

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 Martina Smart which have been proved.

2. Defendant's former employee, Dr. P.V. Patel, subjected Martina Smart to sexual harassment while she was an employee of the Defendant. Defendant did not have a sexual harassment policy in place which allowed Ms. Smart to complain to anyone, in-house, other than Dr. Patel, about the sexual harassment to which she was being subjected. Additionally, Defendant retaliated against Martina Smart when it discharged her in response to her having filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission.

3. This Court is, thus, authorized to grant relief against Associates, pursuant to Title VII.

4. This Agreed Judgment 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 Associates.

5. The duration of this Agreed Judgment shall be three years from the date of its filing with the Court. This Court shall retain jurisdiction of this Action during the period of this Agreed Judgment and may enter such other and further relief as it deems appropriate to ensure implementation and enforcement of its provisions. Any violation of the Agreed Judgment by Associates, or its agents or assigns, shall toll the running of this three-year period as of the date of the violation. If the Court subsequently determines this Agreed Judgment was violated, the three-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 Agreed Judgment was not violated, the three-year period shall recommence, retroactive to the date of the filing of the pleading alleging that a violation had occurred.

6. Martina Smart shall have a liquidated claim against Associates in the sum total of \$155,000. Any payment to Ms. Smart shall be sent directly to counsel for Ms. Smart, John Howell House of The Law Offices of Burt Barr & Associates, L.L.P., P.O. Box 223667, Dallas, TX 75222-3667. A copy of any settlement check 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.

7. In providing employment references regarding Martina Smart, Associates shall make no mention of the filing of the Complaint, or the underlying discrimination charges filed by Ms. Smart.

8. Associates shall expunge the personnel files of Martina Smart of all documents specified by the EEOC after its review of those files.

9. Associates, its former agents, officers, employees, servants, successors, and assigns, are also enjoined, during the term of this Agreed Judgment, from retaliating in any manner whatsoever against Martina Smart for opposing any employment practice which she reasonably believed to be unlawful, pursuant to Title VII, or for filing a discrimination charge, giving testimony or assistance, or participating in any manner in any investigation, proceeding, hearing or action under Title VII.

10. The EEOC shall have the right to ensure compliance with the terms of this Agreed Judgment and may: (a) conduct inspections of any of Associates' facilities; (b) interview

employees of Associates; and (c) examine and copy relevant documents.

11. The terms of this Agreed Judgment shall be binding upon the EEOC and Associates, 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.

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

SO ORDERED.

Signed this 27 day of September, 2004.


ROBERT JUNELL
UNITED STATES DISTRICT JUDGE

Dated: 9/22/2024

Respectfully submitted,

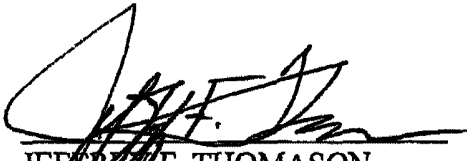
ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

Robert B. Harwin of permission
ROBERT B. HARWIN
Regional Attorney
D.C. State Bar No. 0760873

Judith G. Taylor of permission
JUDITH G. TAYLOR
Supervisory Trial Attorney
Texas State Bar No. 19708300


JEFFREY F. THOMASON
Texas State Bar No. 19892000

Leticia Dominguez
LETICIA DOMINGUEZ
Trial Attorney
Texas State Bar No. 00795741

TODD, BARRON,
THOMASON & HUDMAN, P.C.

3800 East 42nd Street, Suite 409
Odessa, TX 79762-5892

Tel: (432) 367-5191

Fax: (432) 367-7092

ATTORNEYS FOR DEFENDANT

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