

Impact and Advocacy Report as Provided by Legal Aid at Work

*State Bar Version of Form - 2017*

**A. Basic Information**

1. Case Name:

Germick et al. v. Mission Beach Cafe LLC et al.

2. LAAW account code:

813

3. LAAW program area:

Wage Protection

**B. Info From State Bar Form**

4. Case status at the end of 2017 \*

☐ Closed on or before 12/31/2017

☒ Remains Open after 12/31/2017

5. Substantive Area \*

☐ (Check all that apply)

☐ Conservatorship

☐ Consumer/Finance

☐ Disability Rights

☐ Education

☒ Employment

☐ Family/DV

☐ Guardianship

☐ Health & Long-Term Care

☐ Housing

☐ Immigration

☐ Income Maintenance

☐ Juvenile

☐ Other:

6. List any partner organizations/co-counsel that were involved in this case: \*

Women's Employment Rights Clinic, Golden Gate University School of Law

7. Court name(s):

San Francisco Superior Court

8. Counties impacted: \*

☐ (Check all that apply)

☐ STATEWIDE (all 58)

—	ALAMEDA
—	ALPINE
—	AMADOR
—	BUTTE
—	CALAVERAS
—	COLUSA
—	CONTRA COSTA
—	DEL NORTE
—	EL DORADO
—	FRESNO
—	GLENN
—	HUMBOLDT
—	IMPERIAL
—	INYO
—	KERN
—	KINGS
—	LAKE
—	LASSEN
—	LOS ANGELES
—	MADERA
—	MARIN
—	MARIPOSA
—	MENDOCINO
—	MERCED
—	MODOC
—	MONO
—	MONTEREY
—	NAPA
—	NEVADA
—	ORANGE
—	PLACER
—	PLUMAS
—	RIVERSIDE
—	SACRAMENTO
—	SAN BENITO
—	SAN BERNARDINO
—	SAN DIEGO
X	SAN FRANCISCO
—	SAN JOAQUIN
—	SAN LUIS OBISPO
—	SAN MATEO
—	SANTA BARBARA
—	SANTA CLARA
—	SANTA CRUZ
—	SHASTA
—	SIERRA
—	SISKIYOU
—	SOLANO
—	SONOMA
—	STANISLAUS
—	SUTTER
—	TEHAMA
—	TRINITY

\_\_\_ TULARE  
\_\_\_ TUOLUMNE  
\_\_\_ VENTURA  
\_\_\_ YOLO  
\_\_\_ YUBA

9. Parties and/or class represented: \*

Dylan Charles Germick, Curtis Schmelzel, Yari Bundy, Brian Casey, Rebekah Didlake, Doug Martin, Brad Murray, Cesar A. Maay, Zachary Seibert, and Walter David Alonzo

10. Estimated # of people impacted; If available, explain how you came up with that number.

Information from the [Bureau of Labor Statistics](#) and [Economic Policy Institute](#) indicates that approximately 35,963 restaurant workers in the Bay Area live below the federal poverty limit.

11. How does this case impact indigent persons and how was impact determined? \*If available, include estimated number of indigent persons impacted.

This case is one of a trilogy of cases LAAW brought against high-profile restaurants in the San Francisco Bay Area to bring widespread attention to help combat the rampant wage theft in the restaurant industry in the Bay Area, and to galvanize efforts to end it. While it is not possible as of yet to confirm the precise number of members of the putative class who qualify as indigent (because information regarding total sources of income, overall work history, and family size is not generally produced discovery due to privacy, relevancy, and other concerns of the court and the opposing parties), this case will substantially improve the lives of the large number of indigent persons who work in the restaurant industry. Restaurant workers, such as the dishwashers and other back-of-house class members here, are extremely likely to live in poverty, and thus high-profile enforcement actions on behalf of restaurant workers to combat wage theft are especially likely to improve the lives of low-wage workers. According to the [Economic Policy Institute](#) in 2014: “by and large the [Restaurant] industry consists of very low-wage jobs with few benefits, and many restaurant workers live in poverty or near-poverty.” “[P]overty rates in the restaurant industry are highest for women, blacks, and Hispanics.” Restaurant workers occupy seven of the ten lowest-paid occupations reported by the Bureau of Labor Statistics (as analyzed by [Restaurant Opportunity Centers United](#)). In the Bay Area alone, information from the [Bureau of Labor Statistics](#) and [Economic Policy Institute](#) indicates that approximately 35,963 restaurant workers live below the federal poverty limit.

