

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

LOOP 20 TEXAS, INC., and U.S.
CHEEMA, INC.

Defendants.

FILED
MAY 02 2007
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY WAG DEPUTY CLERK

CIVIL ACTION NO. MO-06-CV-121

CONSENT DECREE

The parties to this Consent Decree are Plaintiff United States Equal Employment Opportunity Commission ("EEOC") and Defendants Loop 20 Texas, Inc. and U.S. Cheema, Inc. ("Defendants"). This Consent Decree resolves Plaintiff EEOC's claims in the above-referenced Civil Action No. MO-06-CV-121. Plaintiff EEOC initiated its lawsuit pursuant to 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 EEOC's Complaint in this lawsuit asserts unlawful employment practices on the basis of gender and retaliation, and seeks to provide relief to Yadira Vasquez and a class of similarly situated female employees who were adversely affected by those unlawful employment practices. More specifically, Plaintiff EEOC alleges in its Complaint that Defendants' top official subjected Yadira Vasquez, and a class of similarly situated female employees, to a sexually hostile work environment. Plaintiff EEOC also alleges, in its Complaint, that when Ms. Vasquez refused to acquiesce to the unwelcome sexual conduct, her work hours were reduced

and she was constructively discharged, and that a class of similarly situated female employees were also constructively discharged due to Defendants' sexually hostile work environment.

Plaintiff EEOC and Defendants wish to settle the claims raised by Plaintiff EEOC in 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. Plaintiff EEOC's Complaint states claims on behalf of Yadira Vasquez and a class of similarly situated female employees which, if proved, would authorize this Court to grant relief against Defendants, pursuant to Title VII.
2. This Consent Decree resolves all issues raised in Plaintiff EEOC's Complaint in this case. Plaintiff EEOC waives further litigation of all issues raised in the above-referenced Complaint.
3. The duration of this Consent Decree shall be two 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 this Consent Decree by Defendants and/or their agents or assigns, shall toll the running of this two year period as of the date of the violation. If the Court subsequently determines this Consent Decree was violated, the two 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.
4. Defendants agree to provide to the EEOC, within 10 days of the Court's signing of this Consent Decree, a list of the name, last known address and social security number of all female

employees of the Quality Inn and Super Inn who worked for Defendants at any time between December 30, 2004 and October 26, 2005.

5. Defendants, in settlement of Plaintiff's claims in this dispute, shall pay to Yadira Vasquez the sum total of \$16,750.00, within 10 days of the signing of this Consent Decree by the Court. The payment to Ms. Vasquez shall be sent directly to her, at the following address: 1418 S. Anderson, Odessa, TX 79761.

6. Defendants shall pay \$18,250 to aggrieved individuals identified by the EEOC as class members, in amounts to be set forth by the EEOC. The payments to the aggrieved individuals shall be sent directly to them, within 10 days after Plaintiff has identified them for Defendants.

7. A copy of each check and any accompanying transmittal documents shall be forwarded to the EEOC to the attention of Trial Attorney Tisha Dominguez at the EEOC's El Paso Area Office, which is located at 300 E. Main, Suite 500, El Paso, TX 79901.

8. In providing employment references regarding Yadira Vasquez and Trudy Arreguin, Defendants shall not make any mention of the filing of Plaintiff EEOC's Complaint, or the underlying charge of discrimination filed by Ms. Vasquez.

9. Defendants shall expunge the personnel file(s) of Yadira Vasquez and Trudy Arreguin of any and all documents relating to the EEOC charge which Ms. Vasquez filed, and of any and all documents relating to Plaintiff EEOC's Complaint.

10. Defendants and their officers, employees, servants, successors, and assigns, are enjoined, during the term of this Consent Decree, from discriminating against any employee on the basis of gender. The conduct enjoined includes subjecting any employee, or allowing any employee to be subjected, to sexual harassment and/or to a sexually hostile work environment.

11. Defendants and their agents, officers, employees, servants, successors, and assigns, are enjoined, during the term of this Consent Decree, from retaliating in any manner whatsoever against Yadira Vasquez, Trudy Arreguin and/or any other past, present, or future employee, who pursues a claim pursuant to Title VII, or who files a discrimination charge, gives testimony, or assistance, or participates in any manner in any investigation, proceeding, hearing, or action under Title VII.

