

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SOPHY TREADWAY

Plaintiff

v.

**SOPHEAK OTERO, MATTHEW
OTERO, and EXXIZZ FOODS, INC.
D.B.A. ROCKPORT DONUTS**

Defendants

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Cause No. _____

**ORIGINAL COMPLAINT UNDER 18 U.S.C. §§ 1589, 1590 and 1593A
TRAFFICKING VICTIM PROTECTION ACT VIOLATIONS**

Plaintiff, SOPHY TREADWAY, through undersigned counsel, files this Original
Complaint against Defendants **SOPHEAK OTERO, MATTHEW OTERO** and **EXXIZZ
FOODS, INC. D.B.A. ROCKPORT DONUTS** and alleges:

1. This is an action arising under the Trafficking Victims Protection Act (TVPA) 18 U.S.C. §§ 1589, 1590 and 1593A. An individual who is a victim of violations of those chapters may bring a civil action against the perpetrators pursuant to 18 U.S.C. § 1595.
2. The Plaintiff Sophy Treadway (hereinafter, "Plaintiff," "Sophy," "Sophy Koem" or "Plaintiff Treadway") is a resident of Aransas County, Texas, and most of the events giving rise to this complaint took place in Aransas County, Texas.
3. Defendant SOPHEAK OTERO is an owner and founder of ROCKPORT DONUTS, a doughnut shop located in Rockport, Texas that opened in February 2012.
4. Defendant MATTHEW OTERO is the husband of SOPHEAK OTERO and co-owner and co-founder of ROCKPORT DONUTS.

5. Defendant EXXIZZ FOODS, INC. d/b/a ROCKPORT DONUTS is a corporation incorporated in 2013 that regularly transacts business within the Southern District of Texas.
6. Acts or omissions giving rise to this dispute took place in the Southern District of Texas and in Cambodia.

**COUNT I. TRAFFICKING WITH RESPECT TO FORCED LABOR
18 U.S.C. § 1590**

7. This action arises under the laws of the United States. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 as this case is brought pursuant to the Trafficking Victims Protection Act, 18 U.S.C. §§ 1589, 1590 and 1593A.
8. 18 U.S.C. § 1590 states, in pertinent part, “Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both.”
9. Plaintiff Sophy Treadway was born in Cambodia in 1989 as Sophy Koem. Sophy’s mother died when she was still a child and her father worked long hours far from her village, so Sophy grew up living with her aunt, Sinoeun Mao (hereinafter, “Aunt,” “Sinoeun,” “Mao,” or “Sinoeun Barnes”). She did not have a formal education, and at the age of fourteen she began working in a factory, making garments for western consumers.
10. In 2008, Defendants Matthew and Sopheak Otero (collectively, “the Oteros”), moved to Cambodia as part of Matthew Otero’s job at that time. It was in Cambodia that Plaintiff Treadway met her second cousin, Sopheak Otero, for the first time. In 2009, the Oteros hired Mao and Plaintiff Treadway as their full time domestic servants and nannies to their

two young children for two or three dollars per day. Matthew Otero bragged that Sopheak, Sophy and Sinoeun were “My ladies, one I take to my room, the other cleans my room and the other cooks my meals, what a life, huh?”

11. In 2011, Matthew Otero lost his project in Cambodia, and the Oteros made plans to return to America and open a doughnut shop. The Oteros made promises to Sophy and Sinoeun that they would help them come to America and help them to apply for a green card after they had paid off the cost of obtaining their visas by working in their doughnut shop.
12. The Oteros admitted under oath that they paid \$20,000.00 for each woman, or \$40,000.00 total, to obtain two 3-month B1/B2 VISAS for the two women to enter the United States, most likely by illegal means. The Oteros brought the women to the United States never intending to let them return to Cambodia, but illegally harboring them to work them for three years either without pay or with virtually no pay. They coached the women to lie to the border patrol officials at the airport. The Oteros brought the women to the United States in late October 2011 knowing that their visas would expire less than thirty days later on November 3, 2011.
13. The Oteros brought Plaintiff Sophy Treadway and her aunt, Sinoeun Mao, to the United States to act as their domestic employees and employees of their new family doughnut business, which would be incorporated as Exxizz Foods, Inc. in early 2013, for which Plaintiff and her aunt would receive \$75.00 per month, or slightly more than \$2.00 per day. From the time the doughnut shop opened in February 2012, both women worked sixteen hours baking in the doughnut shop, from the time the kitchen opened at 1:00 a.m. until the shop closed at 4:00 p.m. When they returned to the Otero’s house, the women continued working for the Oteros until 8:30 p.m., cooking food, cleaning the house, and

attending to the three children and Matthew Otero. Sinoeun Mao worked for the Oteros from 2011 to 2014. Sophy Treadway worked for the Oteros at this pay rate from October 2011 to June 1, 2016 when she finally received a green card following her 2015 marriage to Rocky Treadway.