12. Briefly describe the legal issue(s) of the case and the overall goal(s):

The purpose of this case was to increase scrutiny on the flagrant wage-and-hour violations occurring in this industry, particularly in the Bay Area. LAAW has been incredibly successful with that effort. The Mission Beach Cafe, is a particularly well known and trendy restaurant in the Bay Area (often with two-hour-long lines on weekends), and raising the alarm about the abuses here in a very public manner was especially likely to raise awareness of this issue. As anticipated, our lawsuit garnered substantial press attention, with numerous articles appearing in the [San Francisco Chronicle](#), [Mission Local](#), and elsewhere (along with coverage of similar lawsuits against popular restaurants, Burma Superstar, Tacolicious, Gordo’s Taqueria, and elsewhere).

Wage theft is a particularly large problem in the Bay Area. As a report by [Restaurant Opportunity Centers United](#) (ROC United) “wage theft is widespread in the Bay Area restaurant industry,” with “[a] full third of restaurant workers who worked over 40 hours a week, or over eight hours in a day, reported not receiving the legally mandated overtime rate. . . . Similarly, a quarter of all restaurant workers reported working off the clock without pay, 19% of restaurant workers reported working more than 8 hours without a paid break, and 36% of restaurant workers reported that they were required to pay for all or a portion of their uniform. Fourteen percent of

restaurant workers that received tips reported that management took a portion of their tips.” That is particularly problematic given high rates of poverty in the restaurant industry (discussed above), meaning that this wage theft is disproportionately likely to hit indigent and minority communities. A recent article in the [San Francisco Chronicle](#) from June 7, 2018 shows that this problem remains pervasive to this day in the Bay Area restaurant community, with the Labor Commissioner issuing millions of dollars in fines to restaurants in this region.

In this specific case, LAAW represents ten current and former Mission Beach Cafe employees concerning a host of labor violations over the last four years. In particular, the workers allege that Mission Beach routinely issued paychecks late and that many paychecks bounced when employees tried to cash them. The complaint alleges consistent and widespread failure to pay workers their wages and other amounts due in a timely manner, including failure to pay minimum wage, overtime, split-shift premiums, sick leave, or to provide meal periods and health care contributions (required in San Francisco) in addition to the restaurant committing a variety of record-keeping and pay-stub offenses.

13. Briefly describe outcomes achieved if the case closed in 2017; if the case remains open, highlight accomplishments, if any, during the evaluation year. \*

The Plaintiffs were successful in securing a preliminary injunction in June 2017 to require the Defendants to pay Plaintiffs on a regular schedule and ensure there were sufficient funds in its account to cover payroll. Further, in December 2017, Plaintiffs secured a writ of attachment (which is a fairly novel and powerful remedy to obtain in this sort of case) against Mission Beach Cafe LLC to secure the owed wages, penalties, and liquidated damages, to ensure that there is a viable source of funds from which Plaintiffs can recover upon conclusion of the case.

14. Describe any economic benefit (client award and/or savings) achieved:

N/A (case is ongoing)

15. Economic benefit amount, if applicable: \$

N/a (case is ongoing)

16. Total staff time spent in 2017

594.60 hours

17. Total volunteer time spent in 2017

0 hours

Impact and Advocacy Report as Provided by Legal Aid at Work

*State Bar Version of Form - 2017*

**A. Basic Information – INTERNAL ONLY**

1. Case Name:

Martinez v. Gordo Taqueria # 1, Inc. et al.

