

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 22 2010

By *Julene Gurdalo*
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO – CENTRAL COURT
CLASS ACTION

CHASTDEI KOTSAY, individually and on
behalf of all others similarly situated, and on
behalf of the general public

Plaintiff,

vs.

CHUDHARY RAFIQ AHMAD doing business
as INTERNATIONAL HOUSE OF
PANCAKES; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. SCVSS 117793

JUDGE: W. Robert Fawke
DEPT: S-38

~~Proposed~~ AMENDED JUDGMENT

Default Prove-Up: July 27, 2009

Plaintiff-Class Representative, CHASTDEI KOTSAY's and the CERTIFIED CLASS's
(collectively the "Class") Default Prove-Up hearing as to Defendant CHUDHARY RAFIQ
AHMAD, doing business as INTERNATIONAL HOUSE OF PANCAKES (Defendant Chudary
Rafiq Ahmad), came on regularly for hearing at 9:00 a.m., on July 27, 2009, in Department S-38
of the San Bernardino County Superior Court in connection with the above-captioned matter.

Robert W. Skripko, Jr., Esq. of the Law Office of Robert W. Skripko, Jr., APLC, and
Timothy D. Otte, Esq., appeared on behalf of the Class at said hearing. No other party entered an
appearance thereat.

Having considered and weighed all admissible evidence and disregarding all inadmissible
evidence, witness testimony, and applying all governing statutory authority and applicable case
precedent relative thereto, findings of fact and conclusions of law, judgment is hereby found and
awarded in this matter as follows:

1 There exists a well-defined community of interest among the Plaintiff class members since
2 there are:

- 3 (1) common questions of law and fact that predominate over questions affecting individual
4 members;
- 5 (2) the Class Representative, Chastdei Kotsay, has claims that are typical of the class and;
- 6 (3) there exists in Ms. Kotsay adequate representation of the class.

7 **On the Complaint, in favor of the Class and against Defendant Chudhary Rafiq**
8 **Ahmad as follows:**

9 1. Defendant Chudhary Rafiq Ahmad deliberately and illegally deducted one half
10 hour of wages from each class member's shift (Labor Code §226) and damages are awarded
11 thereon to the Class in the amount of **\$141,252.26;**

12 ~~2. Defendant Chudhary Rafiq Ahmad misrepresented to the class members the actual~~
13 ~~hours worked by each class member in violation of Labor Code §226 and thereon awards damages~~
14 ~~in the amount of ZERO~~

15 3. Defendant Chudhary Rafiq Ahmad deliberately did not pay all overtime wages
16 earned by the class members in violation of Labor Code §510 and damages are awarded thereon to
17 the Class in the amount of **\$495,804.00;**

18 4. Defendant Chudhary Rafiq Ahmad deliberately did not permit the class members to
19 take their statutorily required thirty-minute meal periods in violation of Labor Code §512, Wage
20 Order No. 5, section 11 and damages are awarded thereon to the Class in the amount of
21 **\$282,504.53;**

22 5. Defendant Chudhary Rafiq Ahmad deliberately did not permit the class members to
23 take their statutorily required ten-minute rest periods in violation of Wage Order No. 5, section 12
24 and damages are awarded thereon to the Class in the amount of **\$282,504.53;**

25 6. Defendant Chudhary Rafiq Ahmad did not provide and maintain for the class
26 members uniforms and equipment which Defendant required the class members to utilize in
27 violation of Labor Code §450, IWC Orders, Section 7, Sec. 9(A) and damages are awarded
28 thereon to the Class in the amount of **\$44,512.88;**

1 7. Defendant Chudhary Rafiq Ahmad deliberately did not provide lawful wage
2 statements to the class members in violation of Labor Code §226 and penalties are awarded
3 thereon to the Class in the amount of **\$656,000.00**;

4 8. Defendant Chudhary Rafiq Ahmad deliberately did not pay all wages earned by the
5 class members upon termination of their employment (Labor Code §§201-203) and damages are
6 awarded thereon to the Class in the amount of **\$265,680.00**;

7 9. Interest at the legal rate on the above awarded damages (i.e. excluding penalties)
8 beginning April 27, 2005 is awarded to the Class; and

9 10. The Class is awarded attorneys fees in the amount of **\$482,100.00** and costs in the
10 amount of **\$7,064.65** against Defendant Chudhary Rafiq Ahmad.

11 **Judgment is hereby entered in favor of the Class and against Defendant Chudhary**
12 **Rafiq Ahmad:**

13	1.	Damages and penalties in the amount of	\$2,168,258.20
14	2.	Prejudgment interest at the annual rate of 10%	\$642,606.40
15		from April 27, 2005 to July 27, 2009 on \$1,512,258.20	
16		(\$151,225.82/year) times (4 yrs) = \$604,903.28	
17		plus (\$414.32/day) times (91 days) = \$37,703.12	
18	3.	Attorneys fees	\$482,100.00
19	4.	Costs	\$7,064.65
20	5.	Post-judgment interest on \$3,300,029.25 at 10%	\$288,414.28
21		from July 27, 2009 (\$330,002.93/year) = (904.12/day)	
22		times (319 days)	

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TOTAL	\$3,588,443.53
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26 DATED: ~~June 11, 2010~~
27 **JUN 22 2010**

BY W. ROBERT FAWKE
27 **W. ROBERT FAWKE**
 JUDGE OF THE SUPERIOR COURT