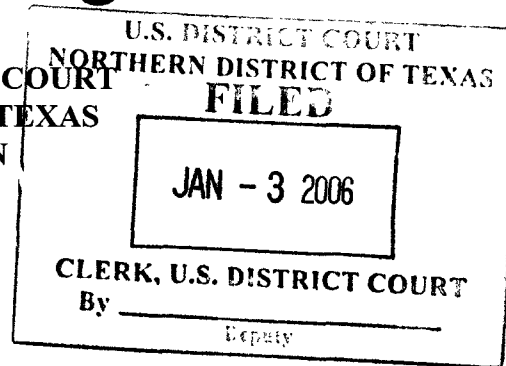


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION



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. 5-04CV0216-C

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission (“EEOC”) and Defendants JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C. This Consent Decree resolves the above-referenced Civil Action No. 5-04CV0216-C. The EEOC initiated this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e, *et seq.* (“Title VII”) and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Plaintiff’s Complaint in this lawsuit asserts unlawful employment practices on the basis of national origin and race, and seeks to provide relief to Juan Alonzo Esquivel and Scott Craft, who were adversely affected by those employment practices. More specifically, Mr. Equivel is Hispanic and Plaintiff EEOC alleges in its Complaint that he was subjected to discrimination, in violation of Title VII when he was discharged from his employment at Jiffy Lube of Plainview because of his national origin. Additionally, Scott Craft is Black and Plaintiff EEOC alleges in its Complaint, that Mr. Craft was subjected to discrimination in violation of Title VII when he was discharged from his employment at Jiffy Lube of Plainview because of his race.

Plaintiff EEOC and JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C. wish to settle this Action without the necessity of further litigation pursuant to the terms delineated in this Consent Decree. By entering into this Consent Decree, the JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C. expressly deny the validity of any claim and/or cause of action asserted in the Complaint, and in particular, they deny they are or were a joint enterprise or an integrated enterprise as alleged in the EEOC's Complaint, and specifically, JLP, L.L.C. d/b/a Jiffy Lube of Plainview reserves its right to challenge jurisdiction should the EEOC move, pursuant to paragraph three, and allege that JLP, L.L.C. d/b/a Jiffy Lube of Plainview violated paragraphs eight and/or nine. JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C. enter into this Consent Decree for the sole purpose of avoiding the expenses associated with this litigation. JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C. further assert that by entering into this Consent Decree they make no admission of liability or wrongdoing, and make no admission that either of their alleged conduct was improper, discriminatory, or illegal in any respect.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action, venue is proper, and all administrative prerequisites to the filing of this action have been met. The Complaint states claims on behalf of Juan Alonzo Esquivel and Scott Craft which, if proved, would authorize this Court to grant relief pursuant to Title VII.

2. This Consent Decree resolves all issues raised in Plaintiff EEOC's Complaint in this case. Additionally, this Consent Decree resolves all issues raised in the Charge of Discrimination which Juan Alonzo Esquivel filed with the EEOC, Charge No. 361-2003-00773.

The EEOC expressly reserves its right, however, to process and litigate any other Charges of Discrimination which may now be pending or may in the future be filed against either JLP, L.L.C. d/b/a Jiffy Lube of Plainview or Wolflin Oil, L.L.C.

3. The duration of this Consent Decree shall be two (2) years from the date of its filing with the Court. This Court shall retain jurisdiction of this Action during the period of this Consent Decree and may enter such other and further relief as it deems appropriate to ensure implementation and enforcement of its provisions. Any violation of the Consent Decree by either JLP, L.L.C. d/b/a Jiffy Lube of Plainview or Wolflin Oil, L.L.C., and their respective agents or assigns, shall toll the running of this two (2) year period as of the date of the violation, as against that party. If the Court subsequently determines this Consent Decree was violated, the two (2) year period shall recommence with regard to the party in violation, and continue from the date of entry of an Order setting out such a violation or until such time as ordered by the Court. Should the Court find this Consent Decree was not violated, the two (2) year period shall recommence, retroactive to the date of the filing of the pleading alleging a violation.

