



## 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 reinstatement 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.

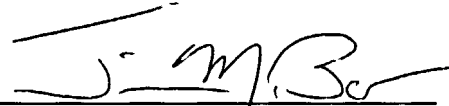
Respectfully submitted,

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither 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 the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I(a) PLAINTIFFS

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

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 TRACT OF LAND INVOLVED

H-04-3584

UNITED STATES COURTS SOUTHERN DISTRICT OF TEXAS FILED

BL SEP 14 2004

Michael N. Milby, Clerk of Court

I(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

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ATTORNEYS (IF KNOWN)

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II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- [x] 1 U.S. Government Plaintiff
[] 2 U.S. Government Defendant
[] 3 Federal Question (U.S. Government Not a Party)
[] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- PTF DEF Citizen of This State [ ] 1 [ ] 1
Incorporated or Principal Place of Business in This State [ ] 4 [ ] 4
Citizen of Another State [ ] 2 [ ] 2
Incorporated and Principal Place of Business in Another State [ ] 5 [ ] 5
Citizen or Subject of a Foreign Country [ ] 3 [ ] 3 Foreign Nation [ ] 6 [ ] 6

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)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS (PERSONAL INJURY, CIVIL RIGHTS, PRISONER PETITIONS), FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- [x] 1 Original Proceeding
[] 2 Removed from State Court
[] 3 Remanded from Appellate Court
[] 4 Reinstated or Reopened
[] 5 another district (specify)
[] 6 Multidistrict Litigation
[] 7 Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES ONLY IF DEMAND IN COMPLAINT: JURY DEMAND: [X] YES [ ] NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

9/14/04

SIGNATURE OF ATTORNEY OF RECORD

[Signature]