

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

EQUAL EMPLOYMENT	)	
OPPORTUNITY COMMISSION, <i>et. al.</i>	)	CASE NO. 1:20-CV-00973
	)	Hon. Paul L. Maloney
Plaintiffs,	)	Hon. Magistrate Judge Sally J. Berens
	)	
v.	)	
	)	
KONOS, INC. (D/B/A VANDE BUNTE	)	
EGGS, <i>et. al.</i>	)	
	)	
Defendants.	)	

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Kenneth L. Bird  
Omar Weaver (P58861)  
Nedra Campbell (P58768)  
Equal Employment Opportunity  
Commission  
477 Michigan Ave., Rm. 865  
Detroit, MI 48226  
(313) 226-3410  
nedra.campbell@eEOC.gov

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Todd R. Knecht (P35362)  
Knecht Law, PLC  
Counsel for Defendants  
P.O. Box 68292  
Grand Rapids, MI 49516-8292  
(616) 202-5539  
trknechtlaw@gmail.com

Diana E. Marin (P81514)  
Gonzalo Peralta (P84529)  
Anna Hill (P78632)  
Susan Reed (P66950)  
Michigan Immigrant Rights Center  
15 S. Washington Street, Suite 201 Ypsilanti,  
Michigan 48197  
(734) 239-6863  
dmarin@michiganimmigrant.org  
ahill@michiganimmigrant.org  
susanree@michiganimmigrant.org  
Attorneys for Plaintiff-Intervenor

Todd R. Dickinson  
FISHER & DICKINSON P.C.  
Counsel for Defendants  
678 Front Avenue NW, Suite 360  
Grand Rapids, MI 49504  
(616) 575-5615  
trd@fisher-dickinson.com

**CONSENT DECREE**

The United States Equal Employment Opportunity Commission (“Commission” or “EEOC”) filed this action against Konos, Inc. (“Konos”), to

enforce Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e (“Title VII”). In its Complaint (“EEOC Complaint”), the Commission alleged that Konos violated Title VII by subjecting Jane Doe to a sexually hostile work environment and retaliating against her for her complaints. After the Commission’s Complaint was filed, Doe exercised her right to intervene in the Commission’s action and filed Intervening Plaintiff’s Original Complaint (“Doe Complaint”) under Title VII and Michigan’s Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq. (“ELCRA”), against Konos, Inc., and individual Defendants Timothy Vande Bunte and Adam Dickerson (collectively “Defendants”).

The Commission, Doe, and Konos have agreed that this action should be resolved by way of this Consent Decree. It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: 1) the Court has jurisdiction over the Commission, Doe, and Konos and the subject matter of this action; and 2) this Consent Decree fully and finally resolves all matters in controversy or claims and issues arising out of the EEOC Complaint and Doe Complaint filed in this case.

Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED:

**NON-DISCRIMINATION**

1. Konos, its officers, agents, employees, attorneys, and all persons in active concert or participation with it shall not (i) subject or expose female employees to sexual harassment; (ii) create or maintain a sexually hostile work

environment; or (iii) fail to take prompt, remedial action to address complaints of sexual harassment.

### **NON-RETALIATION**

2. Konos, its officers, agents, employees, attorneys, and all persons in active concert or participation with them shall not retaliate against nor aid any agents or contractors in retaliating against any employee because s/he: (i) opposes the discriminatory practices described in paragraph 1, made unlawful by Title VII; (ii) files a charge of discrimination or assists or participates in the filing of such a charge; or (iii) assists or participates in an investigation or proceeding brought under federal laws prohibiting discrimination or retaliation. In addition, Konos shall not send an employee home in response to a sexual harassment complaint.

### **MONETARY RELIEF AND REFERENCE**

3. Within seven (7) business days after this Decree has been entered by the Court, Konos shall pay a total amount of \$175,000 in monetary relief to Jane Doe. Of this monetary payment, \$165,000 shall be considered compensatory and punitive damages, and \$10,000 shall be considered attorneys' fees and costs and sent in a separate check made payable to the Michigan Immigrant Rights Center. Konos shall issue a 1099-MISC in the ordinary course of business for these amounts. Furthermore, Konos shall not withhold any amounts from payment of compensatory or punitive damages, or attorneys' fees and costs.

4. Doe will receive a written signed job reference which indicates the dates of her employment and that she was a good employee. In addition, if Konos is contacted by a prospective employer, Konos will verify her employment with Konos, consisting only of the dates of employment and position held.

5. Within seven (7) business days after payment has been made, Konos shall mail copies of the checks to Kenneth Bird, Regional Attorney, care of Nedra Campbell, Trial Attorney, EEOC, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226, and also send it via email to [monitoring-eeoc-indo@eeoc.gov](mailto:monitoring-eeoc-indo@eeoc.gov).