2. LAAW account code:

812

3. LAAW program area:

Wage Protection

**B. Info From State Bar Form**

4. Case status at the end of 2017 \*

- ☐ Closed on or before 12/31/2017  
☒ Remains Open after 12/31/2017

5. Substantive Area \*

- ☐ (Check all that apply)  
☐ Conservatorship  
☐ Consumer/Finance  
☐ Disability Rights  
☐ Education  
☒ Employment  
☐ Family/DV  
☐ Guardianship  
☐ Health & Long-Term Care  
☐ Housing  
☐ Immigration  
☐ Income Maintenance  
☐ Juvenile  
☐ Other:

6. List any partner organizations/co-counsel that were involved in this case: \*

La Raza Centro Legal

7. Court name(s):

Alameda County Superior Court

8. Counties impacted: \*

- ☐ (Check all that apply)  
☐ STATEWIDE (all 58)

<u>X</u>	ALAMEDA
___	ALPINE
___	AMADOR
___	BUTTE
___	CALAVERAS
___	COLUSA
___	CONTRA COSTA
___	DEL NORTE
___	EL DORADO
___	FRESNO
___	GLENN
___	HUMBOLDT
___	IMPERIAL
___	INYO
___	KERN
___	KINGS
___	LAKE
___	LASSEN
___	LOS ANGELES
___	MADERA
___	MARIN
___	MARIPOSA
___	MENDOCINO
___	MERCED
___	MODOC
___	MONO
___	MONTEREY
___	NAPA
___	NEVADA
___	ORANGE
___	PLACER
___	PLUMAS
___	RIVERSIDE
___	SACRAMENTO
___	SAN BENITO
___	SAN BERNARDINO
___	SAN DIEGO
___	SAN FRANCISCO
___	SAN JOAQUIN
___	SAN LUIS OBISPO
___	SAN MATEO
___	SANTA BARBARA
___	SANTA CLARA
___	SANTA CRUZ
___	SHASTA
___	SIERRA
___	SISKIYOU
___	SOLANO
___	SONOMA
___	STANISLAUS
___	SUTTER
___	TEHAMA
___	TRINITY

\_\_\_ TULARE  
\_\_\_ TUOLUMNE  
\_\_\_ VENTURA  
\_\_\_ YOLO  
\_\_\_ YUBA

9. Parties and/or class represented: \*

Jose Martinez and all similarly-situated non-exempt hourly employees, including prep cooks, line cooks, burrito-makers, and dishwashers, who are currently employed or were formerly employed by Defendants in California at any time during the Class Period.

10. Estimated # of people impacted; If available, explain how you came up with that number.

Information from the [Bureau of Labor Statistics](#) and [Economic Policy Institute](#) indicates that approximately 35,963 restaurant workers in the Bay Area live below the federal poverty limit.

11. How does this case impact indigent persons and how was impact determined? \*If available, include estimated number of indigent persons impacted.

This case is one of a trilogy of cases LAAW brought against high-profile restaurants in the San Francisco Bay Area to bring widespread attention to help combat the rampant wage theft in the restaurant industry in the Bay Area, and to galvanize efforts to end it. While it is not possible as of yet to confirm the precise number of members of the putative class who qualify as indigent (because information regarding total sources of income, overall work history, and family size is not generally produced discovery due to privacy, relevancy, and other concerns of the court and the opposing parties), this case will substantially improve the lives of the large number of indigent persons who work in the restaurant industry. Restaurant workers, such as the dishwashers and other back-of-house class members here, are extremely likely to live in poverty, and thus high-profile enforcement actions on behalf of restaurant workers to combat wage theft are especially likely to improve the lives of low-wage workers. According to the [Economic Policy Institute](#) in 2014: “by and large the [Restaurant] industry consists of very low-wage jobs with few benefits, and many restaurant workers live in poverty or near-poverty.” “[P]overty rates in the restaurant industry are highest for women, blacks, and Hispanics.” Restaurant workers occupy seven of the ten lowest-paid occupations reported by the Bureau of Labor Statistics (as analyzed by [Restaurant Opportunity Centers United](#)). In the Bay Area alone, information from the [Bureau of Labor Statistics](#) and [Economic Policy Institute](#) indicates that approximately 35,963 restaurant workers live below the federal poverty limit.

