

FILED

FEB 13 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

MCCOMBS PONTIAC-GMC TRUCK, LTD.,

Defendant.

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Civil Action No. SA06CA07750G

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, McCombs Pontiac-GMC Truck, Ltd. ("McCombs"). This Consent Decree resolves the allegations raised by the EEOC in the above-referenced Civil Action No. SA06CA07750G.

The EEOC initiated this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, alleging unlawful employment practices on the basis of sex, female. Specifically, the EEOC alleges that Griselda Martinez was subjected to unlawful sex discrimination when she was terminated from her position. McCombs has denied all the allegations in the lawsuit, asserting that it committed no wrongdoing and that its decisions with regard to Ms. Martinez were proper, non-discriminatory and legal. By entering into this Consent Decree, McCombs makes no admission of wrongdoing and makes no admission that its conduct was improper, discriminatory or illegal in any respect.

The EEOC and McCombs wish to settle this action, without the risks, uncertainties and expenses of continued litigation, under the terms set forth the Consent Decree.

IT IS 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 EEOC's filing of this action have been met. The parties stipulate to the Court's jurisdiction.

2. This Consent Decree resolves all issues raised in the EEOC's Complaint. The EEOC waives further litigation of all issues raised in the above-referenced Complaint. The 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 McCombs.

3. The duration of this Consent Decree shall be two (2) years from the date it is entered by the Court. The 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 if its provisions.

4. During the duration of this Consent Decree, McCombs is hereby enjoined from engaging in sex-based discrimination against female employees in violation of Title VII.

5. Non-discrimination Policies: Defendant McCombs shall ensure that within ninety (90) days of the entry of this Consent Decree, that its non-discrimination policies meet the following criteria:

- (a) Specifically state that McCombs prohibits discrimination against female employees on the basis of sex particularly with regard to discharges or terminations;
- (b) State that retaliating against employees who report discrimination is prohibited; and
- (c) Provide for discipline for violating McCombs' anti-discrimination policies up to and including discharge.

6. Within fourteen (14) days of the entry of this Consent Decree, McCombs, in settlement of this dispute, shall pay to Griselda Martinez, the sum total of \$125,000.00 (One

Hundred and Twenty-Five Thousand Dollars), less all required federal and/or state deductions. Payment to Griselda Martinez shall be mailed to 2079 Sungate Dr., New Braunfels, Texas 78130. A copy of the settlement check and any accompanying transmittal documents shall be forwarded to the EEOC to the attention of Judith G. Taylor, Supervisory Trial Attorney, 5410 Fredericksburg Rd., Suite 200, San Antonio, Texas 78229.

7. Within one hundred and eighty (180) days from the date of this Consent Decree, McCombs shall provide at least three (3) hours of training to its managers, supervisors and employees, about sex-based employment discrimination, how to ensure that employees are not terminated because of their sex, and about the prohibition against retaliating against employees who report discrimination. The individual(s) selected to conduct this training shall be an attorney or an independent experienced training person or group (with at least five years' experience in labor and employment law), and the EEOC shall have the right to approve the training and the instructor(s). Within twenty (20) days after the training has been completed, McCombs shall provide to the EEOC certification that the training has been completed, identifying each individual who attended the training and the date.

8. Defendant McCombs agrees to post a notice, for two (2) years, of its intent to comply with Title VII. This notice is set forth in Exhibit "A," which is attached to this Consent Decree. McCombs agrees to post a copy of Exhibit "A" in a conspicuous place at McCombs facilities in San Antonio, Texas, within ten (10) days after this Consent Decree is entered by the Court. McCombs shall ensure that the posting is not altered, defaced or covered by any other material.

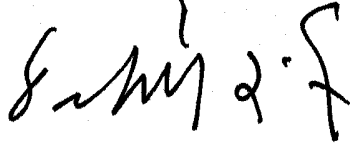
9. McCombs shall bear the costs associated with administering and implementing the provisions of this Consent Decree.

10. Except as provided herein, the parties to this Consent Decree shall bear their own costs and attorney's fees. Furthermore, 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.

