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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF IMPERIAL

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

15 Plaintiff,

16 v.

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18 **JUAN MUNOZ, and DOES 1 through 100,**
inclusive,

19 Defendant.
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Case No.

**COMPLAINT FOR INJUNCTIVE
RELIEF, RESTITUTION AND
PENALTIES**

VERIFIED ANSWER REQUIRED
PURSUANT TO CODE OF CIVIL
PROCEDURE SECTION 446

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22 The People of the State of California, by and through Edmund G. Brown Jr., Attorney
23 General of the State of California, allege as follows:

24 1. Fair competition is fundamental to the free enterprise economic system. To further a
25 free economic system, Business & Professions Code section 17200 expressly prohibits unlawful,
26 unfair or fraudulent business practices. JUAN MUNOZ has engaged in and continues to engage
27 in unlawful business practices enabling him to reduce costs and underbid competition in
28 performing as a farm labor contractor. Unless enjoined by the court from continuing these

1 unlawful business practices and ordered to make restitution and pay statutory penalties, it is
2 anticipated that Juan Munoz will continue to pursue the unlawful schemes.

3 2. The State of California acts through its duly elected Attorney General, Edmund G.
4 Brown Jr., who is the chief law officer of the State. (Cal. Const., art. 5, § 13.) In this capacity he
5 may seek enforcement of the rights and interests of the people of California. Business and
6 Professions Code section 17204 authorizes the Attorney General to bring actions to enforce the
7 California Unfair Competition Law.

8 3. Defendant Juan Munoz is, and at all times relevant herein has been an individual
9 acting as a sole proprietor, doing business in the State of California with his principal place of
10 business in Imperial County. Juan Munoz is, and has been, engaged as a farm labor contractor
11 who provides workers to harvest onions for onion growers.

12 4. Plaintiff is informed and believes, and thereon alleges that each defendant is the alter
13 ego of each other defendant and fraudulently uses illegal schemes enabling them to engage in the
14 unfair competition complained of herein. Plaintiff is informed and believes that the defendants
15 are integrated enterprises with an interrelation of operations, common management, centralized
16 control of labor relations, and common ownership.

17 5. The true names and capacities of defendants sued in the Complaint under the
18 fictitious names of DOES 1 through 100, inclusive, are unknown to plaintiff who therefore sues
19 such defendants by such fictitious names. Plaintiff will amend this complaint to show the true
20 names of each when the same has been ascertained. Defendants sued herein as DOES 1 through
21 100 are, and at all relevant times were, engaged with Juan Munoz in the activities and conduct
22 complained of herein.

23 6. Whenever reference is made in this complaint to any act of any defendant, such
24 allegations shall mean that the named defendant through his agents, employees, or
25 representatives, performed or authorized such acts while engaged in the management, direction or
26 control of the affairs of all the defendants.

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1 entitled to restitution for the losses. The losses to defendants' employees include but are not
2 limited to:

- 3 (a) the minimum wage for all hours worked;
- 4 (b) time-and-one-half pay for overtime worked;
- 5 (c) one-hour pay for each paid rest period not provided;
- 6 (d) one-hour pay for each day an employee worked split shifts;
- 7 (e) pay to employees for all hours worked;
- 8 (f) payment to employees who received less than twice the minimum wage for all
9 tools necessary to perform the work; and,
- 10 (g) A continuation of wages for 30 days as penalty for the unlawful delay in
11 providing immediate pay owed to employees upon their termination of employment.

12 11. Defendant's violation of California statutes and administrative orders has caused
13 irreparable damage to the People of the State of California. There is no adequate remedy at law
14 that might justify denial of injunctive relief.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, the People pray for the following relief:

- 17 1. A permanent injunction enjoining Juan Munoz, his successors, agents,
18 representatives, employees and all persons acting in concert with him, from engaging in unfair
19 competition as defined in Business and Professions Code section 17200, including but not limited
20 to the acts and practices alleged herein;
- 21 2. Juan Munoz pay restitution in an amount of no less than \$500,000 to his employees
22 for wages lost through his violations of the law as set forth herein;
- 23 3. Juan Munoz pay civil penalties up to \$500,000 for violations of Business and
24 Professions Code section 17200;
- 25 4. The People recover the costs of investigation, expert witness fees, and costs of the
26 action; and,

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

Dated: March 9, 2010

Respectfully Submitted,

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MARK J. BRECKLER
Senior Assistant Attorney General
JON M. ICHINAGA
Supervising Deputy Attorney General



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