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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

EQUAL EMPLOYMENT)	Civil Action No.
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	COMPLAINT
)	
v.)	(Jury Demand)
)	
EAGLE PRODUCE, L.L.C., an)	
Arizona Limited Liability Company,)	
)	
Defendant.)	
)	

NATURE OF THE ACTION

This is an action under the Equal Pay Act of 1963 to restrain the unlawful payment of wages to employees of one sex at rates less than the rates paid to employees of the opposite sex, and to correct unlawful employment practices on the basis of sex. The Commission alleges that Eagle Produce L.L.C., paid its female Quality Control Inspector, Anita Guerreo, at wage rates which were less than the rates paid to its male employees performing substantially equal work, and otherwise discriminated against that female employee because of her sex.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,

1 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to
2 Sections 16(c) and Section 17 of the Fair Labor Standards Act of 1938 (the
3 "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217, to enforce the requirements
4 of the Equal Pay Act of 1963, codified as Section 6(d) of the FLSA, 29 U.S.C. §
5 206(d) ("EPA").

6 2. The employment practices alleged to be unlawful were committed
7 within the jurisdiction of the United States District Court for Arizona.

8 PARTIES

9 3. Plaintiff, the Equal Employment Opportunity Commission (the
10 "Commission"), is the agency of the United States of America charged with the
11 administration, interpretation and enforcement of the Equal Pay Act and is
12 expressly authorized to bring this action by Sections 16(c) and 17 of the FLSA, 29
13 U.S.C. §§ 216(c) and 217, as amended by Section 1 of Reorganization Plan No.
14 1 of 1978, 92 Stat. 3781, and Public Law 98-532 (1984), 98 Stat. 2705.

15 4. At all relevant times, Defendant, Eagle Produce, L.L.C. (the
16 "Employer"), has continuously been an Arizona Limited Liability Corporation,
17 doing business in the State of Arizona.

18 5. At all relevant times, Defendant Employer has acted directly or
19 indirectly as an employer in relation to employees and has continuously been an
20 employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

21 6. At all relevant times, Defendant Employer has continuously
22 employed employees engaged in commerce or in the production of goods for
23 commerce within the meaning of Sections 3(b), (i) and (j) of the FLSA, 29 U.S.C.
24 §§ 203(b), (i) and (j) has continuously been an enterprise engaged in commerce
25 or in the production of goods for commerce within the meaning of Sections 3(r)
26 and (s) of the FLSA, 29 U.S.C. §§ 203(r) and (s) and, in that said enterprise has

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1 continuously been an enterprise whose annual gross volume of sales made or
2 business done is not less than \$500,000.

3 STATEMENT OF EPA CLAIMS

4 7. Since at least May, 2004, Defendant Employer violated Sections
5 6(d)(1) and 15(a)(2) of the FLSA, 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by
6 paying wages to Anita Guerrero in its Arizona facility, at rates less than the rates
7 paid to a male employee in the same establishment for substantially equal work
8 on jobs the performance of which requires equal skill, effort, and responsibility,
9 and which are performed under similar working conditions.

10 8. As a result of the acts complained of above in paragraph 7,
11 Defendant Employer unlawfully has withheld and is continuing to withhold the
12 payment of wages due to Anita Guerrero.

13 9. The unlawful practices complained of in paragraph 7 above were
14 willful.

15 PRAYER FOR RELIEF

16 Wherefore, the Commission requests that this Court:

17 A. Grant a permanent injunction enjoining the Defendant Employer, its
18 officers, successors, assigns and all persons in active concert or participation
19 with it, from engaging in gender-based disparate compensation and in any other
20 employment practice which discriminates on the basis of sex.

21 B. Grant a permanent injunction enjoining the Defendant Employer, its
22 officers, successors, assigns and all persons in active concert or participation
23 with it, from discriminating within any of its establishments between employees on
24 the basis of sex, by paying wages to employees of one sex at rates less than the
25 rates at which it pays wages to employees of the opposite sex for substantially
26 equal work on jobs the performance of which requires equal skill, effort, and
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1 responsibility, and which are performed under similar working conditions.

2 C. Order Defendant Employer to institute and carry out policies,
3 practices and programs which provide equal employment opportunities for
4 women, and which eradicate the effects of its past and present unlawful
5 employment practices.

6 D. Grant a judgment requiring Defendant Employer to pay appropriate
7 back wages in amounts to be determined at trial, an equal sum as liquidated
8 damages, and prejudgment interest to Anita Guerrero whose wages were being
9 unlawfully withheld as a result of the acts complained of above in paragraph 7.

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

12 F. Award the Commission its costs of this action.

13 **JURY TRIAL DEMAND**

14 The Commission requests a jury trial on all questions of fact raised by this
15 Complaint.

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17 Deputy General Counsel

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EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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