14. The Oteros knowingly brought Plaintiff Treadway to America for the purpose of forcing her to work nineteen to twenty hours per day, seven days per week, without pay at their doughnut shop and in their home, in violation of 18 U.S.C. § 1590. The Oteros would use verbal abuse, threats of deportation and incarceration, and repayment of their \$40,000.00 debt from them or from their family to coerce Plaintiff Treadway and Mao into remaining as their forced free laborers. Plaintiff Treadway seeks to recover compensatory damages, punitive damages, and reasonable attorney's fees pursuant to 18 U.S.C. § 1595. *The Plaintiff requests a trial by jury.*

COUNT II. FORCED LABOR; 18 U.S.C. § 1589

COMES NOW PLAINTIFF, through Counsel, and re-adopts the factual and jurisdictional statements in paragraphs 1-14 above and further states:

15. When she arrived in America, Plaintiff Sophy Treadway acted as a nanny for the Oteros, taking care of their newborn baby and other two children. In or around February 2012, following the opening of Rockport Donuts, Plaintiff began to work in the doughnut shop, baking doughnuts and other baked goods at night and helping to serve customers and arrange inventory during the day. Plaintiff's day-to-day routine soon became to arrive at the doughnut shop soon after midnight, work until 3:00 or 4:00 p.m. the following day without breaks or naps, then go to the Otero's home where she would cook, do laundry, and perform other errands until 8:00 p.m., when she would fall asleep. Plaintiff carried

out this routine non-stop, working nineteen to twenty (19-20) hours per day, seven (7) days per week, three-hundred sixty-five (365) days per year. Many times, Plaintiff nearly seriously injured herself drifting off to sleep while working in front of dangerously hot vats of boiling fat and hot grills. Matthew Otero would discipline Plaintiff and her aunt by throwing any abnormally shaped doughnuts at them.

16. Plaintiff Treadway and her aunt, Mao, lived together in a one-room shack with an open bathroom in the back yard of the Otero's property. Each woman received only \$75 per month for their work, or less than fifteen cents (\$0.15) per hour.
17. The Oteros told the women that they would need to work for them for three (3) years to repay the debt they each incurred for arranging their transportation to America. Plaintiff Treadway feared that if she stopped working for the Oteros before the three years were up, that the Oteros would collect her debt from her father or her family in Cambodia, which would have taken them ten (10) years of paychecks. Neither Plaintiff Treadway nor her family had the means to earn or raise \$20,000.00 to repay her debt. Whenever Plaintiff Treadway complained about her work load or failed to meet the tasks assigned to her, the Oteros would remind her of her looming debt or threaten to send her back to Cambodia.
18. The Oteros were verbally abusive towards Plaintiff, routinely calling her a "brat" and a "bitch" at their workplace in front of other employees. Matthew Otero told both women that they needed to dress more "sexy" when they were at the doughnut shop and around his house.
19. Plaintiff was nineteen (19) years old when she began working for the Oteros in 2009. She did not speak any English, had little or no education, and did not have any money.

The only person she had ever lived with, her aunt, was living with her in the Otero's back yard. The Oteros would threaten to deport her if she did not continue to work for them essentially for free. Additionally, the Oteros told Plaintiff that she or her family would need to work to pay off the \$20,000 payments they had made to bring her and her aunt to the United States. Without a valid visa or money, Plaintiff had no choice but to keep working for the Oteros. At first the agreement had been to pay them back over three (3) years, but after three years in America, the Oteros continued to attribute new debt obligations to her and force her to work practically for free, until her marriage to her husband, Rocky Treadway, allowed her to obtain a green card in 2016.

20. In 2014, at least six months before the three years was up, Sinoeun Mao's passport was due to expire. Her fiancé, Tom Barnes, came to Rockport, Texas in order to marry her, which the Oteros attempted to prevent. The Oteros confiscated Mao's passport and drove to the courthouse in a vain attempt to prevent Barnes and Mao from marrying. After their secretive marriage, Sinoeun Barnes wished to return to California with her new husband. The Oteros told her that she would have to stay and work in the doughnut shop, because they had camera footage of her "stealing money" out of the tip jars by the cash register. At the airport, Sinoeun tearfully told her new husband that she could not get on the airplane because the Oteros were sending a sheriff's constable to arrest her. Fortunately for her, her husband convinced her to board the airplane.
21. With her aunt gone, Plaintiff Treadway now had to work off the remaining debt to the Oteros for both of them, plus additional time for the alleged thefts from the tip jar. The Oteros also accused Plaintiff Treadway of stealing money from their tip jars, and forced her to continue working for them after the three (3) year term was up as "punishment."

