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8 pages

ATG CRU Civil Rights

SUPERIOR COURT
YAKIMA CO. WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

STATE OF WASHINGTON,

Plaintiff,

v.

VALLEY FRUIT ORCHARDS, LLC,

Defendant.

NO. **1620304139**
ASSURANCE OF
DISCONTINUANCE

The State of Washington, by and through its attorneys, Robert W. Ferguson, Attorney General, and Colleen M. Melody, Assistant Attorney General, files this Assurance of Discontinuance pursuant to RCW 19.86.100. This submission is titled an Assurance of Discontinuance for purposes of triggering RCW 19.86.100. There has been no finding of any violation of law and Valley Fruit expressly denies that it engaged in any unlawful, actionable, or prohibited conduct. All communications related to this Assurance of Discontinuance may be directed to: Civil Rights Unit, Office of the Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA, 98104.

I. PARTIES

1.1. The Office of the Attorney General initiated an investigation into the business and employment practices of Valley Fruit Orchards, LLC ("Valley Fruit").

1 of the Attorney General. Valley Fruit shall bear any expenses associated with this training.
2 Department managers, ranch foremen, and other full-time supervisory employees shall also
3 receive training at least annually on sexual harassment and retaliation.

4 **5.2.** Valley Fruit shall play a training video on sexual harassment during each new
5 employee orientation conducted at its orchards. The video, available in English at
6 <https://youtu.be/ObsuwGlrAT8> and in Spanish at <https://youtu.be/vcM9n87NxUI>, will be played
7 in both languages at each new employee orientation. Valley Fruit shall maintain a sign-in sheet at
8 each new employee orientation to document each worker who attends orientation and views the
9 video. In addition, the video will be available for review by any worker upon request at any time
10 during the year.

11 **VI. RECORDKEEPING AND REPORTING**

12 **6.1.** Effective immediately and for the term of this Assurance of Discontinuance,
13 Valley Fruit shall maintain all records that relate to its obligations under this Assurance of
14 Discontinuance, including, but not limited to, edits to the New Hire Packet or Employee
15 Handbook that implicate the Nondiscrimination Policy, and any complaints made pursuant to
16 the Nondiscrimination Policy whether submitted in writing, made orally to a supervisor,
17 submitted via the hotline, or otherwise. In addition to maintaining records related to each
18 complaint, Valley Fruit shall maintain all records that relate to its actions in response to the
19 complaint.

20 **6.2.** Upon reasonable notice to counsel for Valley Fruit, representatives of the Office
21 of the Attorney General shall be permitted to access, inspect, and/or copy all records or
22 documents maintained pursuant to paragraph 6.1.

23 **VII. ENTRY AND DURATION**

24 **7.1.** Valley Fruit understands and agrees that if this Assurance of Discontinuance is
25 accepted by the Office of the Attorney General, it will be submitted to the Yakima County
26

1 Superior Court for approval pursuant to RCW 19.86.100. Valley Fruit waives any further
2 notice that this Assurance of Discontinuance has been submitted to, or filed with, the Court.
3 Counsel for Valley Fruit agrees to accept electronic service of a conformed or Court-certified
4 copy.

5 **7.2.** This Assurance of Discontinuance shall remain in effect for two (2) years after
6 the date of entry.

7 **VIII. ADDITIONAL PROVISIONS**

8 **8.1.** Valley Fruit acknowledges that no other promises, representations, or
9 agreements of any nature have been made or entered into by the parties. The parties further
10 acknowledge that this Assurance of Discontinuance constitutes a single and entire agreement
11 that is not severable or divisible, except that if any provisions herein are found to be legally
12 insufficient or unenforceable, the remaining provisions shall continue in full force and effect.

13 **8.2.** This Assurance of Discontinuance shall not be considered an admission of
14 violation for any purposes, but failure to comply with this Assurance of Discontinuance shall be
15 prima facie evidence of violations of RCW 19.86.020 and the possibility of imposition by the
16 Court of injunctions, restitution, civil penalties of up to \$2,000 per violation, and costs, including
17 reasonable attorneys' fees.

18 **8.3.** Under no circumstances shall this Assurance of Discontinuance or the name of the
19 State of Washington or the Office of the Attorney General or any of its employees or
20 representatives be used by Valley Fruit or by its principals, officers, directors, agents, managers,
21 employees, or representatives in conjunction with promoting any business activity of Valley Fruit.
22 A violation of this paragraph constitutes a violation of an injunctive term of this Assurance of
23 Discontinuance.

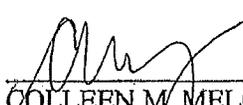
24 **8.4.** Nothing in this Assurance of Discontinuance shall be construed so as to limit or
25 bar any other person or entity from pursuing available legal remedies against Valley Fruit.
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1 Approved on this 4 day of NOV, 2016.


JUDGE/COURT COMMISSIONER

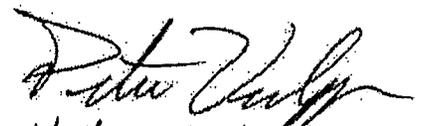
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3
4 Presented by:
5 ROBERT W. FERGUSON
6 Attorney General

SUSAN L. HAHN
JUDGE

7
8 
9 COLLEEN M. MELODY, WSBA #42275
10 Assistant Attorney General
11 Civil Rights Unit
12 Office of the Attorney General
13 800 Fifth Avenue, Suite 2000
14 Seattle, WA 98104
15 (206) 464-5342
16 ColleenM1@atg.wa.gov

14 Agreed to and approved for entry by:

15
16 
17 BRENDAN V. MONAHAN, WSBA #22315
18 Stokes Lawrence Velikanje Moore & Shore
19 120 North Naches Avenue
20 Yakima, WA 98901
21 (509) 853-3000
22 Brendan.Monahan@stokeslaw.com

21  Oct 21, 2016
22 Valley Fruit Orchards LLC
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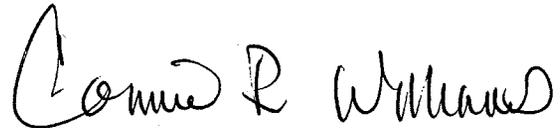
DECLARATION OF CONNIE R.
WILLIAMS IN SUPPORT OF GR 17

CONNIE R. WILLIAMS, declares under penalty of perjury under the laws of the state of Washington that the following is true and correct.

1. I am a Legal Administrative Manager for the Attorney General's Office. I make this Declaration based on my own personal knowledge. I am competent to testify to the facts stated herein.

2. This Declaration is filed in accordance with GR17.

2. On the 24th day of October, 2016, I received by electronic mail, Assurance of Discontinuance from Colleen M. Melody of the Civil Rights Division of the Attorney General's Office. I have examined the document which consists of 8 pages, including this Declaration and it is complete and legible.



CONNIE R. WILLIAMS
(509) 575-2468
Facsimile (509) 575-2095