UNITED STATES COURTS SOUTHERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

SEP 1 4 2004

Mehael N. Milby, Clark of Court

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

Plaintiff,

W.

SLICK WILLIES OF AMERICA, INC.;
SLICK WILLIE'S FAMILY POOL HALL,
INC.; 8471, INC.; 6969 GULF, INC.;
1200, INC.; 11852, INC.; 11312, INC.; 3895 INC.;
SLICK WILLIE'S BAYOU PLACE, INC.;
SLICK WILLIE'S HOLLISTER POINTE, INC.;

Defendants.

12867, INC.; 12138, INC.; and 20801, INC.,

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT OF THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to David B. Perry and other male job-seekers at Defendants' locations in and around Houston, Texas, each of whom were adversely affected by such practices. As alleged with greater particularity in paragraphs 7-10, below, Defendants discriminated against males by failing to recruit and hire them.

JURISDICTION AND VENUE

- 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and 2000e-6 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
- 2. The alleged unlawful employment practices were and are now being committed within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division.

PARTIES

- 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, as amended, and is expressly authorized to bring this action by Section 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and 2000e-6.
- 4. At all relevant times, Defendant 20801, Inc., has continuously been a Texas corporation doing business in the State of Texas and the City of Webster. All other Defendants have continuously been Texas corporations doing business in the State of Texas and the City of Houston. Collectively, Defendants have continuously had at least fifteen (15) employees. Each Defendant may be served with process by serving the registered agent of all Defendants, Ronald A. Monshaugen, 1225 North Loop West, Suite 640, Houston, Texas 77008.
- 5. At all relevant times, Defendants (collectively "Slick Willie's") have continuously been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

- 6. More than thirty days prior to the institution of this lawsuit, David B. Perry filed a charge with the Commission alleging violations of Title VII by Slick Willie's. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. Since at least October 2000, Defendants have engaged in unlawful employment practices at their Houston-area facilities, in violation of Sections 703(a) and 703(k) of Title VII, 42 U.S.C. §§ 2000e-2(a) and (k). Defendants collectively have more than 100 employees.
- 8. Defendants have discriminated against males as a class in their recruiting and hiring practices. In October 2002, David Perry saw a "Now hiring" sign on the door of the Slick Willie's location at Bayou Place in Houston. He inquired about employment, and filled out an application, but was told by the manager on duty that Defendants did not hire males as waitstaff, and that the policy to hire only females as waitstaff "came down from corporate."
- 9. From January 1, 2002, through November 30, 2002, over 250 different people worked as waitstaff at Defendants' locations in the Houston area. All were female.
- 10. Defendants also discriminated against males in their recruitment and hiring for bartender positions. While males have accounted for a significant majority of the applications for bartender positions, Defendants have staffed most of their bartender positions with women.
- 11. The effect of the practices complained of in paragraphs 8 10, above, has been to deprive David Perry and the other class members of equal employment opportunities and otherwise adversely affect their status as applicants for employment, because of their sex.
- 12. The unlawful employment practices complained of in paragraphs 8 10 were and are intentional.

13. The unlawful employment practices complained of in paragraphs 8 - 10, above, were and are done with malice or with reckless indifference to the federally protected rights of David Perry and other male job-seekers.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns and all persons in active concert or participation with them, from engaging in discriminatory hiring and recruitment practices, and any other employment practice which discriminates on the basis of sex.
- B. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any unlawful retaliation against individuals who oppose employment practices reasonably believed to be unlawful under Title VII, or against individuals who assist, encourage, and/or support others who oppose employment practices reasonably believed to be unlawful under Title VII.
- C. Order Defendants to institute and carry out policies, practices and programs which provide equal employment opportunity for males, and which eradicate the effects of their past and present unlawful employment practices against males.
- D. Order Defendants to make whole David Perry and other class members by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place instatement to aggrieved males, or in the alternative to provide front pay.
 - E. Order Defendants to make whole David Perry and other class members by providing

compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8-10, above, including job search expenses, in amounts to be determined at

trial.

F. Order Defendants to make whole David Perry and other class members by providing

compensation for past and future nonpecuniary losses resulting from the unlawful employment

practices described in paragraphs 8-10, above, including emotional pain, inconvenience, and

humiliation, in amounts to be determined at trial.

G. Order Defendants to pay David Perry and other class members punitive damages for

their malicious and reckless conduct described in paragraphs 8 - 10, above, in amounts to be

determined at trial.

H. Grant such further relief as the Court deems necessary and proper in the public

interest.

I. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

Eric S. Dreiband

General Counsel

James L. Lee

Deputy General Counsel

Gwendolyn Young Reams

Associate General Counsel

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Equal Employment Opportunity Commission 1801 L Street, N.W. Washington, D.C. 20507

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OF COUNSEL:

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CIVIL COVER SHEET

(**************************************	OTTE COTEN SHEET	
The JS 44 civil cover sheet and the information contained herein neither	r replace nor supplement the filing and service of pleadings or other papers as	required by law, except as provided by local rules of court. This form
approved by the Judicial Conference of the United States in September	1974, is required for the use of the Clerk of Court for the purpose of initiating	g the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERS)
OF THE FORM		

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I(a) PLAINTIFFS EQUAL EMPLOYMENT OPPORTUNITY CO	DWWISSION XX / MOISSIMMO
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINT (EXCEPT IN U.S. PLAINTIFF CASES)	riff

H-U4-3584 **DEFENDANTS** SLICK WILLIES OF AMERICA, INC. ET AL

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE

UNITED STATES COURTS OF LAND INVOLVED (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) DISTRICT OF TEXASS (IF KNOWN)

FILED

Tim Bowne, Trial Attorney **EEOC-Houston District Office** 1919 Smith Street, 7th Floor Houston, Texas 77002 (713) 209-3395

A. Martin Wickliff, Jr. Epstein Becker Green Wickliff & Hall

SEP 1 4.2004000 Louisiana, Ste. 5400 Houston, Texas 77002

Michael N. Milby, Clark of Court

II	DACIC	OF JURISDICTION	NT.

(PLACE AN x IN ONE BOX ONLY)

[x] 1 U.S. Government Plaintiff

[] 3 Federal Question

(U.S. Government Not a Party)

[] 2 U.S. Government Defendant

[] 4 Diversity

(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX

(For Diversity Cases Only) PTF DEF

PTF DEF Citizen of This State

[]1 []1 Incorporated or Principal Place []4 []4

of Business in This State

Citizen of Another State []2 []2 Incorporated and Principal Place []5 []5

of Business in Another State

Citizen or Subject of a []3 []3

Foreign Nation

[]6[]6

Foreign Country

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Slick Willies of America, Inc. et al engaged in unlawful employment practices in violation of Section 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5 (f)(1) and 3 and 2000e-6. The practice include unlawful employment discrimination on the basis of sex and not providing appropriate relief to David Perry and other male job-seekers at Defendants' locations in and around Houston, Texas, each of whom were adversely affected by such practices.

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	то	ORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
110 Insurance 120 Marine 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicar Act 152 Recovery of Defaulted 153 Recovery of Overpayment of Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Co REAL PROPERTY 210 Land Condemnation 220 Foreclusture 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	PERSONAL INJURY [] 310 Amplane [] 315 Airplane Product Liability [] 320 Assault, Label & Slander [] 330 Federal Employers' Liability [] 340 Marine [] 345 Marine Product Liability [] 350 Motor Vehicle [] 355 Motor Vehicle Product Liability [] 360 Other Personal Injury CIVIL RIGHTS [] 441 Voting [X] 442 Employment [] 443 Housing/Accommodations [] 444 Welfare [] 440 Other Civil Rights	PERSONAL INJURY 362 Personal Injury- Med Malpractuce 365 Personal Injury-Product Lability 368 Asbestos Personal Injury Product Liability 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITIONS 510 Motions to Vacate Sentence Habcas Corpus 530 General 535 Death Penalty 540 Mandamus & Other 550 Other	[] 610 Agnoulture [] 620 Other Food & Drug [] 625 Drug Related Seature of Property 21 USC 881 [] 630 Liquor Laws [] 640 R R & Truck [] 650 Aurline Regs [] 660 Occupational Safety/Health [] 690 LABOR [] 710 Fair Labor Standards Act [] 720 Labor/Mgmt Reporting [] 8 Disclosure Act [] 740 Railway Labor Act [] 790 Other Labor Litigation [] 791 Empl Ret Ine Security [] 791 Empl Ret Ine Security	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 423 Withdrawal 28 USC 157 424 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark 840 Trademark 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Tutle XVI 865 RSI (405(g)) 864 SSID Tutle XVI 865 RSI (405(g)) 870 Taxes (U.S. Plaintiff or Defendant) 871 IRSThird Party 26 USC 7609	[400 State Reapportsonment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/eto 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 810 Selective Service 850 Securities/Commodities/ Exchange 875 Customer Challenge 875 Customer Challenge 891 Agneultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determunation 910 Appeal of State Statutes 950 Constitutionality of State Statutes 890 Other Statutory Actions		
VI. ORIGIN (PLACE AN x IN ONE BOX ONLY) [x] I Original Proceeding State Court (CHECK IF THIS IS A CLASS ACTION (PLACE AN x IN ONE BOX ONLY) Transferred from Appeal to District [] 6 Multidistrict [] 6 Multidistrict [] 7 Judge from Litigation Magistrate Judgment Check YES only if demanded in complaint:							
COMPLAINT: [] UNDER F.R.C.P. 23 JURY DEMAND: [X] YES [] NO VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER							
DATE 9/4/04 SIGNATURE OF ATTORNEY OF RECORD - 3							