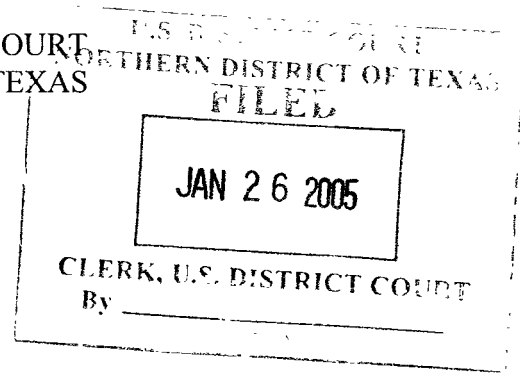


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION



EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

JLP, L.L.C., d/b/a JIFFY LUBE OF )  
PLAINVIEW and WOLFLIN OIL, L.L.C., )

Defendants. )

Civil Action No. )  
5:04-CV-216-C )  
(Consolidated with Civil Action )  
No. 5:04-CV-309-C)

**ORDER GRANTING PLAINTIFF'S MOTION TO ALTER  
COURT'S ORDER OF DECEMBER 20, 2004**

On this date the Court considered the Motion to Alter or Amend Order, filed by Plaintiff, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("EEOC"), on December 29, 2004. The Court also considered the Response of Defendant WOLFLIN OIL, L.L.C. ("Wolflin") and the Response of Defendant JLP, L.L.C. d/b/a JIFFY LUBE OF PLAINVIEW, both filed on January 18, 2005.

After considering all relevant arguments of the parties, the Court is of the opinion that the lawsuit filed by the EEOC against Defendant Wolflin Oil, L.L.C. is "an action or proceeding by a governmental unit . . . to enforce such governmental unit's . . . police and regulatory powers" and, as such, is not subject to the automatic bankruptcy stay provided by 11 U.S.C. § 362(a). 11 U.S.C. § 362(b)(4); *see also EEOC v. Rath Packing Co.*, 787 F.2d 318, 325 (8th Cir. 1986), *cert. denied*, 479 U.S. 910 (1986); *EEOC v. Hall's Motor Transit*, 789 F.2d 1011, 1014 (3d Cir. 1986); *EEOC v. McLean Trucking Co.*, 834 F.2d 398, 402 (4th Cir. 1987); *EEOC v. Sambo's*

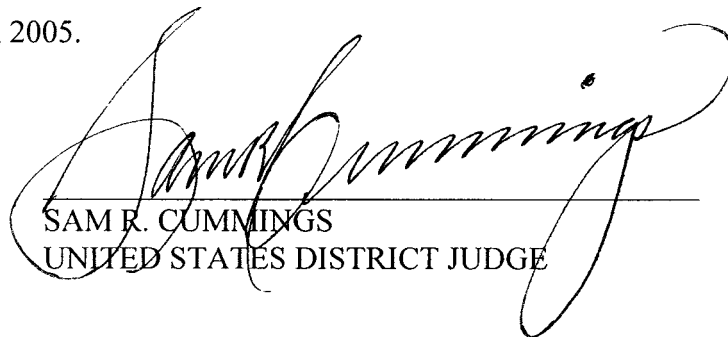
Certified a true copy of an instrument  
on file in my office on 1-26-05  
Clerk, U.S. District Court,  
Northern District of Texas  
By G. Dicks Deputy

*Restaurant*, 1982 U.S. Dist. LEXIS 12027, 34 FEP Cases 1451, 1453 (S.D. Tex. 1982).

Plaintiff's Motion should be **GRANTED**.

It is therefore ORDERED that the Court's order of December 20, 2004, is **VACATED**;  
Civil Action No. 5:04-CV-309-C is **REOPENED**; and Civil Action No. 5:04-CV-309-C is  
**CONSOLIDATED** with Civil Action No. 5:04-CV-216-C.

Dated this 26<sup>th</sup> day of January, 2005.



SAM R. CUMMINGS  
UNITED STATES DISTRICT JUDGE