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Attorneys for Plaintiff  
9 THE PEOPLE OF THE STATE OF CALIFORNIA ex  
rel. EDMUND G. BROWN JR., as Attorney General  
10 of the State of California

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES  
13

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

16 Plaintiff,

17 vs.

18 EDMUNDO JOSE LIRA; an Individual;  
19 DOES 1 through 50, inclusive,

20 Defendants.  
21

CASE NO.

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

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

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1 **INTRODUCTION**

2 1. This action is brought by Plaintiff, the People of the State of California, ex rel.  
3 Edmund G. Brown Jr., Attorney General of the State of California, against Defendant Edmundo  
4 Jose Lira ("Lira"), who operates a trucking company, to stop Lira from engaging in unfair  
5 competition. Lira has engaged in a pattern and practice of violating state law by misclassifying  
6 truck drivers working for him as independent contractors rather than as employees. By  
7 misclassifying the drivers as independent contractors, Lira has illegally lowered his cost of doing  
8 business by failing to pay state employment-related taxes and by failing to provide workers'  
9 compensation insurance. Lira's unlawful conduct not only harms law-abiding transportation  
10 companies, but also injures his employees and the taxpayers of California. This action seeks to  
11 compel Lira to cease engaging in unfair competition and to pay applicable penalties.

12 **PARTIES**

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

19 3. Defendant Edmundo Jose Lira is an individual, and at all times relevant herein  
20 was doing business in the county of Los Angeles. Lira operates a trucking business. He owns  
21 several trucks and hires drivers to 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  
23 fictitious names DOES 1 through 50, inclusive, presently are unknown to plaintiff, who therefore  
24 sues such defendants by such fictitious names. Plaintiff 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 5. Whenever reference is made in this complaint to any act of Lira, such allegations

1 shall mean that Lira, through his agents, employees, or representatives, performed or authorized  
2 such acts while they were acting within the actual or ostensible scope of their authority.

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

7 **FIRST CAUSE OF ACTION**

8 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200**

9 **(UNFAIR COMPETITION)**

10 (Against All Defendants )

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

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

16 a. failing to pay Unemployment Insurance taxes as required by Unemployment  
17 Insurance Code section 976;

18 b. failing to pay Employment Training Fund taxes as required by Unemployment  
19 Insurance Code section 976.6;

20 c. failing to withhold and transmit State Disability Insurance taxes as required by  
21 Unemployment Insurance Code section 986;

22 d. failing to withhold State income taxes and file a withholding return as required  
23 by Unemployment Insurance Code sections 13020 and 13021;

24 e. failing to provide workers' compensation as required by Labor Code section  
25 3700;

26 f. and failing to provide employees with itemized written statements as required  
27 by Labor Code section 226.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, the People pray for the following relief:

3 1. Pursuant to Business and Professions Code section 17203, that defendants, their  
4 successors, agents, representatives, employees and all persons who act in concert with defendants  
5 be permanently enjoined from engaging in unfair competition as defined in Business and  
6 Professions Code section 17200, including, but not limited to, acts and practices alleged in this  
7 complaint;

8 2. Pursuant to Business and Professions Code section 17206, that the Court assess a civil  
9 penalty of two thousand five hundred dollars (\$2,500) against Defendants for each violation of  
10 Business and Professions Code section 17200, the total amount being no less than \$50,000.00 or  
11 as proved at trial;

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

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

14 Dated: October 27, 2008

Respectfully submitted,

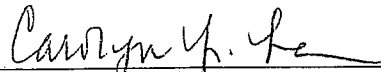
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23 By:   
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