Case Study

[Name of the Writer]

[Name of the Institution]

**Case law report essay**

**Negligence**: Strict Liability –Less payment to the previous female employees of Bumble Bee, which was not according to the agreement between EEOC and Bubble Bee.

Liability is misconduct, sometimes require some degree of intentional conduct, put differently, or it may be some degree of fault and make someone responsible for some act. On the other hand, negligence is a failure to take care of anything which can affect anybody or anything where the plaintiff defendant (the person who experienced injury or damage) have a duty of care to the defendant ( the person upon whom case issued). Negligence creates due to carelessness in unforeseen circumstances, and negligent is responsible to take reasonable step to prevent damages and injuries. In some cases, the person is not responsible for the negligence, but he is held liable for the negligence and liability is imposed on that person. Strict liability is imposed on a person who is responsible for employment discrimination.

Facts
 On Feb 1986, In Astonia a group of women who were working previously in Bubble Bee Seafoods Co., Inc filed a complaint claiming that United States was neglecting in its execution of an agreement between Equal Employment Opportunity Commission (EEOC) and Bumble Bee. According to decree concent, Bubble Bee should develop a fund for the alleged sex discrimination at its Astoria plant. The Plaintiffs claim that they received less money than it was on agreement due to the negligence of the United States, and also they were not permitted to participate for settlement. Due to Employment discrimination, the Equal Employment Opportunity Commission (EEOC) Commissioner charged against Bubble Bee according to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.* The EEOC led an investigation and issued an administrative determination that discrimination has occurred and there is an existence of reasonable cause to charge the Bubble Bee. On Sep 1978, When the efforts of EEOC were failed to conciliate the matter, they filed the complaint in court and claimed that Bubble Bee employee had discriminated on their gender at its Astoria facility. The EEOC was a single complainant, and it is required to give back pay, relief, and costs.

**Issue**

A group of women claimed that their previous organization Bubble Bee paid them less money, which was not according to the agreement between EEOC and Bubble Bee.

**Decision**
 On 1st March 1983, the court approved the complaint of EEOC according to title VII, in an objective to give equal employment opportunities. Bubble Bee was obliged by decree to develop a fund $350,000 and find the ways to distribute this fund to the former female employees of the company. To pay for a valid claim, the decree specified the eligibility criteria for distribution of the fund. The process in which the potential claimants were notified by EEOC and Bubble was also described in detail to provide the Claimants information and claim forms. The decree obliged Bubble Bee to email the previous female employee and send them claim forms who were working in cold storage and warehouse operations from the period of Jan 1976 to Dec 1976.

The decree obligated the Bumble Bee to give news in a weekly newspaper at least once a week, about the potential claimant of their right to file a claim. EEOC was also required to employ an individual who takes inquiries on Telephone and respond to the claimants about the claim procedure. The total administrative cost was almost $ 10437.25. The company has found that almost 600 women were eligible for the fund, and 16% to 18% have already filed the claim. On Sep 30, 1983, distribution order given by the court in which total $248,056 was distributed among 85 women.

Plaintiffs claim that EEOC's has satisfied the settlement, but implementations of the decree are dissatisfied. This complaint is brought under the Federal Tort Claims Act, 28 U.S.C§§ 1346(b), 2671 et seq. (FTCA), consent decree was failed to implement and that is the negligence of the Government that the news was not published timely in newspaper, the complaint desk has failed to give proper information and reply to the complaint and the phone operators are not adequate to give proper feedback on complaints. They claim that rather than employing a phone operator, permit Bumble Bee to employ a direct operator for complaints.

The course only gives attention to second and third negligence. The plaintiffs are failed to explain the word “Adequate'; they have no explanation that how the phone bank was not adequate to implement the consent decree. It was according to the consent decree. (Defendant's Motion to Dismiss, McKinnon Affidavit, Reale Declaration, Pettigrew Declaration; Plaintiffs' Response, Exhibit A, pp. 31-39, 44-45, 55, 61-66, Exhibits B, C).

The third claim was that telephone operators did not train enough to respond to claim information correctly. Again they had failed to describe the that what was improper about training.

Finally, in response plaintiffs claim some new allegations which were about McKinnon who does not provide alternatives to phone bank. The radio and televisions adds were not considered. Moreover, these advertisement methods were not provided in the consent decree. The plaintiff's allegations cant challenges the consent decree and court mark these allegations irrelevant. The plaintiffs were failed to provide evidence on any of its negligence allegations. The judgment was finally in favor of defendants and against the plaintiffs was correct. Finally, the allegations of plaintiffs were found invalid under Fed.R.Civ.P. 59.

**References**

Williams v. United States, 665 F. Supp. 1466 (D. Or. 1987). (2019). Retrieved 24 July 2019, from https://law.justia.com/cases/federal/district-courts/FSupp/665/1466/1668761/