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FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

FEB 26 2001

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JAMES W. McCORMACK, CLERK
By: *E. J. [Signature]* DEP. CLERK

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

PLAINTIFF

VS.

NO. 5:00CV00356 SWW

**AFFILIATED FOODS SOUTHWEST, INC.
d/b/a THRIFTWAY FOODS, INC.**

DEFENDANT

JACQUILINE STOKES

INTERVENOR

CONSENT DECREE

The Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC") filed the above-referenced Complaint on September 27, 2000, against Affiliated Foods, Inc., d/b/a Thriftway Foods, Inc. to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., and the Civil Rights Act of 1991, 42 U.S.C. §1981a.

Jacqueline Stokes was subsequently allowed to intervene and acknowledges through the signature of her attorney, Gene McKissic, her concurrence to the terms of this Consent Decree.

The EEOC alleged that Defendant engaged in unlawful employment practices by subjecting Jacqueline Stokes and other female employees to a sexually hostile work environment.

This Consent Decree does not constitute an admission by the Defendant of the allegations of the Complaint. The Defendant denies that it engaged in the unlawful employment practices alleged



by the EEOC. However, all parties to this action desire to avoid the additional expense and delay in the litigation of this case.

In the event this Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action, unless the proceeding is brought to enforce the Decree.

The Court has reviewed the terms of the Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby **ORDERED, ADJUDGED AND DECREED:**

I. JURISDICTION

The United States District Court for the Eastern District of Arkansas, Pine Bluff Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of the EEOC's Complaint filed in this cause, and the Complaint in Intervention filed by individual Intervenor Jacqueline Stokes, alleging unlawful employment policies and practices maintained by Thriftway Foods, Inc. and arising out of Charge No. 251-98-0551 filed by Jacqueline Stokes with the EEOC. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charges now pending before any office of the EEOC other than Charge No. 251-98-0551, but the parties acknowledge that there are no charges pending alleging

violations of Title VII of the 1964 Civil Rights Act against Defendant Thriftway Foods, Inc., which the parties acknowledge is no longer in business.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of one year from the date of the entry of this Decree, but the parties both acknowledge that upon payment of the sum set forth in this Consent Decree that there will be no further obligations imposed upon the Defendant.

III. NON-DISCRIMINATION PROVISION

The parties hereto acknowledge that Thriftway Foods, Inc. in Pine Bluff is no longer in business, having ceased operations in 1998. Consequently, the parties acknowledge that there is no need for any injunctive relief.

IV. INDIVIDUAL RELIEF

A. Defendant shall mail checks made payable to Jacqueline Stokes, Tanya Davis, Cheryl Dolls, and Carolyn Thomas in the following gross amounts, less legally required withholding for taxes, social security, and any other applicable legally required withholding: Jacqueline Stokes - \$15,000.00; Tanya Davis - \$1,250.00; Cheryl Dolls - \$1,250.00; and Carolyn Thomas - \$15,000.00. Gene McKissic, Ms. Stokes' attorney, will be sent a check for \$7,500.00.

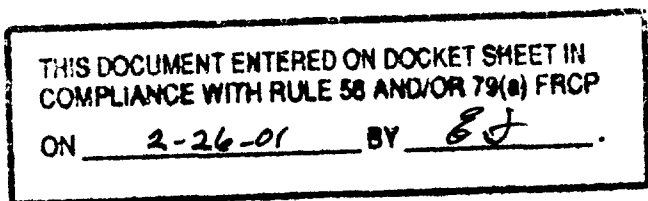
B. The checks will be mailed to the individuals at the following addresses: Jacqueline Stokes, 808 Utah, Pine Bluff, AR 71601; Tanya Davis, 7004 Nell Dr., Pine Bluff, AR 71603; Cheryl Dolls, 1806 W. 32nd St., Pine Bluff, AR 71603; and Carolyn Thomas, 1504 West 34th, Pine Bluff, AR 71603. Mr. McKissic's check will be mailed to his office. He will receive a Form 1099 at the conclusion of calendar year 2001.


C. Photocopies of the checks mailed to Jacqueline Stokes, Tanya Davis, Cheryl Dolls, and Carolyn Thomas will be mailed to the attention of Draga Anthony, Equal Employment Opportunity Commission, 1407 Union Avenue, Suite 621, Memphis, TN 38104. These copies will be mailed at the time that the checks are forwarded to the individuals named in paragraph IV. B.

V. COSTS AND ATTORNEYS' FEES

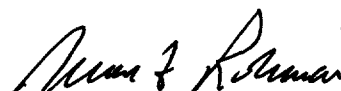
Each of the parties shall bear their own costs, including attorneys' fees. Ms. Stokes specifically acknowledges that she shall be responsible for any additional attorneys' fees or costs associated with her pursuit of her EEOC Charge against the Defendant, this litigation, or any other fees or costs incurred associated with her employment or termination from employment with the Defendant over the amount paid to Mr. McKissic as set forth in paragraph IV A.

SO ORDERED THIS 23rd DAY OF FEBRUARY, 2001.


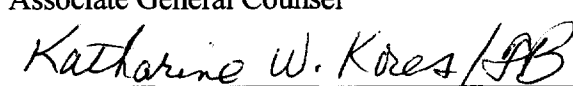
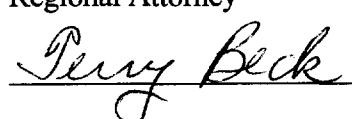



SUSAN WEBBER WRIGHT
UNITED STATES DISTRICT JUDGE

FOR THE DEFENDANT:


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FOR THE COMMISSION:



GWENDOLYN YOUNG REAMS
Associate General Counsel

KATHARINE W. KORES
Regional Attorney


FOR PLAINTIFF INTERVENOR:

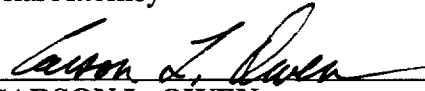


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**EQUAL EMPLOYMENT OPPORTUNITY
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UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

February 26, 2001

* * MAILING CERTIFICATE OF CLERK * *

Re: 5:00-cv-00356.

True and correct copies of the attached were mailed by the clerk to the following:

Katharine W. Kores, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

Terry Beck, Esq.
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100 South Pine Street, Suite B
Post Office Box 6606

Pine Bluff, AR 611-6606

James W. McCormack, Clerk

Date: 2-26-01

BY: *E. J. Meyer*