4. Within fifteen (15) days of the entry of this Consent Decree, JLP, L.L.C. d/b/a Jiffy Lube of Plainview, in settlement of this dispute, shall pay to Juan Alonzo Esquivel the sum total of \$3,750 (Three Thousand Seven Hundred Fifty & no/100) and Wolflin Oil, L.L.C. shall pay to Juan Alonzo Esquivel the sum total of \$1,250 (One Thousand Two Hundred Fifty & no/100). The payments to Mr. Esquivel shall be sent directly to him at the following address: 920 Elm Street, Plainview, TX 79072. A copy of the settlement checks, and any accompanying transmittal documents, shall be forwarded to the EEOC to the attention of Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229.

5. Within fifteen (15) days of the entry of this Consent Decree, JLP, L.L.C. d/b/a Jiffy Lube of Plainview, in settlement of this dispute, shall pay to Scott Craft the sum total of \$3,750 (Three Thousand Seven Hundred Fifty & no/100) and Wolflin Oil, L.L.C. shall pay to Scott Craft the sum total of \$1,250 (One Thousand Two Hundred Fifty & no/100). The payments to Mr. Craft shall be sent directly to him at the following address: 1207 Joliet, Plainview, TX 79072. A copy of the settlement checks, and any accompanying transmittal documents, shall be forwarded to the EEOC to the attention of Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229.

6. In providing employment references regarding Juan Alonzo Esquivel and/or Scott Craft, neither of JLP, L.L.C. d/b/a Jiffy Lube of Plainview nor Wolflin Oil, L.L.C. shall make any mention of the filing of the Complaint or the underlying Charge of Discrimination.

7. JLP, L.L.C. d/b/a Jiffy Lube of Plainview shall expunge the personnel files of Juan Alonzo Esquivel and Scott Craft of any and all documents relating to the EEOC Charge which Mr. Esquivel filed, and of any and all documents relating to Plaintiff's Complaint.

8. JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C., and their respective agents, officers, employees, servants, successors, and assigns, are enjoined, during the term of this Consent Decree, from discriminating against any employee on the basis of national origin and/or race. The conduct enjoined includes discharging any of their respective employees, because of that employee's national origin and/or race.

9. JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C., and their respective agents, officers, employees, servants, successors, and assigns, are also enjoined, during the term of this Consent Decree, from retaliating in any manner whatsoever against Juan

Alonzo Esquivel, Scott Craft, and/or any other past, present, or future employee, who opposes any employment practice which that employee reasonably believes to be unlawful, pursuant to Title VII, or who files a Charge of Discrimination, gives testimony or assistance, or participates in any manner in any investigation, proceeding, hearing, or action under Title VII.

10. JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C., and their respective agents, officers, employees, servants, successors, and assigns, shall post a notice regarding their practices, policies, and intent not to discriminate or retaliate against any employee in violation of Title VII. Such notice shall be as set forth in Exhibit A, which is attached to this Consent Decree, or, in lieu of this notice, JLP, L.L.C. d/b/a Jiffy Lube of Plainview and/or Wolflin Oil, L.L.C. shall post EEOC Poster Form #EEOC-P/E-1, on an employee bulletin board in an area where employees are likely to congregate. The notice shall be posted within 10 days of the filing date of the Consent Decree, and shall remain posted for the duration of this Consent Decree.

11. To further the ends of this Consent Decree, within 120 days of the entry of this Consent Decree, supervisory and managerial employees of JLP, L.L.C. d/b/a Jiffy Lube of Plainview shall participate in two (2) hours of equal employment opportunity compliance training. This training shall be provided by Lewis Coppedge and shall explain the law relating to discrimination in employment based on national origin and race. In addition, the training shall teach non-discriminatory work and management techniques when interfacing or interacting with other employees, and the responsibilities of supervisory employees and human resources personnel to provide prompt and effective relief to individuals who complain of discrimination based on national origin and/or race.

