

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

CATFISH PARLOUR, INC.,

Defendant.

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Civil Action No. A98CA605SS

FILED  
AUSTIN DIVISION  
1999 MAY 27 PM 3:25  
WESTERN DISTRICT OF TEXAS  
U.S. CLERK'S OFFICE  
BY: *[Signature]* DEPUTY

**CONSENT DECREE**

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, Catfish Parlour, Inc. ("Catfish"). This Consent Decree resolves the above-referenced Civil Action No. A98CA605SS. 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. The Complaint was filed to correct alleged unlawful employment practices on the basis of sex (female) and to provide appropriate relief to Deborah Moreno-Perez and an alleged class of similarly situated females because they were adversely affected by such practices. Catfish denies the allegations brought by the EEOC as alleged in the Complaint filed in this Civil Action.

The EEOC and Catfish wish to settle this action, without the necessity of further litigation, pursuant to the terms delineated

in this Decree. This Consent Decree is not an admission of liability by Catfish.

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, which, if proved, would authorize this Court to grant relief against Catfish pursuant to Title VII.

2. This Decree resolves those claims against Catfish raised in EEOC's Complaint in this case. EEOC expressly reserves its right to process and litigate any other charges which may now be pending or may in the future be filed against Defendant Catfish.

3. The duration of this Decree shall be one year from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this 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 Catfish, its agents or assigns shall toll the running of this one-year period as of the date of the violation. If the Court subsequently determines this Decree was violated, the one-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 the Decree was not violated, the one-year period shall recommence,

retroactive to the date of the filing of the pleading alleging that a violation had occurred.

4. Defendant Catfish is enjoined from harassing any past, present, or future employee because of her sex, and from taking any reprisal action against Deborah Moreno-Perez or any other past, present, or future employee, for opposing any employment practice made unlawful by Title VII.

5. Within 90 days of the entry of this Decree, Catfish shall provide to the EEOC evidence that its employees have participated in sexual harassment training (a) explaining that sexual harassment discrimination is unlawful; (b) instructing what conduct may constitute sexual harassment; and (c) explaining the damaging effects of sexual harassment on its victims, their families, their co-workers, and the workplace environment. The EEOC has the right to approve of this training.

6. Defendant Catfish shall post a notice regarding its practices, policies, and intent not to discriminate against any employee in violation of Title VII. Such notice shall be as set forth in Exhibit A, which is attached to this Decree. A copy of Exhibit A shall be posted at Defendant's Austin, Texas facilities on all employee bulletin boards and other areas where employees are likely to congregate. The notices shall be posted within 10 days of the filing date of this Decree and shall remain posted for the duration of the Decree.

7. Defendant Catfish shall within 10 days of the filing date of the Decree, remove from its records and files any notations, remarks or other indications relating to Deborah Moreno-Perez's charge of discrimination and/or this civil action.

8. Defendant Catfish, in settlement of this dispute, shall pay to SAFEPLACE, *P.O. Box 19454*  
*Austin, Tx. 78760*, the sum total of \$5,000.00 (FIVE THOUSAND DOLLARS AND NO CENTS). Payment shall be mailed directly to SAFEPLACE at *The above address*. A copy of the 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, Texas 78229.

9. The terms of this Decree shall be binding upon the EEOC and Defendant Catfish and its agents or assigns, as to the issues resolved herein.

10. The parties to this Decree shall bear their own costs and attorney's fees incurred in this action. 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.

SO ORDERED.

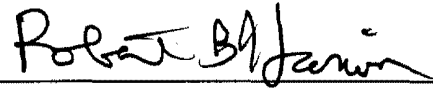
Signed this 27<sup>th</sup> day of May, 1999.

  
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SAM SPARKS  
United States District Judge

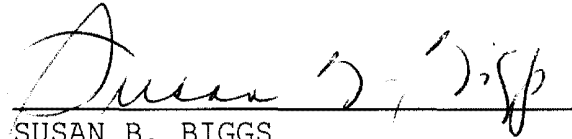
Respectfully Submitted,

C. GREGORY STEWART  
General Counsel

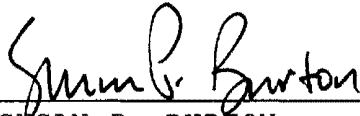
GWENDOLYN YOUNG REAMS  
Associate General Counsel



ROBERT B. HARWIN  
Regional Attorney  
D.C. State Bar No. 076083



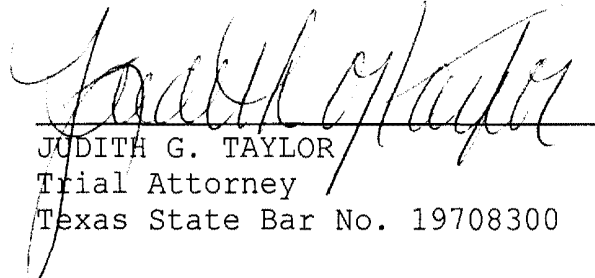
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COMMISSION  
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Suite 200  
San Antonio, Texas 78229-3555  
(210) 281-7673  
(210) 281-7669 (Fax)

ATTORNEYS FOR PLAINTIFF

**NOTICE TO ALL EMPLOYEES**

CATFISH PARLOUR, INC. IS FIRMLY COMMITTED TO TREATING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT ACCORDING TO MERIT WITHOUT REGARD TO THEIR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, 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, INCLUDING RECRUITMENT, RETENTION, PROMOTION, TRANSFER, LAYOFF AND/OR TERMINATION, AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, AGE, OR DISABILITY, OR THAT YOU ARE BEING SUBJECTED TO HARASSMENT BECAUSE OF YOUR SEX OR HAVING ENGAGED IN TITLE VII-PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, OR FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG ROAD, SUITE 200, SAN ANTONIO, TEXAS 78229-3550, (210) 281-7600 OR 1-800-669-4000.

NO RETALIATORY ACTION MAY BE TAKEN AGAINST YOU FOR SEEKING ASSISTANCE, FILING A CHARGE, OR COMMUNICATING WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

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; PROHIBITIONS AGAINST DISCRIMINATION AFFECTING INDIVIDUALS WITH DISABILITIES; 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 PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENTS.

**EXHIBIT "A"**