

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

FILED

MAR 24 2006

CLERK, U.S. DISTRICT C.
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

ABEL ARMENDARIZ,)
)
Plaintiff)
)
v.)
)
RIG MOVERS EXPRESS, INC.,)
ENDEAVOR ENERGY RESOURCES, INC.,)
)
Defendants.)

CIVIL ACTION NO. MO-05-CV-010

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff)
)
v.)
)
ENDEAVOR ENERGY RESOURCES, L.P.)
D/B/A RIG MOVERS EXPRESS,)
)
Defendant.)

CONSENT DECREE

The parties to this Consent Decree are Plaintiff United States Equal Employment Opportunity Commission ("EEOC") and Defendant Endeavor Energy Resources, L.P. d/b/a/ Rig Movers Express ("Defendant"). This Consent Decree resolves Plaintiff EEOC's claims in the above-referenced Civil Action No. MO-05-CV-010. 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 race, and seeks to provide relief to Abel Armendariz, who was allegedly adversely affected by those employment practices. More specifically, Mr. Armendariz is Black, and



Plaintiff EEOC alleges, in its Complaint, that he was subjected to discrimination, in violation of Title VII, when he was subjected to a hostile work environment, during his employment with Defendant, because of his race.

Plaintiff EEOC and Defendant 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 Abel Armendariz which, if proved, would authorize this Court to grant relief against Defendant, 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. Plaintiff 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 Defendant.
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 Defendant and/or its 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. Defendant, in settlement of Plaintiffs' claims in this dispute, shall pay to Abel Armendariz, the sum total of \$57,500. The payment to Mr. Armendariz shall be sent directly to Mr. Armendariz' counsel of record, Spencer Dobbs, at the following address: 426 N. Texas, Odessa, TX 79761. 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.
5. In providing employment references regarding Abel Armendariz, Defendant shall not make any mention of the filing of Plaintiff EEOC's Complaint, or the underlying charge of discrimination filed by Abel Armendariz.
6. Defendant shall expunge the personnel files of Abel Armendariz of any and all documents relating to the EEOC charge which he filed, and of any and all documents relating to Plaintiff EEOC's Complaint.
7. Defendant and its officers, employees, servants, successors, and assigns, are enjoined, during the term of this Consent Decree, from discriminating against any employee on the basis of race. The conduct enjoined includes subjecting any employee, or allowing any employee to be subjected, to a hostile work environment, because of race.
8. Defendant and its agents, officers, employees, servants, successors, and assigns, are also enjoined, during the term of this Consent Decree, from retaliating in any manner whatsoever against Abel Armendariz 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.
9. Defendant and its agents, officers, employees, servants, successors, and assigns, shall provide its employees with a place of employment free of discrimination on the basis of race.

10. Defendant and its agents, officers, employees, servants, successors, and assigns, shall post a notice regarding its practices and policies against discrimination and retaliation 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. 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.

11. Defendant shall disseminate a notice to all employees re-affirming its intent to comply with all EEOC requirements, re-affirming any policy manual provision regarding its policy not to discriminate on the basis of race, or any other protected characteristic, and its 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.

12. To further the ends of this Consent Decree, within one hundred eighty (180) days of the entry of this Decree, every managerial employee of Defendant 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 race, including but not limited to, hostile work environments based on race; and (b) explain the damaging effects of discrimination based on race, to victims, their families, their co-workers, and the workplace environment. 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 race. Within 30 days prior to the date

scheduled for this training, Defendant shall furnish to Plaintiff EEOC a written report describing the training to be attended by its managerial 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.

13. Plaintiff EEOC shall have the right to ensure compliance with the terms of this Consent Decree and may, upon at least five (5) business days notice to Michael Short, General Counsel of Defendant, and during regular business hours: (a) conduct inspections of any facility belonging to Rig Movers Express; (b) interview employees of Rig Movers Express; and (c) examine and copy relevant documents.

14. The terms of this Consent Decree shall be binding upon Plaintiff EEOC and Defendant, its 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 there is no prevailing party in this action or proceeding as between Plaintiff EEOC and Defendant, and that this Consent Decree is entered into for the purpose of settlement only and shall not be deemed to be an admission on the part of any party.

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

SO ORDERED.

Signed this 24 day of March, 2006.



ROBERT JUNELL
UNITED STATES DISTRICT JUDGE

Dated: 3/1/2004

Leticia Dominguez
C. H. (HAL) BROCKETT, JR
Texas State Bar No. 03046200

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Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF EEOC

Dated: _____

Respectfully submitted,


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ATTORNEYS FOR DEFENDANT

ATTACHMENT A

NOTICE TO ALL EMPLOYEES

ENDEAVOR ENERGY RESOURCES, L.P. D/B/A RIG MOVERS EXPRESS 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. ENDEAVOR ENERGY RESOURCES, L.P. D/B/A RIG MOVERS EXPRESS WILL NOT TOLERATE WORK ENVIRONMENTS WHICH ARE HOSTILE FOR EMPLOYEES, BECAUSE OF THEIR RACE. ENDEAVOR ENERGY RESOURCES, L.P. D/B/A RIG MOVERS EXPRESS WILL NOT TOLERATE RETALIATION AGAINST ANY EMPLOYEE WHO PURSUES A CLAIM OF RACE DISCRIMINATION.

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 SUBJECTED TO A WORK ENVIRONMENT WHICH YOU FIND HOSTILE, BECAUSE OF YOUR RACE, YOU HAVE THE PROTECTED RIGHT 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. THE PHONE NUMBER FOR THAT OFFICE IS (915) 534-6700. YOU MAY ALSO REACH THE EEOC THROUGH THE FOLLOWING 800 NUMBER: 1-800-669-4000. NO RETALIATORY ACTION WILL 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.