12. Within 120 days of the entry of this Consent Decree, supervisory and managerial employees of Wolflin Oil, L.L.C. shall participate in two (2) hours of equal employment opportunity compliance training. This training shall be provided by Paul Rose and shall explain the law relating to discrimination in employment based on national origin and race. In addition, the training shall teach non-discriminatory work and management techniques when interfacing or interacting with other employees, and the responsibilities of supervisory employees and human resources personnel to provide prompt and effective relief to individuals who complain of discrimination based on national origin and/or race.

13. The EEOC shall have the right to ensure compliance with the terms of this Consent Decree.

14. The terms of this Consent Decree shall be binding upon the EEOC and JLP, L.L.C. d/b/a Jiffy Lube of Plainview and Wolflin Oil, L.L.C., and their respective agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

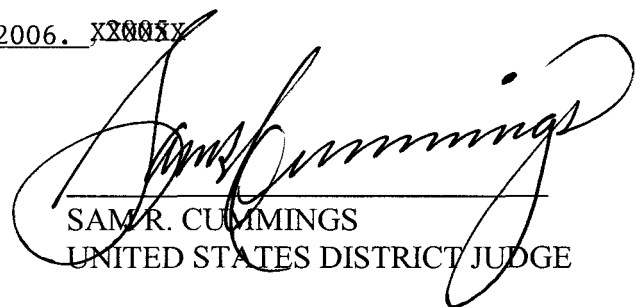
15. Each party shall bear its own costs, including attorneys' fees incurred in this action.

16. The parties agree that pursuant to Section 706(k) of Title VII, 42 U.S.C. §2000e-5(k), there is no "prevailing party" in this action or proceeding.

The Clerk shall furnish a copy hereof to each attorney of record.

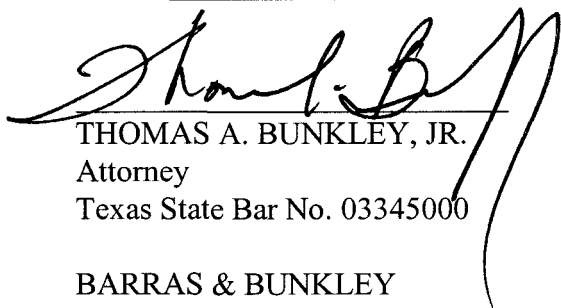
SO ORDERED.

Signed this 3rd day of January, 2006. ~~XXXXXX~~



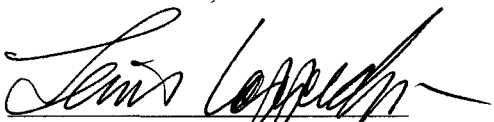
SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE

Dated: 12/30/05


THOMAS A. BUNKLEY, JR.
Attorney
Texas State Bar No. 03345000

BARRAS & BUNKLEY
P.O. Box. 9175
Amarillo, TX 79902
Tel: (806) 372-2552
Fax: (806) 372-5105

ATTORNEYS FOR DEFENDANT
WOLFLIN OIL, L.L.C.


LEWIS COPPEDGE
Attorney
Texas State Bar No. 04806500
WYATT L. BROOKS
Attorney
Texas State Bar No. 03075600

BURDETT, MORGAN,
WILLIAMSON & BOYKIN, L.L.P.


3423 Soncy, Suite 300
Amarillo, TX 79119
Tel: (806) 358-8116
Fax: (806) 358-1901


ATTORNEYS FOR DEFENDANT
JLP, L.L.C.

