

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

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DISTRICT OF COLUMBIA
A Municipal Corporation
441 4th Street, N.W.
Suite 650-North
Washington, DC 20001

Plaintiff

Civil Action No. 0001949-11

v.

Christopher Dietz,
4318 Alton Place, N.W.
Washington, D.C. 20016

And

Dietz Development LLC
4318 Alton Place N.W.
Washington, D.C. 20016

Defendants

Serve: Christopher Dietz, Registered Agent
4318 Alton Place N.W.
Washington, DC 20016

FILED *AP* *AI*
CIVIL ACTIONS BRANCH
MAR 15 2011
SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC

COMPLAINT

The District of Columbia, by the Office of the Attorney General for the District of Columbia, its attorneys, pursuant to D.C. Official Code § 32-1308 (2001) brings this suit against Christopher Dietz, individually, and Dietz Development LLC and states as follows:

1. This action arises under Chapter 13 of the District of Columbia Official Code, "Payment and Collection of Wages" (hereinafter referred to as the "Wage Hour Act"), D.C. Official Code §§ 32-1301 through 32-1310 (2001).

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0001949-11
DX: CABCBF

DEFENDANT'S
EXHIBIT
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2. The defendants failed to compensate Jose Barrios, a former employee of the defendants, as required by the Wage Hour Act.
3. The defendants failed to compensate Rene Santos, a former employee of the defendants, as required by the Wage Hour Act.
4. The defendants failed to compensate Jose Ramirez, a former employee of the defendants, as required by the Wage Hour Act.
5. The defendants failed to compensate Adan Santos Pojoy, a former employee of the defendants, as required by the Wage Hour Act.

JURISDICTIONAL ALLEGATIONS

6. This Court has subject matter jurisdiction pursuant to D.C. Official Code §§ 32-1308 (2001) and 11-921 (a) (2001).
7. This Court has personal jurisdiction over the defendants pursuant to D.C. Official Code §§ 13-423 (a) (1) and 13-423 (a) (3) (2001).

THE PARTIES

8. Plaintiff is the District of Columbia (hereinafter referred to as "the District"), a municipal corporation that is authorized to sue and be sued.
9. The District brings this action on behalf of Jose Barrios, Rene Santos, Jose Ramirez, and Adan Santos Pojoy, former employees of the defendants, who each assigned this action to the District pursuant to the provisions of D.C. Official Code § 32-1308 (a) (2001).
10. The defendant, Dietz Development LLC, engaged in the business of construction work, is located in Washington, D.C., and transacts business in Washington, D.C.
11. The defendant, Christopher Dietz, is the Registered Agent of defendant Dietz Development LLC, and at all times managed its operations.

12. A search of the records of the District of Columbia Department of Consumer and Regulatory Affairs reveals that the defendant Dietz Development LLC is a domestic entity registered to transact business in the District of Columbia and was also incorporated in the District of Columbia.

WAGE CLAIMS

13. The defendants hired Jose Barrios and Jose Ramirez to provide the services of construction work.

14. The defendants hired Rene Santos and Adan Santos Poyoy to provide the services of carpentry.

Jose Barrios

15. Jose Barrios was hired by the defendants and began employment for the same in June 2009 in a construction work position at a promised rate of \$690.00 per week. Barrios worked for the defendants until in or about February 2010 when he resigned.

16. The defendants did not pay wages to Jose Barrios from December 7, 2009-December 19, 2009, December 28, 2009-January 2, 2010, January 18, 2010-January 30, 2010, and February 8, 2010-February 20, 2010 despite performing employment duties for the corresponding pay periods. During this time, Barrios worked a total of 336 hours at the rate of \$690.00 per week, earning him \$4,830.00.

17. The defendants made a payment of \$1,480.00 in the month of December 2009 and a payment of \$125.00 in the month of March 2010. The total payments received by Mr. Barrios were \$1,605.00.

18. To date, the defendants have failed to pay Jose Barrios \$3,225.00 in earned wages.

19. The failure of the defendants to pay Jose Barrios is in violation of D.C. Official Code § 32-1303 (1) (2001).

Rene Santos

20. Rene Santos was hired by the defendants and began employment for the same in June 2009 in a carpentry position at a promised rate of \$15.00 per hour. Santos worked for the defendants until in or about February 2010 when he resigned.

