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9  
10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF LOS ANGELES  
12

13  
14 THE PEOPLE OF THE THE STATE OF  
CALIFORNIA ex rel. EDMUND G. BROWN JR., as  
15 Attorney General of the State of California,

16 Plaintiff,

17 vs.

18 GUASIMAL TRUCKING, LLC, a Limited Liability  
Company, and DOES 1 through 50, inclusive,

19 Defendants.  
20

CASE NO.

**COMPLAINT FOR  
INJUNCTIVE RELIEF AND  
CIVIL PENALTIES  
(Business & Professions Code  
Sections 17200, et seq.)**

21  
22 Plaintiff, the People of the State of California, by and through Edmund G. Brown Jr., as  
23 Attorney General of the State of California, is informed and believes, and on such information  
24 and belief alleges:

25 **INTRODUCTION**

26 1. This action is brought by Plaintiff, the People of the State of California, ex rel.  
27 Edmund G. Brown Jr., as Attorney General of the State of California (“the People”), against  
28 Defendant Guasimal Trucking, LLC (“Guasimal”) in order to stop Guasimal from continuing to

1 engage in unfair competition. Guasimal has engaged in a pattern and practice of violating state  
2 law by misclassifying truck drivers working for it as independent contractors rather than as  
3 employees. By misclassifying the drivers as independent contractors, Guasimal has illegally  
4 lowered its cost of doing business by failing to pay state employment-related taxes and to  
5 provide workers' compensation insurance for the drivers. Guasimal also fails to provide  
6 employees with a written statement of hours worked, earnings per hour, and deductions taken.  
7 Guasimal's unlawful conduct gives it an unfair competitive advantage over law-abiding  
8 transportation companies, deprives its employees of the benefits of employment, and harms the  
9 taxpayers of California. This action seeks to compel Guasimal to cease engaging in unfair  
10 competition and to pay applicable penalties.

11 **PARTIES**

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

18 3. Defendant Guasimal is a limited liability company authorized to do business in the  
19 State of California, and at all times relevant herein was doing business in the County of Los  
20 Angeles. Guasimal is a fleet operator, owning approximately six trucks. It hires truck drivers to  
21 transport cargo from the Ports of Los Angeles and Long Beach.

22 4. The true names and capacities of defendants sued in the Complaint under the fictitious  
23 names DOES 1 through 50, inclusive, presently are unknown to the People, who therefore sues  
24 such defendants by such fictitious names. The People will seek to amend this complaint to  
25 allege the true names of DOES 1 through 50 when the same have been ascertained. Plaintiff is  
26 informed and believes, and based thereon alleges, that each of the fictitiously named defendants  
27 participated in some or part of the acts alleged herein.

28



1 f. and failing to provide employees with itemized written statements of hours and  
2 pay as required by Labor Code Section 226.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, the People pray for the following relief:

5 1. Pursuant to Business and Professions Code Section 17203, that defendants, their  
6 successors, agents, representatives, employees, and all persons acting in concert or in  
7 participation with defendants, be permanently enjoined from engaging in unfair competition as  
8 defined in Business and Professions Code Section 17200, including, but not limited to, the acts  
9 and practices alleged in this Complaint;

10 2. Pursuant to Business and Professions Code Section 17206, that the Court assess a civil  
11 penalty of two thousand five hundred dollars (\$2,500.00) against defendants for each violation of  
12 Business and Professions Code Section 17200, the total amount being no less than \$50,000.00,  
13 or as proved at trial;

14 3. That the People recover their costs of suit; and

15 4. Such other and further relief that the Court deems appropriate and just.

16  
17 Dated: October \_\_\_\_, 2008

18 Respectfully submitted,

19 EDMUND G. BROWN JR.  
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21 MARK BRECKLER  
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