

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>ABEL MENDOZA on behalf of</b>	)	
<b>himself and all other similarly situated</b>	)	
<b>employees,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION NO. 3060937</b>
	)	
<b>v.</b>	)	<b>JUDGE HAYNES</b>
	)	
<b>F &amp; S FAST FOODS, INC</b>	)	
	)	
<b>Defendant.</b>	)	

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**OFFER OF JUDGMENT**

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Comes the Defendant, F & S Fast Foods, Inc, by and through counsel, pursuant to Rule 68 of the Federal Rules of Civil Procedure, and hereby offers a judgment to Plaintiff as follows:

1. Damages in the amount of eleven thousand and 00/100 dollars (\$11,000.00) inclusive of liquidated damages, back pay, attorneys' fees and all other damages available to Plaintiff;
2. All Court Costs now accrued in this action but not discretionary costs as allowed under Rule 54;
3. The aforementioned settlement will be made payable in a lump sum.

This Offer of Judgment is made for the purposes specified in Rule 68 and is not to be construed either as an admission that the Defendant is a liable in this action or that Plaintiff has suffered any damages. This offer is the whole offer and is inclusive of any

rights to attorney's fees. If accepted, Plaintiff will have agreed that Plaintiff is not entitled to petition the Court for additional fees. This offer is available for acceptance by Plaintiff within ten (10) days after service hereof by filing Notice of Acceptance of the offer, together with proof of service of the Notice of Acceptance, with the Court. Should the offer not be accepted within the period allotted, it shall be deemed withdrawn and evidence of the offer shall not be admissible except in a proceeding to determine costs. If the judgment finally obtained by Plaintiff is not more favorable than this offer, Plaintiff shall pay all costs accruing after the making of this offer.

Respectfully submitted,

/s/ J. Gerard Stranch, IV  
J. GERARD STRANCH, IV, #23045  
BRANSTETTER, STRANCH & JENNINGS,  
PLLC  
227 Second Avenue North  
Nashville, Tennessee 37201-1631  
(615) 254-8801

*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was sent via U. S. Mail and the Court's electronic filing system to:

Stephen W. Grace  
The Pilcher Bldg.  
Suite 200  
144 Second Ave., North  
Nashville, TN 37201

Charles P. Yezbak, III  
2002 Richard Jones Rd.  
Ste. B200  
Nashville, TN 37215

on February 5, 2007.

/s/ J. Gerard Stranch, IV  
J. GERARD STRANCH, IV, #23045