

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

<b>EQUAL EMPLOYMENT OPPORTUNITY</b>	}	
<b>COMMISSION,</b>	}	
	}	
<b>Plaintiff,</b>	}	
	}	
<b>v.</b>	}	<b>Civil Action No. 3:04-CV-1892-N</b>
	}	
<b>JEFFERSON DENTAL CLINICS, PA,</b>	}	
	}	
	}	
<b>Defendant.</b>	}	

**CONSENT DECREE**

THE CONSENT DECREE is made and entered into by and between the Plaintiff, Equal Employment Opportunity Commission (“EEOC”), and Defendant, Jefferson Dental Clinics, P.A. (“JDC”), in the United States District Court for the Northern District of Texas, Dallas Division.

The EEOC filed its Complaint on August 30, 2004, in Civil Action No. 3-04-CV-1892-N, alleging that defendant, JDC, violated Title VII of the Civil Rights Act of 1964, as amended, with regard to the work environment for employees. The Defendant denies such allegations.

On June 19, 2003, prior to the EEOC filing this lawsuit, the same four individuals referenced above filed a separate lawsuit against JDC in Dallas County District Court, Cause No. 03-06179-J (“the state court lawsuit”) based on the same or similar factual allegations, but asserting different legal claims. The EEOC was not a party to the state court action. The trial in the state court lawsuit was held on November 15-23, 2004, after which the jury returned a

unanimous verdict in favor of JDC. On December 13, 2004, the judge in the state court lawsuit entered judgment on behalf of JDC.

In the present lawsuit, the Fifth Circuit Court of Appeals ruled in *EEOC v. Jefferson Dental Clinics, P.A.*, 478 F.3d 690 (5<sup>th</sup> Cir. 2007), that because of the judgment in JDC's favor in the state court lawsuit, the EEOC is precluded in this particular case from seeking monetary or other individual-specific relief.

The EEOC seeks to proceed to trial on the Title VII federal statutory claims for purposes of attempting to secure general injunctive relief.

JDC continues to adamantly deny the allegations raised in the state court lawsuit and the EEOC's lawsuit.

The EEOC and JDC therefore agree to enter into this Consent Decree to resolve any remaining disputes without resort to further litigation:

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the sufficiency of which are hereby acknowledged, the parties agree as follows, the Court finds appropriate, and therefore, it is ORDERED, ADJUDGED AND DECREED that:

1. This Consent Decree resolves all issues raised in EEOC charge nos. 310-A3-6035, 301-A3-06037, 310-A3-06038, and 310-A3-06039. This Consent Decree further resolves all issues in the Complaint filed by the EEOC in this civil action. The EEOC waives further claims and/or litigation on all issues raised in the above referenced charges of discrimination and the Complaint. The EEOC does not waive processing or litigating charges other than the above referenced charges of discrimination. The EEOC acknowledges that there are no known charges of discrimination against JDC other than those referenced above.

2. JDC agrees to publish and distribute a non-harassment policy to all employees and new hires during the term of this Consent Decree. The policy will be distributed within 90 days of the effective date of this Consent Decree. JDC will report to the EEOC that it has complied with this requirement within fourteen (14) days after distributing the policy.

3. JDC agrees to conduct non-harassment training for all its employees and managers within 180 days of the effective date of this Consent Decree. The training will advise employees of the requirements and prohibitions of Title VII of the Civil Rights Act of 1964. The training will inform the employees of the complaint procedure for individuals who believe they have experienced discrimination. The training shall be at least one hour in duration. JDC will report to the EEOC that it has complied with this requirement within fourteen (14) days after the training is completed.

4. The EEOC agrees that it will not proceed on any claims raised in its Complaint or in the underlying charges referenced above, except as may be necessary to any enforcement of this Decree.

5. All reports to the EEOC required by this Consent Decree shall be sent to William C. Backhaus, Senior Trial Attorney, EEOC, 207 S. Houston, Third Floor, Dallas, Texas 75202.

6. Neither the EEOC nor JDC shall contest the validity of this Consent Decree nor the jurisdiction of the federal district court to enforce this Consent Decree and its terms or the right of either party to the Consent Decree to bring an enforcement action upon breach of any term of this Consent Decree by either such party. Nothing in this Consent Decree shall be construed to preclude the EEOC from enforcing this Decree in the event that JDC fails to perform the promises and representations contained herein. The EEOC shall be authorized to

seek compliance with the Consent Decree through civil action in the United States District Court.

7. The term of this Consent Decree shall be for one (1) year.

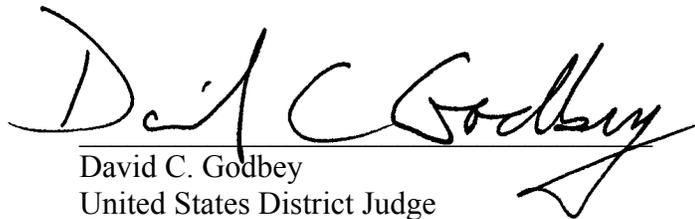
8. The parties to this Consent Decree agree to bear their own attorneys' fees associated with the above referenced Complaint except to the extent that any costs have been awarded previously.

9. Nothing herein shall be construed as evidence that JDC committed any wrongdoing. JDC specifically and adamantly denies that it in any way violated any legal obligation whatsoever.

10. The EEOC enters this agreement for injunctive relief only based on the unique circumstances of this particular case and its related history in both state and federal courts. This Decree is not to be construed as representative of the terms and conditions which the EEOC would require or accept for resolution under any other facts or circumstances.

SO ORDERED, ADJUDGED AND DECREED.

Signed May 20, 2008.

  
David C. Godbey  
United States District Judge

AGREED TO AS TO FORM AND SUBSTANCE:

Signed this 22nd day of April, 2008.

FOR THE PLAINTIFF:

/s/ Robert A. Canino

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ROBERT A. CANINO  
Regional Attorney

SUZANNE M. ANDERSON  
Supervisory Trial Attorney  
Texas Bar No. 14009470

WILLIAM C. BACKHAUS  
Senior Trial Attorney  
Texas State Bar No. 01493850

JOEL P. CLARK  
Trial Attorney  
Texas Bar No. 24050425

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Dallas District Office  
207 S. Houston Street, Third Floor  
Dallas, Texas 75202  
Tel No. (214)-253-2746  
Fax No. (214)-253-2749

FOR THE DEFENDANT:

/s/ Ron Chapman, Jr

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RON CHAPMAN, JR.  
Texas Bar No. 00793489

OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.  
700 Preston Commons  
8117 Preston Road  
Dallas, Texas 75225