

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARK J. BRECKLER  
Senior Assistant Attorney General  
3 JON M. ICHINAGA  
Supervising Deputy Attorney General  
4 TIMOTHY J. KOLESNIKOW  
Deputy Attorney General  
5 State Bar No. 166120  
300 South Spring Street, Suite 1702  
6 Los Angeles, CA 90013  
Telephone: (213) 897-4482  
7 Fax: (213) 897-2801  
E-mail: Timothy.Kolesnikow@doj.ca.gov  
8 *Attorneys for Plaintiff People of the State of California*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES, WEST DISTRICT  
11

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

14 PLAINTIFF,

15 vs.

16 NDR Inc., a California corporation dba "Gold  
Rush Auto Spa"; SIKDER GROUP, INC., a  
17 California corporation dba "Laguna Hills Car  
Wash"; ZMS GROUP INC., a California  
18 corporation dba "Crown Valley Car Wash"; M.  
SIKDER HOLDINGS, INC., a California  
19 corporation dba "Marina Car Wash"; ZMS,  
INC., a California corporation dba "Laguna  
20 Hills Union 76 Station"; ZNM HOLDINGS,  
INC., a California corporation dba "Wash &  
21 Go Hand Wash", "Wash & Go Hand Carwash  
Corp." and "Irvine Auto Spa"; GRAS II, INC.,  
22 a California corporation dba "Sponges Car  
Wash"; SIKDER, INC., a California  
23 corporation dba "Bonus Car Wash"; GRAS,  
INC., a California corporation dba "Gold Rush  
24 Auto Spa II"; DIPU HAQUE", an individual  
aka "Dipu Haque" and "Dipu Haque Sikder";  
25 and DOES 1-100,

26 DEFENDANTS.  
27  
28

CASE NO.

**COMPLAINT FOR INJUNCTIVE  
RELIEF, RESTITUTION AND CIVIL  
AND STATUTORY PENALTIES FOR:**

1. Unfair Competition: Business & Professions Code section 17200 et seq.
2. "Waiting Time Penalties": Statutory Penalties under Labor Code section 203
3. "Waiting Time Penalties": Statutory Penalties under Labor Code section 203.1

1 Plaintiff, the People of the State of California, by and through Edmund G. Brown Jr., as  
2 Attorney General of the State of California, is informed and believes, and on such information  
3 and belief alleges:  
4

## 5 INTRODUCTION

6 1. This action is brought by Plaintiff, the People of the State of California, ex rel.  
7 Edmund G. Brown Jr., Attorney General of the State of California, against defendant entities (in  
8 addition to certain individuals) operating car wash businesses in the State of California to stop  
9 them from engaging in ongoing violations of the California Labor Code and failing to pay taxes,  
10 which results in unfair competition. This action seeks to enjoin all Defendants from engaging in  
11 unfair competition and to pay restitution and applicable penalties. This action also seeks “waiting  
12 time” penalties directly under Labor Code sections 203 and 203.1.

13 2. Defendant corporate entities<sup>1</sup>, referred to throughout this complaint as “Car  
14 Wash Employer Defendants,” engaged in a pattern and practice of violating state law including:  
15 failure to pay all wages due employees, violations of the Labor Code’s car wash licensing  
16 provisions, failure to pay state unemployment, taxes, and failing to provide all employees with a  
17 correct itemized written statement reflecting their correct gross wages, the number of hours the  
18 employee worked and other information.

19 3. Plaintiff is informed and believes that the Defendants named in their capacity as  
20 individuals control the entities which make up the Car Wash Employer Defendants group. Those  
21 individuals personally, directly participated in the conduct attributed in this Complaint to the Car  
22 Wash Employer Defendants.

23 4. Plaintiff is informed and believes that at all relevant times, each Individual  
24 Defendant knew or realized that the Car Wash Employer Defendant(s) were engaging in or  
25 planned to engage in the violations of law alleged in this complaint. Knowing or realizing that  
26

---

27 <sup>1</sup> The “Car Wash Employer Defendants” group consists of: NDR Inc.; Sikder, Inc.; ZMS  
28 Group Inc.; M. Sikder Holdings, Inc.; ZMS, Inc.; Sikder Empire, Inc.; ZNM Holdings, Inc.;  
GRAS II, Inc.; GRAS, Inc. and Does 1-20.

1 the Car Wash Employer Defendants were engaging in such unlawful conduct, each Individual  
2 Defendant nevertheless facilitated the commission of those unlawful acts. Each Individual  
3 Defendant encouraged, facilitated, or assisted in the commission of the unlawful acts, and  
4 thereby, aided and abetted the Car Wash Employer Defendants in the unlawful conduct.

5  
6 **PARTIES**

7 Plaintiff People of the State of California

8 5. Plaintiff EDMUND G. BROWN JR. is the Attorney General of the State of  
9 California and is the chief law officer of the State. He is statutorily authorized to bring actions in  
10 the name of the People of the State of California to enforce California's statutes governing unfair  
11 competition and to enforce Chapter 1, Article 1 of the California Labor Code.

12 Carwash Employer Defendants

13 6. Defendant NDR INC. is a California corporation doing business in Sacramento  
14 County, State of California, as "Gold Rush Auto Spa."

15 7. Defendant SIKDER, INC., is a California corporation doing business in the  
16 County of Orange, State of California as "Bonus Car Wash."

