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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES  
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12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA EX REL. EDMUND G. BROWN  
14 JR., AS ATTORNEY GENERAL OF THE STATE OF  
CALIFORNIA,

15 Plaintiff,

16 v.

17 AUTO SPA EXPRESS, INC., A CORPORATION;  
18 SUNSET CAR WASH, LLC, A LIMITED  
19 LIABILITY CORPORATION, JONATHAN MIN  
20 KIM, AN INDIVIDUAL, AND DOES 1 THROUGH  
20, INCLUSIVE,

21 Defendants.  
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Case No.

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

23  
24 Plaintiff, the People of the State of California, ex rel. Edmund G. Brown Jr., as Attorney  
25 General of the State of California, hereby alleges as follows:  
26

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

7           2.     Defendant Auto Spa Express, Inc. (“ASE”) is a California corporation authorized to  
8 do business in the State of California. At various relevant times within the past four years, ASE  
9 owned and operated a car wash facility at 2028 Sunset Blvd., Los Angeles, California, in the  
10 County of Los Angeles.

11          3.     Defendant Sunset Car Wash, LLC (“SCW”) is a California limited liability  
12 corporation authorized to do business in the State of California. SCW succeeded ASE as the  
13 owner and operator of the car wash facility located at 2028 Sunset Blvd., Los Angeles, California,  
14 in the County of Los Angeles, and currently operates the car wash facility.

15          4.     Defendant Jonathan Min Kim (“Kim”) is an individual who is a principal and the  
16 primary owner of ASE. At all relevant times within the past four years, Kim has resided in  
17 Beverly Hills, California, in the County of Los Angeles.

18          5.     The true names and capacities of defendants sued in the Complaint under the  
19 fictitious names DOES 1 through 20, inclusive, presently are unknown to People, who therefore  
20 sues such defendants by such fictitious names. The People will seek to amend this Complaint to  
21 allege the true names of DOES 1 through 20 when the same have been ascertained. Plaintiff is  
22 informed and believes, and based thereon alleges, that each of the fictitiously named defendants  
23 participated in some part of the acts alleged herein.

24          6.     Whenever reference is made in this Complaint to any act of ASE, such allegations  
25 shall mean that ASE, through its agents, employees, or representatives, performed or authorized  
26 such acts while said agents, employees, or representatives were acting within the actual or  
27 ostensible scope of their authority.

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1 h. failing to withhold and transmit all State income taxes on behalf of ASE  
2 employees, as required by Unemp. Ins. Code §§ 13020 and 13021.

3 **SECOND CAUSE OF ACTION**

4 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200 BY SCW**

5 10. The People reallege and incorporate by reference paragraphs 1 through 9 of this  
6 Complaint as if set forth fully herein.

7 11. Defendant SCW has violated and continues to violate Business and Professions Code  
8 Section 17200 by engaging in acts of unfair competition within the past four years including, but  
9 not limited to, the following:

10 a. withholding the unpaid wages of ASE's former employees, which SCW is  
11 liable for as a successor employer offering substantially the same services and using substantially  
12 the same facilities as its predecessor employer, pursuant to Labor Code Section 2066.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, the People pray for the following relief:

15 1. Pursuant to Business and Profession Code Section 17203, that defendants, their  
16 successors, agents, representatives, employees, and all persons acting in concert or in  
17 participation with defendants, be permanently enjoined from engaging in unfair competition as  
18 defined in Business & Professions Code Section 17200, including, but not limited to, the acts and  
19 practices alleged in this Complaint.

20 2. Pursuant to Business and Profession Code Section 17203, that defendants be ordered  
21 to provide restitution to former ASE workers of any unpaid wages, in a total amount of no less  
22 than \$630,000.00, or as established at trial.

23 3. Pursuant to Business and Profession Code Section 17206, that the Court assess a civil  
24 penalty of two thousand five hundred dollars (\$2,500.00) against defendants for each violation of  
25 Business and Professions Code Section 17200, in a total amount of no less than \$2,000,000.00  
26 each against ASE and Kim, and no less than \$100,000.00 against SCW, or as established at trial.

27 4. That the People recover their costs of suit.  
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5. Such other and further relief that the Court deems appropriate and just.

Dated: December 15, 2009

Respectfully Submitted,  
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