12. Briefly describe the legal issue(s) of the case and the overall goal(s):

The purpose of this trio of cases was to increase scrutiny on the flagrant wage-and-hour violations occurring in this industry, particularly in the Bay Area. LAAW has been incredibly successful with that effort. Gordo Taqueria, is a particularly famous Mexican chain restaurant in the Bay Area (with numerous locations in San Francisco and Alameda counties), and raising the alarm about the abuses here in a very public manner was especially likely to raise awareness of this issue. As anticipated, our lawsuit garnered substantial press attention, with numerous articles appearing in the [San Francisco Chronicle](#), [Labor 411](#), the [World News Network](#), and elsewhere (along with coverage of similar lawsuits against popular restaurants, Burma Superstar, Tacolicious, Gordo’s Taqueria, and others).

Wage theft is a particularly large problem in the Bay Area. As a report by [Restaurant Opportunity Centers United](#) (ROC United) “wage theft is widespread in the Bay Area restaurant industry,” with “[a] full third of restaurant workers who worked over 40 hours a week, or over eight hours in a day, reported not receiving the legally mandated overtime rate. . . . Similarly, a quarter of all restaurant workers reported working off the clock without

pay, 19% of restaurant workers reported working more than 8 hours without a paid break, and 36% of restaurant workers reported that they were required to pay for all or a portion of their uniform. Fourteen percent of restaurant workers that received tips reported that management took a portion of their tips.” That is particularly problematic given high rates of poverty in the restaurant industry (discussed above), meaning that this wage theft is disproportionately likely to hit indigent and minority communities.

In this specific case, LAAW represents approximately 75 current and former Gordo Taqueria restaurant workers in the Bay Area on their wage theft claims. This class action asserts violations of California’s Labor Code, Wage Orders, and Business and Professions Code, as well as a claim for conversion, arising from Defendants’ unlawful conduct, including but not limited to: (a) failure to timely and properly distribute tips; (b) failure to pay overtime, and/or double-time wages for all overtime hours worked; (c) failure to pay all wages, including tips and overtime pay, due upon separation from employment; (d) failure to furnish accurate wage statements; and (e) failure to maintain required payroll records. Plaintiff on behalf of himself and those similarly situated, seek back wages, waiting time and other civil penalties, compensatory damages, restitution, interest thereon, injunctive and declaratory relief, and attorneys’ fees and costs. The complaint alleges that it failed to pay tips or overtime as required by law, among other Labor Code violations.

13. Briefly describe outcomes achieved if the case closed in 2017; if the case remains open, highlight accomplishments, if any, during the evaluation year. \*

Plaintiffs conducted substantial written discovery and depositions in 2017, ultimately resulting in the parties reaching a preliminary settlement in 2017. The precise terms of which are not yet public, for which court approval will be sought in 2018.

14. Describe any economic benefit (client award and/or savings) achieved:

N/A (case is ongoing, and settlement amount is not yet public).

15. Economic benefit amount, if applicable: \$

N/A (case is ongoing, and settlement amount is not yet public).

16. Total staff time spent in 2017

415.85 hours

17. Total volunteer time spent in 2017

0 hours



Impact and Advocacy Report as Provided by Legal Aid at Work

*State Bar Version of Form - 2017*

**A. Basic Information**

1. Case Name:

Navarrette v. Burma Superstar Oakland, Inc. et al.

2. LAAW account code:

813

3. LAAW program area:

Wage Protection

**B. Info From State Bar Form**

4. Case status at the end of 2017 \*

☐ Closed on or before 12/31/2017  
☒ Remains Open after 12/31/2017

5. Substantive Area \*

☐ (Check all that apply)  
☐ Conservatorship  
☐ Consumer/Finance  
☐ Disability Rights  
☐ Education  
☒ Employment  
☐ Family/DV  
☐ Guardianship  
☐ Health & Long-Term Care  
☐ Housing  
☐ Immigration  
☐ Income Maintenance  
☐ Juvenile  
☐ Other:

6. List any partner organizations/co-counsel that were involved in this case: \*

Asian Law Caucus and Centro Legal de la Raza

7. Court name(s):

Alameda County Superior Court

8. Counties impacted: \*

☐ (Check all that apply)  
☐ STATEWIDE (all 58)