#### **NOTICE POSTING**

6. Konos shall cause to be posted for the duration of this Decree in a conspicuous place at each plant where employee notices are posted, the Notice attached as Exhibit A, in the same type, style, and size and in both English and in Spanish. In the event the posting becomes marred, or defaced, Konos shall cause to be re-posted a clean and readable copy. In addition to causing this Notice to be posted, Konos shall cause a copy of Exhibit A to be distributed to all employees within thirty (30) days of the entry of this Consent Decree and provided to new employees within thirty (30) days of being hired.

#### **TRAINING**

7. Within sixty (60) days of the date this Decree is entered by the Court, Konos shall cause all of its employees (including managers, supervisors, officers,

and directors) to be trained on sexual harassment and retaliation. Thirty (30) days before Konos conducts training, it shall obtain prior approval for the training. The training shall be offered in both English and Spanish and shall last at least sixty (60) minutes. Konos shall keep a registry of all attendees who take the training pursuant to this Decree. Konos shall retain the registry for the duration of this Decree and forward a copy of the list of all attendees to Kenneth Bird, Regional Attorney, care of Nedra Campbell, Trial Attorney, to EEOC, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226 and also send it via email to monitoring-eeoc-[indo@eeoc.gov](mailto:indo@eeoc.gov).

### **REPORTING**

8. Konos shall submit the following in writing and in affidavit form to the Commission's Regional Attorney at the email address provided above:

A. Within ten (10) days of conducting the required training, the registry of persons attending the training required above, and a list of the current employees; and

B. Within ten (10) days of posting the required notice, Konos, Inc. shall provide confirmation that (i) the Notice referenced above was posted, and the location(s) where it was posted; and (ii) the Notice referenced above was distributed to each current employee via regular mail.

C. Within ten (10) days of receiving a complaint which could be construed as a complaint that an employee has engaged in sexually inappropriate conduct (e.g., the type of conduct defined in Konos' current employee handbook defining sexual harassment), Konos shall provide the following: 1) the name and contact information for the employee who made the complaint; 2) the name and contact information for the person who the complaint was about; 3) the steps Konos took to investigate the complaint; and 4) the results of the investigation.

#### **DURATION**

9. Absent extension, this Decree shall expire by its own terms at the end of three (3) years from the date of its entry without further action by the parties.

#### **DISPUTE RESOLUTION AND COMPLIANCE**

10. The Commission shall have the right during regular business hours defined as Monday through Sunday, 7:00 am to 9:00 pm, EST, to enter and inspect Defendant's premises to ensure compliance with this Decree.

11. The Court shall retain jurisdiction and will have all available equitable powers to enforce this Consent Decree. Upon motion of the Commission, the Court may schedule a hearing for the purpose of considering allegations of non-compliance with this Consent Decree. The parties shall engage in a good-faith effort to resolve any dispute as to compliance prior to seeking review by the Court.

12. The Commission may review compliance with this Decree. As part of such review, the Commission may interview Defendant's employees, and examine and copy Defendant's documents which are pertinent to the Commission's allegations of non-compliance.

13. In the event the Court finds that Defendant has not complied with any provision of this Decree, and the Commission petitions the Court to order Defendant to comply, the Commission is entitled to a penalty of \$750 per day until Defendant is in compliance with the Decree again. The Court may enter an Order requiring the payment of this daily \$750 penalty, in addition to all attorney's fees and costs incurred by the Commission to enforce the Decree.

#### **MISCELLANEOUS**

14. Each party will bear its own costs and fees except as provided in paragraph 3.

15. If any provision of this Decree is found to be unenforceable by a court, only the specific provision in question shall be affected and the other enforceable provisions shall remain in full force.

16. In the event the Court finds that Defendant has not complied with any provision of this Decree, and the Commission petitions the Court to order Defendant to comply, the Commission is entitled to a penalty of \$750 per day until Defendant is in compliance with the Decree again. The Court may enter an Order requiring the

payment of this daily \$750 penalty, in addition to all attorney's fees and costs incurred by the Commission to enforce the Decree.

17. Any modifications to this Decree must be entered by the Court.

18. The terms of this Decree are and shall be binding upon Konos, Inc., its officers, successors, assigns, directors, employees, creditors, agents, trustees, administrators, and representatives. If Konos transfers all or part of the company during the duration of this Consent Decree, Konos shall provide a copy of the Consent Decree to the transferee.