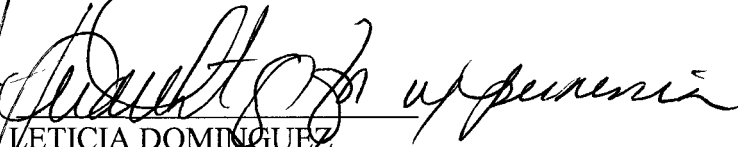
Respectfully submitted,

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel


ROBERT B. HARWIN
Regional Attorney
D.C. State Bar No. 0760873


JUDITH TAYLOR
Supervisory Trial Attorney
Texas State Bar No. 19708300


LETICIA DOMINGUEZ
Trial Attorney
Texas State Bar No. 00795741

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

El Paso Area Office
300 E. Main, Suite 500
El Paso, Texas 79901
Tel: (915) 534-6676
Fax: (915) 534-6701

ATTORNEYS FOR PLAINTIFF

EXHIBIT A

JLP, L.L.C. D/B/A JIFFY LUBE OF PLAINVIEW
NOTICE TO ALL EMPLOYEES

JLP, L.L.C. D/B/A JIFFY LUBE OF PLAINVIEW IS FIRMLY COMMITTED TO TREATING EMPLOYEES ACCORDING TO MERIT WITHOUT REGARD TO THEIR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY, OR THEIR HAVING ENGAGED IN ACTIVITY PROTECTED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED. THIS POLICY APPLIES TO ALL EMPLOYMENT DECISIONS, AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT. JLP, L.L.C. D/B/A JIFFY LUBE OF PLAINVIEW WILL SPECIFICALLY NOT TOLERATE DISCHARGES BASED ON NATIONAL ORIGIN AND/OR RACE. JLP, L.L.C. D/B/A JIFFY LUBE OF PLAINVIEW WILL ALSO SPECIFICALLY NOT TOLERATE RETALIATION AGAINST ANY EMPLOYEE WHO PROTESTS AGAINST WHAT HE/SHE REASONABLY BELIEVES TO BE DISCRIMINATION BASED ON HIS/HER NATIONAL ORIGIN AND/OR RACE.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, SEX, AGE, DISABILITY, OR NATIONAL ORIGIN, INCLUDING BEING DISCHARGED BECAUSE OF YOUR NATIONAL ORIGIN AND/OR YOUR RACE, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, OR FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, WHICH IS ALSO KNOWN AS THE EEOC. THE CLOSEST EEOC OFFICE IS LOCATED AT 300 E. MAIN, SUITE 500, EL PASO, TEXAS 79901. YOU MAY REACH THAT EEOC OFFICE BY CALLING (915) 534-6700. THE EEOC CAN ALSO BE REACHED AT THE FOLLOWING PHONE NUMBER: 1-800-669-4000. NO RETALIATORY ACTION MAY BE TAKEN AGAINST YOU FOR SEEKING ASSISTANCE, FILING A CHARGE, OR COMMUNICATING WITH THE EEOC.

THE EEOC ENFORCES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; THE AGE DISCRIMINATION IN EMPLOYMENT ACT; THE EQUAL PAY ACT, SECTIONS OF THE CIVIL RIGHTS ACT OF 1991, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT, WHICH PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN THE WORKPLACE.

WOLFLIN OIL, L.L.C.
NOTICE TO ALL EMPLOYEES

WOLFLIN OIL, L.L.C. IS FIRMLY COMMITTED TO TREATING EMPLOYEES ACCORDING TO MERIT WITHOUT REGARD TO THEIR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY, OR THEIR HAVING ENGAGED IN ACTIVITY PROTECTED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED. THIS POLICY APPLIES TO ALL EMPLOYMENT DECISIONS, AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT. WOLFLIN OIL, L.L.C. WILL SPECIFICALLY NOT TOLERATE DISCHARGES BASED ON NATIONAL ORIGIN AND/OR RACE. WOLFLIN OIL, L.L.C. WILL ALSO SPECIFICALLY NOT TOLERATE RETALIATION AGAINST ANY EMPLOYEE WHO PROTESTS AGAINST WHAT HE/SHE REASONABLY BELIEVES TO BE DISCRIMINATION BASED ON HIS/HER NATIONAL ORIGIN AND/OR RACE.

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