

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

**EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)**

Applicant,)

v.)

MISC. ACTION NO: 4:10-mc-363

**FOXCONN CORPORATION,)
FOXCONN ASSEMBLY, L.L.C. and)
Q-HUB LOGISTICS CORPORATION)**

Respondents.)

_____)

**APPLICATION FOR AN ORDER TO SHOW CAUSE
WHY AN ADMINISTRATIVE SUBPOENA SHOULD NOT BE ENFORCED**

1. This is an action for enforcement of a subpoena issued pursuant to Section 710 of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e-9.

2. Jurisdiction is conferred upon the Court by Section 706(f)(3) of Title VII, 42 U.S.C. § 2000e-5(f)(3), and by Section 11 of the National Labor Relations Act, 29 U.S.C. § 161, as amended, incorporated in Section 710 of Title VII, 42 U.S.C. § 2000e-9.

3. Applicant, the Equal Employment Opportunity Commission (the “EEOC”), is the federal agency charged with the administration, interpretation, and enforcement of Title VII, including the investigation of charges of unlawful employment practices, and is authorized to bring this action pursuant to Section 710 of Title VII, 42 U.S.C. § 2000e-9.

4. Respondent Foxconn Corporation (“Foxconn”) is an employer doing business in the State of Texas with a facility at 8807 Fallbrook Dr. in Houston, Texas.

5. Respondent Foxconn Assembly, L.L.C. (“Foxconn Assembly”) is an employer doing business in the State of Texas with a facility at 8807 Fallbrook Dr. in Houston, Texas.

6. Respondent Q-Hub Logistics Corporation (“Q-Hub”) is an employer doing business in the State of Texas with a facility at 8807 Fallbrook Dr. in Houston, Texas.

7. Respondents Foxconn, Foxconn Assembly and Q-Hub (collectively “Defendants”) are, and at all times relevant to this action, have been, operating as a single, integrated enterprise with an interrelation of operations, centralized control of labor relations, common management, and common ownership.

8. On July 21, 2010, pursuant to its authority under Section 710 of Title VII, 42 U.S.C. § 2000e-9 (incorporating 29 U.S.C. § 161), the EEOC issued the following administrative subpoenas: Subpoena No. HU-A10-08 (“Foxconn Subpoena”), Subpoena No. HU-A10-09 (“Foxconn Assembly Subpoena”), and Subpoena No. HU-A10-10 (“Q-Hub Subpoena”) (collectively the “Subpoenas”), which were duly served on Respondents on July 22, 2010.

9. All three Subpoenas referenced herein required the relevant Respondent to produce documents and information needed as part of the EEOC’s investigation of a charge of unlawful employment practices, Commissioner’s Charge No. 460-2010-03006, which has been filed against Respondents.

10. None of the Respondents has filed a petition to revoke or modify the relevant, applicable Subpoena, and have waived all defenses and objections, of which there are none.

11. The Subpoenas are within the EEOC’s authority; the demands set forth in the Subpoenas are not too indefinite; and the information sought by the Subpoenas is relevant to the investigation of the Commissioner’s Charge.

12. Nonetheless, all three Respondents have refused to comply with the Subpoenas at all.

13. Respondents' failure to fully comply with the Subpoenas has delayed and hampered the EEOC's investigation.

14. The accompanying Affidavit of R.J. Ruff, Jr., Houston District Director for the EEOC, filed concurrently herewith, and the exhibits thereto, and the Declaration of Stephen Damiani, EEOC Lead Systemic Coordinator, provide the factual support for this Application and the accompanying and incorporated Memorandum in Support of Application. The Affidavits and the exhibits are attached to and hereby incorporated by reference into this Application and the accompanying Memorandum.

WHEREFORE, the Equal Employment Opportunity Commission prays:

- a) That the Court issue an Order directing all three Respondents to appear before this Court and to show cause, if there be any, why an Order should not issue directing Respondents to fully comply with Subpoena Nos. HU-A10-08, HU-A10-09 and HU-A10-10;
- b) That, upon return of the Order to Show Cause, an Order issue directing the Respondents to fully comply with the Subpoena applicable to each such Respondent; and
- c) That the Equal Employment Opportunity Commission be granted its costs in this matter and such further relief as may be necessary and appropriate.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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