IT IS SO ORDERED:

Date: May 27, 2022

/s/ Paul L. Maloney  
Hon. Paul L. Maloney  
United States District Judge

EQUAL EMPLOYMENT  
EMPLOYMENT COMMISSION

KONOS, INC.

s/ Nedra Campbell  
Nedra Campbell (P58768)  
Equal Employment Opportunity  
Commission  
477 Michigan Ave., Rm. 865  
Detroit, MI 48226  
(313) 226-3410  
nedra.campbell@eeoc.gov

s/ Todd R. Knecht  
Todd R. Knecht (35362)  
Knecht Law, PLC  
Counsel for Defendants  
P.O. Box 68292  
Grand Rapids, MI 49516-8292  
(616) 202-5539  
trknechtlaw@gmail.com



INTERVENING—PLAINTIFF  
JANE DOE

s/ Diana E. Marin  
Diana E. Marin (P81514)  
Michigan Immigrant Rights  
Center  
15 S. Washington Street, Suite  
201 Ypsilanti, Michigan 48197  
(734) 239-6863  
dmarin@michiganimmigrant.org

s/ Todd R. Dickinson  
Todd R. Dickinson  
FISHER & DICKINSON P.C.  
Counsel for Defendants  
678 Front Avenue NW, Suite 360  
Grand Rapids, MI 49504  
(616) 575-5615  
trd@fisher-dickinson.com

Date: May 18, 2022

## ADJUNTO A

### AVISO

El siguiente aviso se publicó de conformidad con los términos de un Decreto de Consentimiento alcanzado entre las partes en la EEOC et. al. v. Konos, Inc. et. al, presentada en el Tribunal de Distrito de los Estados Unidos Distrito Oeste de Michigan, Acción Civil No. 1:20-CV-00973.

Konos, Inc. desea hacer hincapié en las políticas fundamentales de la compañía de proporcionar igualdad de oportunidades laborales en todas sus operaciones y prácticas de empleo, y quiere asegurarse de que no habrá discriminación contra ningún empleado o solicitante de empleo por motivos de sexo, raza, color, religión, embarazo, origen nacional, edad o discapacidad. Esta política se extiende a los individuos al asegurarse que no sean objeto de discriminación sexual, un ambiente de trabajo sexualmente hostil, o represalia por oponerse a tal discriminación.

De conformidad con el Título VII, es ilegal que un empleador discrimine contra un empleado por motivo de sexo de un empleado, incluyendo la exposición de un empleado a un ambiente de trabajo sexualmente hostil (Puede consultar el manual del empleado para obtener una descripción del acoso sexual). Además, es ilegal que un empleador tome represalias contra un empleado porque él o ella se ha opuesto a las prácticas de empleo discriminatorias, incluyendo lucha contra la discriminación sexual o un ambiente de trabajo sexualmente hostil, o porque él o ella ha presentado una querrela por discriminación ante cualquier estado municipal, o la agencia federal de igualdad de oportunidades de empleo, o porque él o ella ha participado en una investigación de una querrela por discriminación.

Cualquier empleado que crea que él o ella ha sufrido la discriminación por razón de sexo, raza, color, religión, embarazo, origen

nacional, edad o discapacidad puede contactar a un miembro de nuestro equipo de gestión de conformidad con las políticas de empleo prevista. Usted también tiene derecho a comunicarse con la EEOC directamente al 1 -800-669-4000. En cumplimiento con la ley federal, Konos no tomará represalias contra cualquier empleado que hace una denuncia interna de la discriminación o que en contacto con la EEOC o su contraparte estatal, el Departamento de Derechos Civiles de Michigan.

Konos, Inc.

Por : \_\_\_\_\_ Fecha: \_\_\_\_\_

Este aviso permanecerá publicado por el término de tres (3) años, hasta junio de 1 de 2025.

Attachment A

## **NOTICE TO ALL EMPLOYEES**

The following notice was published pursuant to the terms of a Consent Decree reached between the parties in EEOC et. al. v. Konos, Inc. et. al., filed in the United States District Court Western District of Michigan, Civil Action No. 1:20-CV-00973.

Konos, Inc. wishes to emphasize the company's fundamental policies of providing equal employment opportunity in all of its operations and employment practices, and wants to ensure that no employee or applicant for employment will be discriminated against on the basis of sex, race, color, religion, pregnancy, national origin, age, or disability. This policy extends to individuals by ensuring that they are not subjected to sex discrimination, a sexually hostile work environment, or retaliation for opposing such discrimination

Pursuant to Title VII, it is illegal for an employer to discriminate against an employee on the basis of an employee's sex, including exposing an employee to a sexually hostile work environment (You may refer to the employee handbook for a description of sexual harassment.) In addition, it is illegal for an employer to retaliate against an employee because he or she has opposed discriminatory employment practices, including anti-sex discrimination or a sexually hostile work environment, or because he or she has filed a complaint alleging discrimination before any municipal, state, or federal equal employment opportunity agency, or because he or she has participated in an investigation of a charge of discrimination.

Any employee who believes that he or she has experienced discrimination on the basis of sex, race, color, religion, pregnancy, national origin, age or disability may contact a member of our management team in accordance with the employment policies provided. You also have the right to contact the EEOC directly at 1-800-669-4000. In compliance with federal law, Konos will not retaliate against any employee who makes an internal complaint of

discrimination or who contacts the EEOC or its state counterpart, the Michigan Department of Civil Rights.

KONOS, Inc.

By: \_\_\_\_\_ Date: \_\_\_\_\_

**This notice will remain published for a term of three (3) years, until June 1, 2025.**