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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff)
v.)
JB'S LOUNGE,)
Defendant.)

Civil Action No. EP-02-CA-0027-PM

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, J.B.'s Lounge. This Consent Decree resolves the above-referenced Civil Action No. EP-02-CA-0027-PM. The EEOC initiated this lawsuit to enforce a mediation agreement which Defendant J.B.'s Lounge entered in order to resolve a Charge of Discrimination which was filed against it by Manuela Estrada. That Charge of Discrimination was filed under the Age Discrimination in Employment Act of 1967 ("ADEA"),

The EEOC and J.B.'s Lounge wish to settle this Action, without the necessity of further litigation, pursuant to the terms delineated in this Decree.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and the parties, venue is proper, and all administrative prerequisites to the filing of this action have been met. The Complaint states claims on behalf of Manuela Estrada, which, if proved, would authorize this Court to grant relief against J.B.'s Lounge, pursuant to the mediation agreement which it

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signed.

2. This Consent Decree resolves all issues raised in EEOC's Complaint in this case. EEOC waives further litigation of all issues raised in the above-referenced Complaint. EEOC expressly reserves its right, however, to process and litigate any other charges which may now be pending or may in the future be filed against J.B.'s Lounge.

3. The duration of this Consent Decree shall be one year and six months 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 J.B.'s Lounge, or its agents or assigns, shall toll the running of this one and a half year period as of the date of the violation. If the Court subsequently determines this Consent Decree was violated, the one and a half year period shall recommence 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 one and a half year period shall recommence, retroactive to the date of the filing of the pleading alleging that a violation had occurred.

4. J.B.'s Lounge, in settlement of this dispute, will pay to Manuela Estrada the sum of \$7500. Payment will be made by means of twelve equal payments made over the period of twelve months. On November 1, 2002, and on the first date of the subsequent eleven months, J.B.'s Lounge will send a check in the amount of \$625.00 to Ms. Estrada, care of Jose Sanchez, 8532 Euphrates, El Paso, TX 79907. A copy of the settlement checks, and any accompanying transmittal documents will be forwarded to the EEOC to the attention of Robert B. Harwin,

Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229.

5. Should J.B.'s Lounge ever receive a request for a job reference regarding Manuela Estrada, J.B.'s Lounge shall make no mention of the filing of this Complaint, or the underlying charge filed by Manuela Estrada.

6. J.B.'s Lounge shall expunge Manuela Estrada's personnel files of all documents specified by the EEOC after its review of those files.

7. J.B.'s Lounge, its 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 age. The conduct enjoined includes discharging any of its employees who are over forty years old, because of their age.

8. J.B.'s Lounge, its agents, officers, employees, servants, successors, and assigns, are enjoined from retaliating in any manner whatsoever against Manuela Estrada, or any other past, present, or future employee, for opposing any employment practice which she reasonably believes to be unlawful, pursuant to ADEA, or for filing a discrimination charge, giving testimony or assistance, or participating in any manner in any investigation, proceeding, hearing or action under ADEA.

9. J.B.'s Lounge, its agents, officers, employees, servants, successors, and assigns, shall provide its employees with a place of employment free of discrimination on the basis of age.

10. The EEOC shall have the right to ensure compliance with the terms of this Consent Decree and may: (a) conduct inspections of J.B.'s Lounge; (b) interview employees of J.B.'s Lounge; and (c) examine and copy relevant documents.

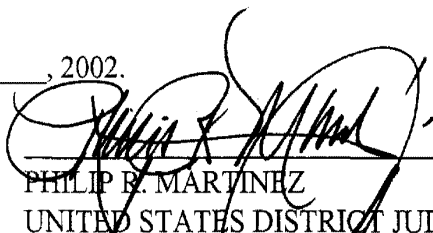
11. The terms of this Consent Decree shall be binding upon the EEOC and J.B.'s Lounge, their agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

12. Each party shall bear its own costs, including attorney's fees incurred in this action.

13. The parties agree that 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 7 day of November, 2002.

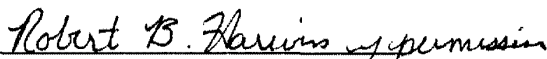

PHILIP R. MARTINEZ
UNITED STATES DISTRICT JUDGE

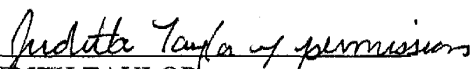
GWENDOLYN YOUNG REAMS
Acting Deputy General Counsel

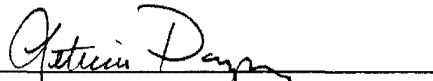
Respectfully submitted,



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