<u>X</u>	ALAMEDA
<u>  </u>	ALPINE
<u>  </u>	AMADOR
<u>  </u>	BUTTE
<u>  </u>	CALAVERAS
<u>  </u>	COLUSA
<u>  </u>	CONTRA COSTA
<u>  </u>	DEL NORTE
<u>  </u>	EL DORADO
<u>  </u>	FRESNO
<u>  </u>	GLENN
<u>  </u>	HUMBOLDT
<u>  </u>	IMPERIAL
<u>  </u>	INYO
<u>  </u>	KERN
<u>  </u>	KINGS
<u>  </u>	LAKE
<u>  </u>	LASSEN
<u>  </u>	LOS ANGELES
<u>  </u>	MADERA
<u>  </u>	MARIN
<u>  </u>	MARIPOSA
<u>  </u>	MENDOCINO
<u>  </u>	MERCED
<u>  </u>	MODOC
<u>  </u>	MONO
<u>  </u>	MONTEREY
<u>  </u>	NAPA
<u>  </u>	NEVADA
<u>  </u>	ORANGE
<u>  </u>	PLACER
<u>  </u>	PLUMAS
<u>  </u>	RIVERSIDE
<u>  </u>	SACRAMENTO
<u>  </u>	SAN BENITO
<u>  </u>	SAN BERNARDINO
<u>  </u>	SAN DIEGO
<u>  </u>	SAN FRANCISCO
<u>  </u>	SAN JOAQUIN
<u>  </u>	SAN LUIS OBISPO
<u>  </u>	SAN MATEO
<u>  </u>	SANTA BARBARA
<u>  </u>	SANTA CLARA
<u>  </u>	SANTA CRUZ
<u>  </u>	SHASTA
<u>  </u>	SIERRA
<u>  </u>	SISKIYOU
<u>  </u>	SOLANO
<u>  </u>	SONOMA
<u>  </u>	STANISLAUS
<u>  </u>	SUTTER
<u>  </u>	TEHAMA
<u>  </u>	TRINITY

\_\_\_ TULARE  
\_\_\_ TUOLUMNE  
\_\_\_ VENTURA  
\_\_\_ YOLO  
\_\_\_ YUBA

9. Parties and/or class represented: \*

William Navarrette, Mong Tsai Ma, and Juan Fuentes, individually and on behalf of the following class: all kitchen staff of Burma Superstar, including but not limited to food preparers, cooks, busboys, and dishwashers, who are currently employed or were formerly employed by Defendants in California at any time within the four years prior to the filing of the Complaint.

10. Estimated # of people impacted; If available, explain how you came up with that number.

Information from the [Bureau of Labor Statistics](#) and [Economic Policy Institute](#) indicates that approximately 35,963 restaurant workers in the Bay Area live below the federal poverty limit.

11. How does this case impact indigent persons and how was impact determined? \*If available, include estimated number of indigent persons impacted.

This case is one of a trilogy of cases LAAW brought against high-profile restaurants in the San Francisco Bay Area to bring widespread attention to help combat the rampant wage theft in the restaurant industry in the Bay Area, and to galvanize efforts to end it. While it is not possible as of yet to confirm the precise number of members of the putative class who qualify as indigent (because information regarding total sources of income, overall work history, and family size is not generally produced discovery due to privacy, relevancy, and other concerns of the court and the opposing parties), this case will substantially improve the lives of the large number of indigent persons who work in the restaurant industry. Restaurant workers, such as the dishwashers and other back-of-house class members here, are extremely likely to live in poverty, and thus high-profile enforcement actions on behalf of restaurant workers to combat wage theft are especially likely to improve the lives of low-wage workers. According to the [Economic Policy Institute](#) in 2014: “by and large the [Restaurant] industry consists of very low-wage jobs with few benefits, and many restaurant workers live in poverty or near-poverty.” “[P]overty rates in the restaurant industry are highest for women, blacks, and Hispanics.” Restaurant workers occupy seven of the ten lowest-paid occupations reported by the Bureau of Labor Statistics (as analyzed by [Restaurant Opportunity Centers United](#)). In the Bay Area alone, information from the [Bureau of Labor Statistics](#) and [Economic Policy Institute](#) indicates that approximately 35,963 restaurant workers live below the federal poverty limit.