11. The terms of this Consent Decree shall be binding upon the EEOC and McCombs, its agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

12. When this Consent Decree requires the submission by McCombs of documents or other materials to EEOC, such documents or other materials shall be mailed to Judith G. Taylor, Supervisory Trial Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

SO ORDERED AND ENTERED this 12 day of Feb, 2008.



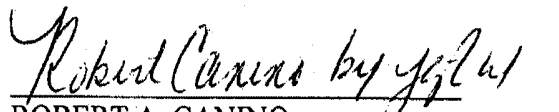
HONORABLE ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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JAMES L. LEE
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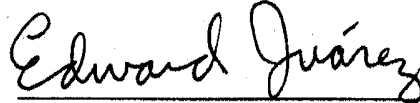


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ATTORNEYS FOR PLAINTIFF

EXHIBIT A

POLICY: Discrimination of any kind can and often will detract from an employee's job performance, discourage employees from remaining on the job, keep employees from advancing in their careers and lower overall employee morale and productivity. It is the policy of McCombs Pontiac-GMC Truck, Ltd. that discrimination and retaliation are unacceptable conduct and will not be condoned.

PURPOSE: It is the purpose of this policy to reaffirm and amplify the position of Title VII of the Civil Rights Act of 1964, as amended, and the Equal Employment Opportunity Commission's guidelines on discrimination and/or retaliation and to reiterate McCombs Pontiac-GMC Truck, Ltd.'s policy against discrimination and/or retaliation.

SCOPE: This policy extends to all employees of McCombs Pontiac-GMC Truck, Ltd., including management, non-management, temporary and/or probationary.

DEFINITION: Discrimination occurs when an employment decision is made based on a person's race, national origin, gender, color, religion, age or disability rather than on legitimate factors. In particular, discrimination occurs when an employee is terminated because of his or her sex.

RESPONSIBILITY: Each level of management is responsible for ensuring that all personnel policies, procedure, and activities are in full compliance with applicable federal, state, and local equal employment laws, statute, rules, and regulations regarding discrimination and retaliation. Employees are expected to read, understand, and follow the policies that McCombs Pontiac-GMC Truck, Ltd. has established to prevent discrimination and retaliation.

REPORTING PROCEDURES: Any employee who believes that he or she has been subjected to discrimination and/or retaliation is expected to report the alleged act as soon as possible to that person's immediate supervisor or any supervisor or manager with McCombs Pontiac-GMC Truck, Ltd., or to its Human Resources Department. The Human Resources Department may be contacted at McCombs Enterprises, McCombs Plaza, 755 E. Mulberry, Suite 600, San Antonio, Texas 78212, or by telephone at (210) 821-6523. Supervisors and managers who are informed of an alleged incident of discrimination and/or retaliation must immediately notify the Human Resource Department.

In addition to reporting a complaint of discrimination and/or retaliation to company officials, a person may also contact U.S. Equal Employment Opportunity Commission, and file a charge of employment discrimination. The address and telephone number of the EEOC office is 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229; 1 (866) 408-8075, 1 (800) 669-4000 OR 1 (210) 281-7610 (TTY). Information about employment rights and the procedures dealing with how to file a charge is available on the Internet at www.eeoc.gov.

INVESTIGATION OF COMPLAINTS: A complete investigation of each complaint will be undertaken immediately by McCombs Pontiac and/or the Human Resources Department. The investigation may include interviewing employees and supervisors at the facility, the inspection of documents, including personnel records, and a full inspection of the premises.

PUNISHMENT FOR VIOLATION: Employees who engaged in discrimination can expect disciplinary action. After an appropriate investigation, any employee, whether management or non-management, who has been found to have engaged discrimination and/or retaliation against another employee will be subject to appropriate sanctions, depending on the circumstances, from a written warning placed in his/her personnel file up to and including termination of employment.

RETALIATION: There shall be no retaliation against any employee because that person has opposed what he/she believe to be unlawful employment practices; or has filed a charge of discrimination, or has given testimony, assistance, or has participated in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964. McCombs Pontiac-GMC Truck, Ltd. will not punish you for reporting discrimination and /or retaliation simply because you have made a complaint under the above guidelines or participated in the EEOC's investigatory process.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE REMOVED OR DEFACED BY ANYONE. THIS NOTICE WILL BE POSTED FOR A PERIOD OF TWO YEARS.