

1. Plaintiff, Anthony D. Jackson ("Jackson"), commenced the above entitled action in the United States District Court for the District of New Jersey, alleging that the Defendant Union County College ("UCC") violated the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") by (a) suspending Jackson in October 2001; (b) discharging Jackson on November 6, 2001, while Jackson was on active military duty; and (c) failing and refusing to allow Jackson to be re-employed in the position of employment at UCC in which Jackson would have been employed if the continuous employment of Jackson had not been interrupted by Jackson's military service from October 23, 2001 to August 17, 2002.

2. UCC denies each and every allegation of violation of USERRA made against it by Jackson in this lawsuit.

3. Nevertheless, Jackson and UCC (collectively referred to as the "Parties"), as a result of settlement discussions, have resolved their differences and have agreed that this action should be settled by entry of this Consent Decree. It is the intent of the parties that this Consent Decree be a final and binding settlement in full disposition of all claims alleged in the Complaint filed in this case.

STIPULATED FACTS

4. Pursuant to USERRA, the parties acknowledge the jurisdiction of the United States District Court for the District of New Jersey over the subject matter of this action and of the parties to this case for the purpose of entering this Decree and, if necessary, enforcing this Decree.

5. Venue is proper in this district for purposes of this Decree and any proceedings related to this Decree only. UCC agrees that all statutory conditions precedent to the institution of this lawsuit have been fulfilled.

FINDINGS

6. Having examined the terms and provisions of the Consent Decree, the Court finds the following:

- a. The Court has jurisdiction over the subject matter of the action and the parties to this action.
- b. The terms and provisions of this Consent Decree are fair, reasonable, and just. The rights of the parties are protected adequately by this Decree.
- c. This Consent Decree conforms with the Federal Rules of Civil Procedure and USERRA, and is not in derogation of the rights and privileges of any person. The entry of this Consent Decree will further the objectives of the USERRA and other applicable laws and will be in the best interest of the parties.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
AS FOLLOWS:**

NON-ADMISSION

7. This Decree is being entered with the consent of the parties and shall not constitute an adjudication or finding on the merits of the case or be construed as an admission by UCC of any violations of USERRA, or any other law, rule or regulation, dealing with or in connection with equal employment opportunities.

NON-RETALIATION

8. UCC shall not take any action against any person which constitutes retaliation or interference with the exercise of such person's rights under USERRA, or because such person gave testimony or assistance or participated in any manner in any investigation or proceeding in connection with this case.

REMEDIAL REQUIREMENTS

9. Without admitting the allegations as set forth in the Complaint, and in settlement of the claims of Jackson, UCC shall, within thirty (30) days from the date of entry of this Decree, pay Jackson Forty Thousand and No/100 Dollars (\$40,000.00), from any available source whether UCC funds or third party sources, to satisfy all of his claims for relief, monetary and non-monetary, legal and equitable, which includes his attorney's fees and costs. Jackson will assume any tax liability associated with the sums paid to him by UCC as a result of this Decree. UCC shall pay the required amount by mailing to Jackson a check addressed as follows:

Anthony Jackson
1713 Lake Chapman Drive, Apt #102
Brandon, Florida 33510

UCC shall provide documentary evidence of having paid Jackson by mailing a photocopy of the check evidencing payment together with proof of payment to the following address within twenty one (21) days of payment to Jackson:

Rachel R. Hranitzky
United States Department of Justice
950 Pennsylvania Ave., NW
Civil Rights Division
Employment Litigation Section, PHB, Room 4030
Washington, DC 20530

10. For and in consideration of the relief being provided to him described in paragraph 9 of this Decree, Jackson releases and discharges UCC from the claims identified in the Complaint filed in this case and the complaint Jackson filed with the Department of Labor, complaint number 02-NJ-2002-00014-10-R. This release and discharge of claims is subject only to UCC's compliance with the terms of this Decree.

MISCELLANEOUS

11. All parties shall bear their own costs and expenses of litigation, including attorneys' fees.

12. This Consent Decree constitutes the entry of final judgment within the meaning of Rule 54 of the Federal Rules of Civil Procedure on all claims asserted in this action. This Court retains jurisdiction over this matter, however, for the purpose of entering appropriate orders enforcing this decree.

13. The terms of this Consent Decree shall be binding upon the present and future directors, employees, agents, administrators, successors, representatives, and assigns of UCC and upon the heirs, successors, and assigns of Jackson.

14. This Consent Decree constitutes the entire agreement and commitments of the parties. Any modifications to this Decree must be mutually agreed upon and memorialized in a writing by all parties.

EFFECTIVE DATE

15. The effective date of this Consent Decree shall be the date upon which it is entered by the Court.

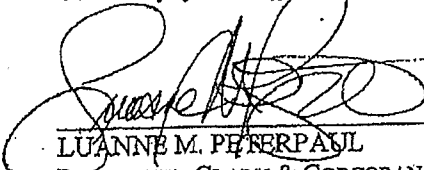
16. This Consent Decree shall expire, and this action shall be dismissed, without further order of this Court, three (3) months after entry of this Consent Decree. Jackson may move, for good cause, to extend the consent decree if the remedial relief called for herein has not been effectuated. The Consent Decree will not be extended, however, unless the Court grants Jackson's motion. Any such extension may be granted by the Court only for such time as is necessary to effectuate the relief set forth in this Decree.

APPROVED and ORDERED this 3RD day of FEBRUARY, 2009.

William B. Fenton
Rachel R. Hranitzky (with *David N. Reese*)
Anthony D. Jackson
UNITED STATES DISTRICT JUDGE

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