12. Briefly describe the legal issue(s) of the case and the overall goal(s):

The purpose of this trio of cases was to increase scrutiny on the flagrant wage-and-hour violations occurring in this industry, particularly in the Bay Area. LAAW has been incredibly successful with that effort. Burma Superstar is a particularly well known and trendy group of restaurants in the Bay Area (its original location in San Francisco’s Richmond District, which opened in 1992, is widely credited for popularizing Burmese food in the Bay Area), and raising the alarm about the abuses here in a very public manner was especially likely to raise awareness of this issue. As anticipated, our lawsuit garnered substantial press attention, with numerous articles appearing in the [San Francisco Chronicle](#), [Sfist](#), [Eater](#), [the East Bay Express](#), and elsewhere (along with coverage of similar lawsuits against popular restaurants, Mission Beach Cafe, Tacolicious, Gordo’s Taqueria, and others).

Wage theft is a particularly large problem in the Bay Area. As a report by [Restaurant Opportunity Centers United](#) (ROC United) “wage theft is widespread in the Bay Area restaurant industry,” with “[a] full third of restaurant workers who worked over 40 hours a week, or over eight hours in a day, reported not receiving the legally mandated overtime rate. . . . Similarly, a quarter of all restaurant workers reported working off the clock without

pay, 19% of restaurant workers reported working more than 8 hours without a paid break, and 36% of restaurant workers reported that they were required to pay for all or a portion of their uniform. Fourteen percent of restaurant workers that received tips reported that management took a portion of their tips.” That is particularly problematic given high rates of poverty in the restaurant industry (discussed above), meaning that this wage theft is disproportionately likely to hit indigent and minority communities. A recent article in the [San Francisco Chronicle](#) from June 7, 2018 shows that this problem remains pervasive to this day in the Bay Area restaurant community, with the Labor Commissioner issuing millions of dollars in fines to restaurants in this region.

This putative class action here concerns approximately 100 Burma Superstar kitchen staff at its San Francisco and Alameda counties locations. Most or all of the putative class members speak Spanish, Chinese, or Burmese. Plaintiffs allege the owners failed to pay minimum wage and routinely denied overtime pay, breaks, and sick leave. The complaint also alleges that Burma Superstar restaurants fail to keep accurate time and pay records or provide accurate wage statements. The complaint further alleges that these Labor Code violations violate Business and Professions Code section 17200.

13. Briefly describe outcomes achieved if the case closed in 2017; if the case remains open, highlight accomplishments, if any, during the evaluation year. \*

Plaintiffs’ successfully moved to stop inappropriate attempts by Defendants to strong-arm currently employed class members into waiving or otherwise harming their legal rights by signing certain documents (such as new immigration forms, meal period waivers, and arbitration agreements containing a class action waiver) as a requirement their continued employment. Plaintiffs also conducted significant class discovery, filed a successful discovery motion concerning payroll records, and amended their complaint.

14. Describe any economic benefit (client award and/or savings) achieved:

N/A (case is ongoing)

15. Economic benefit amount, if applicable: \$

N/A (case is ongoing)

16. Total staff time spent in 2017

564.90 hours

17. Total volunteer time spent in 2017

0 hours

Impact and Advocacy Report as Provided by Centro Legal

<b>Select the activity you are reporting:</b>	Impact Litigation
<b>Impact Litigation</b>	
<b>Case status at the end of 2017</b>	Remains Open
<b>Substantive Area</b>	Employment
<b>List any partner organizations that were involved in this case:</b>	We are co-counseling the case with Legal Aid at Work, and the Asian Americans Advancing Justice - Asian Law Caucus.
<b>Case Name:</b>	Navarrete v. Burma Superstar
<b>Court Name:</b>	Alameda County Superior Court Case No. RG16830336
<b>Counties impacted:</b>	ALAMEDA SAN FRANCISCO
<b>Parties or class represented:</b>	Restaurant workers for the defendant company.
<b>Estimated # of people impacted:</b>	300 (based on defendants' class lists)
<b>How does this case impact indigent persons and how was impact determined?</b>	Plaintiffs and many of the putative class members are indigent. The defendant restaurant company failed to properly pay these workers or provide required sick leave, among other violations. If successful, the case will require the company to properly pay its workers and compensate them for past violations, improving the financial situation for many indigent persons.
<b>Briefly describe the legal issue(s) of the case and the overall goal(s):</b>	The defendant restaurant companies failed to properly pay their workers -- including minimum wage, overtime, and meal and rest period violations -- or provide required sick leave, among other violations.
<b>Briefly describe outcomes achieved if the case closed in 2017; if the case remains open, highlight accomplishments, if any, during the evaluation year.</b>	In 2017, we were successful on a motion for corrective notice. We also conducted substantial discovery and class member outreach, and audited time and payroll records in preparation for anticipated mediation.
<b>Describe any economic benefit (client award and/or savings) achieved:</b>	If the case is successful, the defendant restaurant companies will need to properly pay their workers, and provide compensation for prior years.