21. The defendants did not pay wages to Rene Santos from December 28, 2009-February 20, 2010 despite performing employment duties for the corresponding pay periods. During this time, Santos worked a total of 384 hours at the rate of \$15 per hour, earning him \$5,760.00.

22. The defendants made a payment of \$1,420.00 in the month of December 2009, a payment of \$720.00 in the month of January 2010, a payment of \$720.00 in the month of February 2010, and a payment of \$125.00 in the month of March 2010. The total payments received by Mr. Santos were \$2,985.00.

23. To date, the defendants have failed to pay Rene Santos \$2,775.00 in earned wages.

24. The failure of the defendants to pay Rene Santos is in violation of D.C. Official Code § 32-1303 (1) (2001).

Jose Ramirez

25. Jose Ramirez was hired by the defendants and began employment for the same in October 2009 in a construction work position at a promised rate of \$10.00 per hour. Ramirez worked for the defendants until in or about February 2010 when he resigned.

26. The defendants did not pay wages to Jose Ramirez from December 7, 2009-December 19, 2009, December 28, 2009-January 2, 2010, January 18, 2010-January 30, 2010, and

February 8, 2010-February 20, 2010 despite performing employment duties for the corresponding pay periods. During this time, Ramirez worked a total of 336 hours at the rate of \$10.00 per hour, earning him \$3,360.00, which was not paid.

27. To date, the defendants have failed to pay Jose Ramirez \$3,360.00 in earned wages.

28. The failure of the defendants to pay Jose Ramirez is in violation of D.C. Official Code § 32-1303 (1) (2001).

Adan Santos Pojoy

29. Adan Santos Pojoy was hired by the defendants and began employment for the same in December 2009 in a carpentry position at a promised rate of \$17.50 per hour. Santos Pojoy worked for the defendants until in or about February 2010 when he resigned.

30. The defendants did not pay wages to Adan Santos Pojoy from December 28, 2009-February 20, 2010 despite performing employment duties for the corresponding pay periods. During this time, Santos Pojoy worked a total of 384 hours at the rate of \$17.50 per hour, earning him \$6,720.00.

31. The defendants made a payment of \$1,680.00 in December 2009 and a payment of \$600 in March 2010. The total payments received by Mr. Santos Pojoy were \$2,280.00.

32. To date, the defendants have failed to pay Adan Santos Pojoy \$4,440.00 in earned wages.

33. The failure of the defendants to pay Adan Santos Pojoy is in violation of D.C. Official Code § 32-1303 (1) (2001).

WHEREFORE, the District of Columbia respectfully requests that judgment be entered against the defendants in the amount of \$3,225.00 to compensate Jose Barrios; \$2,775.00 to

compensate Rene Santos; \$3,360.00 to compensate Jose Ramirez; and \$4,440.00 to compensate Adan Santos Pojoy for their unpaid wages. The total amount requested totaling \$13,800.00.


Additionally, the District requests that that judgment be entered against the defendants for the payment of liquidated damages in accordance with D.C. Official Code § 32-1303 (4) (2001). Accordingly, the defendants shall pay liquidated damages in the amount of \$3,225.00 based upon Jose Barrios' claims; liquidated damages in the amount of \$2,775.00 based upon Rene Santos' claims; liquidated damages in the amount of \$3,360.00 based upon Jose Ramirez's claims; liquidated damages in the amount of \$4,440.00 based upon Adan Santos Pojoy's claims. The total amount of liquidated damages requested totaling \$13,800.00.


The District also requests that judgment be entered against the defendants for the payment of the District's costs and attorney fees, and any other such relief as this Honorable Court deems proper.

Respectfully submitted,

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Attorneys for the District of Columbia


DISTRICT OF COLUMBIA, ss:

I, Pamela Banks, being duly sworn on oath, state that I am the Associate Director of the Office of Wage-Hour of the Department of Employment Services of the District of Columbia and as such I am the officer authorized to verify the foregoing Complaint; that said Complaint is a just and true statement of the amount due the District from the defendant regardless of any set-off, counterclaim or grounds for defense.


PAMELA BANKS

SIGNED AND SWORN to me this 14th day of March 2011.




NOTARY PUBLIC, D.C.

Yvonne C. Hood
Notary Public, District of Columbia
My Commission Expires 11/14/2018

My commission expires: _____