12. Defendants and their agents, officers, employees, servants, successors, and assigns, shall provide their employees with a place of employment free of discrimination on the basis of gender.

13. Defendants and their agents, officers, employees, servants, successors, and assigns, shall post a notice regarding their intention not to discriminate and/or retaliate against any employee. Such notice shall be as set forth in Exhibit "A," which is attached to this Consent Decree. A copy of Exhibit "A" shall be posted on all employee bulletin boards, and other areas where employees are likely to congregate. The notice shall be posted within ten (10) days of the filing date of the Consent Decree, and shall remain posted for the duration of this Consent Decree.

14. Defendants shall disseminate a notice to all employees re-affirming their intent to comply with all EEOC requirements, re-affirming any policy manual provision regarding their policy not to discriminate on the basis of gender, or any other protected characteristic, and their policy not to retaliate against any employee who protests against discrimination, and including with said notice, a copy of Exhibit "A," requesting that each employee sign and return an acknowledgment that they have received said notice.

15. To further the ends of this Consent Decree, within one hundred eighty (180) days of the entry of this Decree, every employee of Defendants, including but not limited to Vikram

Cheema, shall participate in no less than four (4) hours of equal employment opportunity compliance training. This training shall: (a) explain the law relating to discrimination in employment based on gender, including but not limited to sexual harassment and sexually hostile work environments; (b) explain the law relating to retaliation, including but not limited to the prohibition on discharging employees in retaliation for their refusal to acquiesce to sexual advances and/or for any complaints they may make about what they reasonably believe to be sexual harassment; and (c) explain the damaging effects of discrimination based on gender, and retaliation, to victims, their families, their co-workers, and the workplace environment. In addition, the training shall teach the responsibilities of supervisory employees and any human resources personnel to provide prompt and effective relief to individuals who complain of discrimination based on gender. Within 30 days prior to the date scheduled for this training, Defendants shall furnish to Plaintiff EEOC a written report describing the training to be attended by their employees, identifying the instructor(s) and describing their qualifications to conduct such training, and Plaintiff EEOC shall have the right, within ten days of its receipt of this information, to disapprove the training and the instructor.

16. Plaintiff EEOC shall have the right to ensure compliance with the terms of this Consent Decree and may: (a) conduct inspections of any facility belonging to Defendants; (b) interview employees of Defendants; and (c) examine and copy relevant documents.

17. The terms of this Consent Decree shall be binding upon Plaintiff EEOC and Defendants, their agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

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

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

SO ORDERED.

Signed this 2 day of May, 2007.


ROBERT JUNELL
UNITED STATES DISTRICT JUDGE

Dated: May 1, 2007

/s/ Denis Dennis
DENIS DENNIS
Texas State Bar No. 05655566

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ATTORNEYS FOR DEFENDANT

Respectfully submitted,

/s/ Robert Canino
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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

EL PASO AREA OFFICE

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ATTORNEYS FOR PLAINTIFF EEOC

EXHIBIT A

NOTICE TO ALL EMPLOYEES

Your employer 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. This policy applies to all employment decisions, and all other terms and conditions of employment. Your employer will specifically not tolerate employees being subjected to sexual harassment and/or a sexually hostile work environment. Nor will your employer retaliate, in any way, against any employee who refuses to give in to a co-worker or supervisor's sexual advances and/or who complains that they are being subjected to sexual harassment and/or to a sexually hostile work environment.

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 sexually harassed and/or subjected to a sexually hostile work environment, or if you believe that you are being retaliated against for refusing to give in to sexual advances from a co-worker or a supervisor and/or for complaining about being sexually harassed or subjected to a sexually hostile work environment, 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 also reach the EEOC through the following 800 number: 1-800-669-4000. No retaliatory action may be taken against you for seeking assistance from, filing a charge with, 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, which prohibits employment discrimination against people, because they are forty years old, or older, the Equal Pay Act, sections of the Civil Rights Act of 1991, and the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the workplace.