## Impact and Advocacy Report as Provided by Centro Legal

<b>Total hours in 2017:</b>	
<b>Total staff time:</b>	315
<b>Name:</b>	Jesse Newmark
<b>Email Address:</b>	jessenewmark@centrolegal.org
<b>Organization:</b>	Centro Legal de la Raza

<b>Select the activity you are reporting:</b>	Impact Litigation
<b>Impact Litigation</b>	
<b>Case status at the end of 2017</b>	Remains Open
<b>Substantive Area</b>	Employment
<b>List any partner organizations that were involved in this case:</b>	Legal Aid at Work, Centro Legal de la Raza
<b>Case Name:</b>	Navarette, et al. v. Burma Superstar, et al.
<b>Court Name:</b>	Superior Court of California – County of Alameda
<b>Counties impacted:</b>	ALAMEDA
<b>Parties or class represented:</b>	see attachment
<b>Estimated # of people impacted:</b>	Approx. 200+ workers in the class
<b>How does this case impact indigent persons and how was impact determined?</b>	see attachment
<b>Briefly describe the legal issue(s) of the case and the overall goal(s):</b>	see attachment
<b>Briefly describe outcomes achieved if the case closed in 2017; if the case remains open, highlight accomplishments, if any, during the evaluation year.</b>	see attachment
<b>Describe any economic benefit (client award and/or savings) achieved:</b>	see attachment
<b>Economic benefit</b>	see attachment

Impact and Advocacy Report as Provided by Advancing Justice - Asian Law Caucus

<b>amount, if applicable: \$</b>	
<b>Total hours in 2017:</b>	
<b>Total staff time:</b>	300
<b>Total volunteer time:</b>	0
<b>Name:</b>	Thomas Mariadason
<b>Email Address:</b>	thomasm@advancingjustice-alc.org
<b>Organization:</b>	Asian Americans Advancing Justice - Asian Law Caucus
<b>Comments:</b>	SBTF 2017 Impact Litigation Report attached.



**6. Navarette, et al. v. Burma Superstar, et al.**

Case Status: Pending

Court: Superior Court of California – County of Alameda

Substantive Area: Employment

Partner Orgs: Legal Aid at Work, Centro Legal de la Raza

Counties Impacted: San Francisco and Alameda Counties

Estimated Number Impacted: Approx. 200+ workers in the class

We filed this class action in Alameda Superior Court against the Bay-Area Burma Superstar restaurant chain and its corporate and individual owners and operators, on behalf of back-of-the-house workers alleging a range of wage and hour violations including minimum wage, overtime, and breaks. The case highlights back of the house workers who are so often hidden away from view and often suffer greater workplace abuse. The putative class includes Chinese, Burmese and Latino workers and provides a chance to build across ethnic and language lines. Given the employer's notoriety, resources, client base, and the interest of community groups who support the workers, the case has also provided community supporters with an opportunity to develop the role consumers can play in protecting and supporting workers and raising the floor in the non-union restaurant industry.

After the case was filed, a subset of the defendants distributed packets of documents to workers at its East Bay restaurant locations and instructed workers to sign the paperwork or they would not be permitted to work. The packets included arbitration agreements, break waivers, and new I-9 work verification forms.

We filed a motion to enjoin the defendants' chilling and retaliatory actions arguing that they were improper class communications. The Court granted our motion in March 2017. Relief ordered by the court included corrective notice to putative class members and a broad order enjoining defendants from seeking I-9s from existing employees for the duration of the case.

Estimated ALC Attorney  
Time in 2017: 300 hours