The three year term would have ended in February 2015, but Plaintiff Treadway continued to work for the Oteros for less than fifteen cents (\$.15) per hour an additional year and four months, until June 1, 2016. Only after Plaintiff Treadway received a valid green card in 2016 did the Oteros begin to pay her on the doughnut shop's books, and even then she still did not receive minimum wage or time and a half overtime pay despite having the job duties of an hourly employee.

22. The Oteros worked very hard to prevent Plaintiff Treadway from getting married and leaving their household and employment. In mid-2014, Matthew Otero took Rocky Treadway, Sophy's boyfriend and fiancé, aside and told him that if he got Sophy pregnant, that Matthew would force Sophy to have an abortion and have her deported back to Cambodia. Even after her marriage to Rocky Treadway in 2015, Plaintiff Treadway continued to work at the doughnut shop for \$75.00 per month for fear of her debt obligation to the Oteros, fear of deportation, and the repercussions on her family if she were to leave without their permission.
23. Plaintiff seeks to recover compensatory and punitive damages, plus reasonable attorney's fees, against Defendants Matthew Otero, Sopheak Otero, and Exxizz Foods, Inc. D.B.A. Rockport Donuts for her forced labor as a doughnut shop employee and domestic servant from October 2011 to August 2015, pursuant to 18 U.S.C. §§ 1589 and 1595. Plaintiff Treadway worked one hundred twelve (112) hours every week at the doughnut shop, and twenty-eight (28) hours every week as a maid or childcare provider in the Otero's household. Her first eight (8) hours every weekday working at the doughnut shop should have been paid at a regular rate, and the remaining eight (8) hours at the doughnut shop and four (4) hours working at the house should have been paid as time and a half

overtime. All of her thirty-two (32) hours in the doughnut shop and eight (8) hours working in the house on the weekends should have been paid as time and a half overtime.

24. According to the Foreign Labor Data Certification Center, a Level 3 baker working in Aransas County, Texas earns \$13.57 per hour; and a Level 3 Maid and Childcare Worker earns about \$9.54 per hour.¹ Accordingly, Plaintiff Treadway should have been earning \$2,409.04 per week, from February 1, 2012 to August 30, 2015, a period of 187 weeks. Her total earnings should have been \$450,490.48. Instead, she was paid \$3,225.00, leaving **\$447,265.48 in compensatory damages**. Plaintiff Treadway also seeks \$447,265.48 in punitive damages, in addition to attorney's fees.

25. Plaintiff was made to believe that she and her aunt, Sinoeun Mao, would suffer serious harm, both financially and emotional harm to her reputation within her extended family, if she did not continue to work at the doughnut shop and as a domestic servant, including, but not limited to, confiscating her passport, being unable to leave the house, deportation, forced abortion, and paying back the \$20,000.00 paid out by the Oteros. Defendant Sopheak Otero, Matthew Otero and Exxizz Foods, Inc. knowingly coerced Plaintiff into providing them with free, forced labor, in violation of federal law, by threatening serious harm and abuse of law or legal process on Plaintiff Treadway, her aunt, Sinoeun Mao, and other members of Plaintiff's family. *Plaintiff requests trial by jury.*

COUNT III. DEFENDANT EXXIZZ BENEFITTING FINANCIALLY FROM PEONAGE, SLAVERY AND TRAFFICKING IN PERSONS; 18 U.S.C. § 1593A

COMES NOW PLAINTIFF, through Counsel, and re-adopts the factual and jurisdictional statements in paragraphs 1-25 above and further states:

¹ Please see the FLC Wage Search Results, attached hereto as **Exhibit "A,"** of which Plaintiff requests the Court take judicial notice.

26. Defendants Matthew Otero and Sopheak Otero illegally brought Plaintiff Treadway to the United States and coerced her into forced labor practically for free through threats of serious harm to her, her aunt, and her family, in violation of immigration law, tax law, the Fair Labor Standards Act, and the TVPA.
27. Defendant Exxizz Foods, Inc., and its owners, directors, and officers, knowingly benefited financially from participating in a venture which has engaged in acts of trafficking of persons for purposes of peonage and forced labor in violation of 18 U.S.C. § 1593A. Anyone spending time at the doughnut shop and reviewing the doughnut shop's books could have seen that the two employees spending the most time at the doughnut shop were not receiving one dime in payment from Exxizz Foods, Inc.
28. Plaintiff requests recovery of compensatory damages in the amount of \$372,338.32, \$372,338.32 in punitive damages, plus reasonable attorney's fees from Defendant Exxizz Foods, Inc. pursuant to 18 U.S.C. § 1595. *Plaintiff requests trial by jury.*

Submitted this 23rd day of August 2019.

Respectfully submitted,

SIEGEL, YUEN & HONORÉ, P.L.L.C.

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