

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

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,  
Plaintiff,**

**WENDI WILSON, MARY DELAUGHTER,  
ERICA JOHNSTON, HOLLY HAMILTON,  
and LAURA MENDEZ,  
Intervenors,**

v.

**DA FA SHANGHI, INC., D/B/A IHOP  
Defendants.**

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**CIVIL ACTION  
NO. H-05-3364**

**ORIGINAL PETITION IN INTERVENTION**

COME NOW, Wendi Wilson, Mary Delaughter, Erica Johnston, Holly Hamilton and Laura Mendez, Intervenors, and file this Original Petition in Intervention, and would show the Court as follows:

I.

Intervenors reside in Harris County, Texas. Intervenors were employed by IHOP as servers and are a part of a class of female employees who were adversely affected by Defendant's unlawful practices.

Plaintiff, Equal Employment Commission, has made an appearance in this case and will be served with a copy of this Petition in Intervention through its attorney of record.

Defendant, Da Fa Shanghi Inc., d/b/a IHOP, has been served with a copy of Plaintiff's Complaint, but has not filed its answer. A copy of this Petition in Intervention will be served on Defendant through its attorney of record.

II.

Venue is proper as to Intervenors' claims against Defendant because the unlawful employment practices alleged in this Original Petition in Intervention were committed within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division.

III.

All conditions precedent to Intervenors' and Plaintiff's right of recovery have occurred in this case.

IV.

This action is brought pursuant to Rule 24 of the Federal Rules of Civil Procedure. Intervenors have a justiciable interest in the action pending in this Court because Intervenors are a part of a class of female employees who have been subjected to unwelcome comments and touching of a sexual nature and disparate terms, conditions and privileges of employment because of their sex. The conduct included asking them out on dates, attempting to kiss them, touching their breasts and buttocks and forcibly attempting to have them touch the groin area of their manager, Mohammad "Bobby" Khan.

Intervention is essential to protect Intervenor's interests, which otherwise will be determined in these proceedings in Intervenor's absence. Intervenor's claims are of the same type as those already raised by the Plaintiff and therefore will not complicate this litigation with a multiplicity of issues.

Wherefore, Intervenor respectfully request judgment against Defendant, and for such other relief to which Intervenor may show themselves entitled.

Respectfully submitted,

LAW OFFICE OF MARK L. MITCHELL



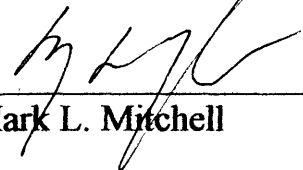
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ATTORNEY FOR INTERVENORS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served in compliance with Rule 5 of the Federal Rules of Civil Procedure on the 20<sup>th</sup> day of January 2006.



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Mark L. Mitchell