17 8. Defendant ZMS GROUP INC., is a California corporation doing business in  
18 Orange County, State of California as "Crown Valley Car Wash."

19 9. Defendant M. SIKDER HOLDINGS, INC., is a California corporation doing  
20 business in the State of California, Los Angeles County, as "Marina Car Wash."

21 10. Defendant ZMS, INC., is a California corporation doing business in the State of  
22 California, Orange County, as "Laguna Hills Union 76 Station."

23 11. Defendant ZNM HOLDINGS, INC., is a California corporation doing business  
24 in the State of California, Orange County, as "Wash & Go Hand Wash," Wash & Go Hand  
25 Carwash Corp." and "Irvine Auto Spa."

26 12. Defendant GRAS II, INC., is a California corporation doing business in the  
27 State of California, Contra Costa County, as "Sponges Car Wash."





1 c. failing to pay employees overtime pay in violation of Labor Code section  
2 510 and applicable Industrial Welfare Commission Orders, including but not limited to Industrial  
3 Welfare Commission Wage Order No. 9, subdivision 3;

4 d. failing to provide employees with a 10 minute break during each four  
5 hours worked each day an employer fails to provide a required break it is liable for an additional  
6 hour pay. (Lab. Code, § 226.7; Wage Order 9, subd. (12)).

7 e. repeatedly making payment of wages with checks drawn on insufficient  
8 funds, in violation of Labor Code section 212, a misdemeanor under Labor Code section 215;

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

14 h. failing to withhold and pay state income tax contributions, state  
15 unemployment insurance contributions, and contributions to the state disability fund in violation  
16 of Unemployment Insurance Code sections 976, 986, 987, 1110, and 13020;

17 i. failing to pay timely wages on the regularly scheduled pay date, as  
18 required by Labor Code section 204.

19 j. failing to pay all wages earned but unpaid at the time of termination of  
20 employment, as required by Labor Code sections 201 and 202.

21 20. Plaintiff is informed and believes and thereon alleges that individual  
22 Defendants Dipu Haque, and Does 41-60 directly participated in, and/or authorized and ratified  
23 the activities described in paragraph 19, above.

24 21. Through Defendants' unfair, fraudulent and unlawful practices expressed in  
25 paragraph 19(a) through (j), Defendants engaged in unfair competition, and an injunction is  
26 proper.

27 22. Through Defendants' unfair, fraudulent and unlawful practices expressed in  
28 paragraph 19(a) through (j), Defendants employees during the past four years suffered substantial

1 monetary losses and are entitled to restitution for the losses in an amount not less than  
2 \$1,700,000. The losses include but are not limited to:

3 a. wages not paid to workers, at no less than the legal minimum wage, for  
4 work defendants authorized, requested or suffered or permitted;

5 b. overtime premium pay for overtime worked but not paid;

6 c. premium or "penalty" pay as expressed in Wage Order 9 for each  
7 occasion an employee was not given a rest period for each four hours worked.

8 d. costs and fees associated with checks drawn upon insufficient funds.  
9

10 **SECOND CAUSE OF ACTION**

11 **(Statutory Penalties under Labor Code section 203)**

12 **Against All Car Wash Employers**

13 23. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 19 of  
14 this complaint as if set fully herein.

15 24. Car Wash Employer Defendants willfully refused, and continue to refuse, to  
16 pay in a timely manner (as required by Labor Code sections 201 and 202) all wages due and  
17 owing to their former employees who quit or were discharged from employment.

18 25. Plaintiff therefore requests statutory penalties as provided by Labor Code  
19 section 203 in an amount to be ascertained at trial but no less than \$572,000, measured by the  
20 amount of each terminated or quitting workers' daily wages, at no less than the minimum wage,  
21 continued up to thirty days.  
22

23 **THIRD CAUSE OF ACTION**

24 **(Statutory Penalties under Labor Code section 203.1)**

25 **Against All Car Wash Employers**

26 26. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 19 of  
27 this complaint as if set fully herein.  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

C. Car Wash Employer Defendants and Individual Defendants pay civil penalties as for each violation of Business and Professions Code section 17200 as expressed in the complaint for the amount not less than \$4,200,000;

**As to the Second Cause of Action –**  
**Against All Car Wash Employer Defendants**  
**(Statutory Penalties Under Labor Code section 203)**

D. Car Wash Employer Defendants Pay Statutory Penalties pursuant to Labor Code section 203 in an amount to be ascertained, but no less than \$572,000;

**As to the Third Cause of Action –**  
**Against All Car Wash Employer Defendants**  
**(Statutory Penalties Under Labor Code section 203.1)**

E. Defendants pay statutory penalties under Labor Code section 203.1 as for each violation of Labor Code section 204 as expressed in the complaint for the amount not less than \$172,000.

**As to All Causes of Action Herein**

F. The Court retains jurisdiction in this matter;

G. Defendants be required to disclose any and all information and records needed to enforce a judgment and/or injunction in this case;

H. The People recover the costs of investigation and costs of the action, and;

///  
///  
///

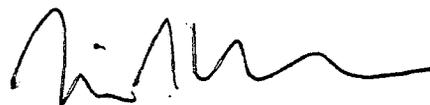
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Dated: October 1, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
MARK J. BRECKLER  
Senior Assistant Attorney General  
JON M. ICHINAGA  
Supervising Deputy Attorney General



TIMOTHY J. KOLESNIKOW  
Deputy Attorney General  
*Attorneys for People of the State of  
California*

LA2010600355