

1991, 42 U.S.C. § 1981a.

2. The unlawful employment practices alleged in this complaint were committed within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division. Venue is appropriate in this court.

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, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Shipley Donut Flour & Supply Co., Inc., d/b/a Shipley Do-Nuts, ("Defendant"), a Texas corporation, has continuously been doing business in the State of Texas and the City of Houston and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer 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 TITLE VII CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Gerardo Guzman filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least March 3, 2005, Defendant has engaged in unlawful employment practices at its Houston, Texas facility, in violation of §704(a) of Title VII, 42 U.S.C. § 2000e-3(a). On or about March 3, 2005, Gerardo Guzman filed a charge of discrimination alleging that he and

other Hispanic employees were subjected to discriminatory terms and conditions of employment, including being extorted, threatened with violence and repeatedly called “wetback” by a company official. Mr. Guzman, who had been employed with Defendant for approximately six (6) years, subsequently had his work closely scrutinized, was followed at the behest of the Defendant and received three disciplinary notices in the span of a few weeks. On or about May 13, 2005, he was discharged by Lawrence Shipley III, one of Respondent’s agents and owners, in retaliation for having filed a charge of discrimination against the company in March.

10. The effect of the practice(s) complained of above has been to deprive Gerardo Guzman of equal employment opportunities and otherwise adversely affect his status as an employee because he filed a charge of discrimination.

11. The unlawful employment practices complained of above were and are intentional.

12. The unlawful employment practices complained of above were and are done with malice or with reckless indifference to the federally protected rights of Gerardo Guzman.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining the Defendant its officers, successors, assigns and all persons in active concert or participation with it, from engaging in an employment practice which discriminates on the basis of filing a charge of discrimination.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for all its employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Gerardo Guzman 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 backpay and frontpay, with interest.

D. Order Defendant to make whole Gerardo Guzman by providing compensation for past and future pecuniary losses resulting from the unlawful practices described above, including out-of-pocket expenses such as job search expenses and insurance expenses in amounts to be proved at trial.

E. Order Defendant to make whole Gerardo Guzman by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Gerardo Guzman punitive damages for its malicious and/or reckless conduct described above, in an amount to be determined at trial.

G. Grant such further relief as this Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY DEMAND

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

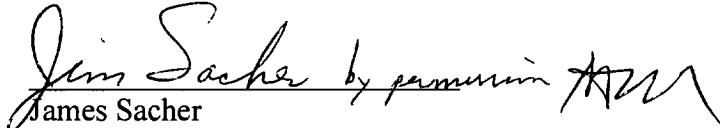
Respectfully submitted,

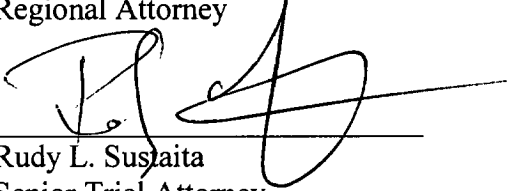
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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial 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

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DEFENDANTS

SHIPLEY DONUT FLOUR & SUPPLY CO., INC.,
D/B/A SHIPLEY DO-NUTS

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

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

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

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ATTORNEYS (IF KNOWN)

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED
JUN 22 2006

H-06-2106

MICHAEL N. MILBY, CLERK OF COURT

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)

- (For Diversity Cases Only)
PTF DEF
Citizen of This State [] 1 [] 1 Incorporated or Principal Place of Business in This State
Citizen of Another State [] 2 [] 2 Incorporated and Principal Place of Business in Another State
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)

Defendant has engaged in unlawful employment practices in violation of Section 704 of Title VII, 42 U.S.C. Section 2000e-3 Defendant subjected Gerardo Guzman to retaliation when it discharged Guzman because he had filed a charge of discrimination with the EEOC.

V. NATURE OF SUIT

(PLACE AN x IN ONE BOX ONLY)

Table with 5 columns: CONTRACT, TORTS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

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 demanded in complaint:
JURY DEMAND: [X] YES [] NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE 06/22/2006
SIGNATURE OF ATTORNEY OF RECORD