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ex rel. Edmund G. Brown Jr.,
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SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

**PEOPLE OF THE STATE OF CALIFORNIA, ex rel. EDMUND G. BROWN JR.,
Attorney General of the State of California,**

Plaintiff,

v.

BRINAS CORPORATION and DOES 1 through 100, inclusive,

Defendants.

**COMPLAINT FOR INJUNCTIVE RELIEF, RESTITUTION, CIVIL PENALTIES, AND
OTHER EQUITABLE RELIEF**
(Bus. & Prof. Code, § 17200 et seq.)

CASE NO:

Plaintiff, the People of the State of California, ex rel. Edmund G. Brown Jr., Attorney General of the State of California, is informed and believes, and on such information and belief alleges:

INTRODUCTION

1. This action is brought by Plaintiff, the People of the State of California, ex rel. Edmund G. Brown Jr., Attorney General of the State of California, against Brinas Corporation (“Brinas”), a Southern California drywall construction contractor, to stop Brinas from engaging in unfair competition. Brinas is engaged in a pattern and practice of violating state law governing minimum wage, overtime, and other wage and hour requirements, working conditions, payroll taxes, and workers’ compensation. Through this conduct, Brinas is engaged in unfair competition that injures law-abiding contractors, as well as Brinas’ employees, and the taxpayers of California. This action seeks to compel Brinas to make restitution to its employees, to pay applicable civil penalties, and to cease engaging in unfair competition.

PARTIES

2. Plaintiff Edmund G. Brown Jr. is the Attorney General of the State of California and is the chief law officer of the State. (Cal. Const., art. V, § 13.) The Attorney General is empowered by the California Constitution to take whatever action is necessary to ensure that the laws of the State are uniformly and adequately enforced. He is statutorily authorized to bring actions in the name of the People of the State of California to enforce California's statutes governing unfair competition. (Bus. & Prof. Code, § 17204 et seq.)

3. Defendant Brinas is, and at all times relevant herein was a corporation doing business in the State of California, including in the counties of Los Angeles and San Diego.

4. The true names and capacities of defendants sued in the complaint under the fictitious

names of DOES 1 through 100, inclusive, are unknown to plaintiff who therefore sues such defendants by such fictitious names. Plaintiff will amend this complaint to show the true names of each when the same has been ascertained. Defendants sued herein as DOES 1 through 100 are, and at all relevant times were, engaged with Brinas in the activities and conduct complained of herein.

5. Whenever reference is made in this complaint to any act of Brinas, such allegations shall mean that Brinas through its agents, employees, or representatives, performed or authorized such acts while actively engaged in the management, direction or control of the affairs of Brinas and while acting within the scope and course of their duties.

6. Whenever reference is made in this complaint to any act of any of the defendants, including those named herein as Doe defendants, such allegation shall mean that each defendant and/or Doe defendant acted individually and jointly with the other defendants, including the Doe defendants, named in this complaint.

FIRST CAUSE OF ACTION

VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTIONS 17200 ET SEQ.

(Against all Defendants)

7. The People reallege and incorporate by reference paragraphs 1 through 6 of this complaint as if set fully herein.

8. Defendants have violated and continue to violate Business & Professions Code, section 17200, et seq. by engaging in acts of unfair competition including, but not limited to, the following:

a. paying employees less than the state required minimum wage in violation of Labor Code section 1182.12 and applicable Industrial Welfare Commission Orders, involving but not limited to Industrial Welfare Commission General Minimum Wage Orders MW-2001 and MW-2007, and Industrial Welfare Commission Wage Order No. 16-2001, subdivision 4, as adopted, and as amended and republished by the Department of Industrial Relations effective January 1, 2007;

b. failing to pay employees overtime pay in violation of Labor Code section 510 and applicable Industrial Welfare Commission Orders, including but not limited to Industrial Welfare Commission Wage Order No. 16-2001, subdivision 3;

c. failing to pay uncontested wages owed to employees in a timely manner in violation of Labor Code section 204;

d. unlawfully withholding part of the pay owed to employees in violation of Labor Code sections 216, 221, and 223;

e. failing to pay employees all wages earned and owing at the time of their separation from employment in violation of Labor Code sections 201, 202, and 203;

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f. requiring employees to work during meal breaks in violation of Labor Code section 226.7 and applicable Industrial Welfare Commission Orders including but not limited to Industrial Welfare Commission Wage Order No. 16-2001, subdivision 10;

g. failing to provide employees with rest periods in violation of Labor Code section 226.7 and applicable Industrial Welfare Commission Orders including but not limited to Industrial Welfare Commission Wage Order No. 16-2001, subdivision 11;

h. failing to provide employees with tools necessary to perform the work they

were hired to perform in violation of Labor Code Section 2802 and applicable Industrial Welfare Commission Orders including but not limited to Industrial Welfare Commission Wage Order No. 16-2001, subdivision 8(B) ;

i. failing to provide employees with an itemized written statement reflecting their gross wages, the number of hours the employee worked, piece-rate earnings, the applicable piece rate, all deductions taken, net wage earned, the inclusive dates of the pay period, the name of the employee and his or her social security number, and the hourly rate in effect during the pay period, in violation of Labor Code section 226;

j. paying employees with cash or non-payroll checks without withholding and paying state income tax contributions, state unemployment insurance contributions, and contributions to the state disability fund in violation of Unemployment Insurance Code sections 976, 986, 987, 1110, and 13020.;

k. providing false information to the State Compensation Insurance Fund in violation of Insurance Code sections 11760 and 11880. The provision of this false information results in the setting of an inaccurate and artificially low workers' compensation insurance premium rate for Brinas.

PRAYER FOR RELIEF

WHEREFORE, the People pray for the following relief:

1. Pursuant to Business and Professions Code section 17203, that defendants, their successors, agents, representatives, employees and all persons acting in concert with defendants be enjoined from committing acts of unfair competition as alleged in this complaint;

2. Pursuant to Business and Professions Code section 17203, that defendants make full restitution to employees of Brinas Corporation to restore all monies owing the said

employees acquired by Brinas as a result of the violations of Business and Professions Code section 17200 et seq. alleged in complaint;

3. Pursuant to Business and Professions Code section 17206, that the Court assess a civil penalty of two thousand five hundred dollars (\$2,500) against Defendants and each of them for each violation of Business and Professions Code section 17200 et seq., as proved at trial;

4. The People recover its costs of suit; and

5. Such other and further relief as the Court deems appropriate and just.

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Dated: _____, 2007

Respectfully submitted,
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