

Lenora M. Lapidus (LL-6592)  
Women's Rights Project  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
212-519-7816  
Attorney for Plaintiffs  
See signature page for additional attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MEI YING LIU and  
SHU FANG CHEN,

Plaintiffs,

v.

ORIENTAL BUFFET, INC., d/b/a KING  
CHEF BUFFET;  
METROPOLITAN BUFFET  
CORPORATION, d/b/a METROPOLITAN  
BUFFET;  
AN NA ZHENG;  
XIAO YANG ZHENG;  
BEN LIANG ZHU;  
FRANK CHAN, a/k/a KAI TUNG CHEN,  
a/k/a KAI TONG CHEN, a/k/a KAI CHIANG  
CHAN, a/k/a KAI CHEUNG CHAN, a/k/a  
KAI CHEONG CHAN; and  
DE GI CHING, a/k/a TEH QI CHING, a/k/a  
JIMMY CHING;

Defendants.

**FIRST AMENDED COMPLAINT  
AND JURY DEMAND**

03-2406 (KSH)

**PRELIMINARY STATEMENT**

1. This is an action brought on behalf of Mei Ying Liu and Shu Fang Chen, Fujianese women who worked as waitresses at King Chef, a Chinese restaurant located at 777 Hamburg

Turnpike in Wayne, New Jersey. Plaintiffs were exploited to an extraordinary degree by Defendants, their employers and landlords. Plaintiffs were paid no base wage, were required to give a cash payment to Defendants for the privilege of working at King Chef, were treated in a discriminatory manner based on their ethnicity and sex, were housed in substandard conditions, and were threatened by Defendants when they resigned from their employment.

2. Although Plaintiffs received tips from customers, they were not paid any base wage by their employer and were not paid overtime, in violation of the Fair Labor Standards Act and New Jersey labor laws. They were required to perform kitchen preparation and other “side work,” for which they received no wages and no tips. Plaintiffs also were required to pay \$15 to \$18 daily to their employer as a “kickback,” out of their tips, and therefore a portion of their tips was diverted to Defendants in violation of New Jersey labor laws. Because they are Fujianese women, fewer and smaller tip-paying tables were given to Plaintiffs than to male waiters from northern China. As Fujianese women, Plaintiffs were treated in a discriminatory manner by Defendants, in violation of federal and state civil rights laws. Additionally, Plaintiffs were housed in an employer-provided apartment in conditions that violate the public policy of the state of New Jersey. When Plaintiffs resigned from their positions, they and their families were threatened by Defendants.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337. In particular, this Court has subject matter jurisdiction pursuant to 29 U.S.C. § 216(b), which permits employees to bring civil actions in courts of appropriate jurisdiction to recover damages for an employer’s failure to pay the minimum wage and overtime wages, and 29 U.S.C. § 1981, addressing the equal rights of all persons in the United States to make and

enforce contracts. This Court also has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

4. Venue is proper in the District of New Jersey pursuant to 28 U.S.C. § 1391(b) and (c), because a substantial part of the events or omissions giving rise to the claims occurred in this district, and the corporate defendants are subject to personal jurisdiction in this district.

### **PARTIES**

5. Plaintiff Mei Ying Liu is an adult woman of Fujianese ethnicity residing in New York, New York. Plaintiff Liu worked at King Chef from approximately May 2000 until November 11, 2001.
6. Plaintiff Shu Fang Chen is an adult woman of Fujianese ethnicity residing in Kissimmee, Florida. Plaintiff Chen worked at King Chef from approximately July 10, 2001 until November 11, 2001.
7. On information and belief, Oriental Buffet, Inc., d/b/a King Chef Buffet ("King Chef") is a corporation doing business in the State of New Jersey, with a primary location at 777 Hamburg Turnpike in Wayne, New Jersey.
8. On information and belief, Metropolitan Buffet Corporation, d/b/a Metropolitan Buffet ("Metropolitan Buffet") is a corporation doing business in the State of New Jersey, with address listings of both 777 and 781 Hamburg Turnpike in Wayne, New Jersey. Metropolitan Buffet occupies the same physical space as King Chef at 777 Hamburg Turnpike.
9. On information and belief, An Na Zheng, Xiao Yang Zheng, Ben Liang Zhu, and Frank Chan, a/k/a Kai Tung Chen, a/k/a Kai Tong Chen, a/k/a Kai Chiang Chan, a/k/a Kai Cheung Chan, a/k/a Kai Cheong Chan ("Defendant Chan"), each with the business address of 781 Hamburg Turnpike in Wayne, New Jersey, are the managers, shareholders, and owners of

King Chef and had knowledge of, committed, and permitted the actions, practices, and policies complained of herein.

10. On information and belief, Defendants An Na Zheng, Xiao Yang Zheng, and Chan are the managers, shareholders, and owners of Metropolitan Buffet and had knowledge of, committed, and permitted the actions, practices, and policies complained of herein.

11. On information and belief, Defendant An Na Zheng resides at 43 Pike Drive, #2A in Wayne, New Jersey; Defendant Xiao Yang Zheng resides at 5028 96<sup>th</sup> Street in Corona, New York; Defendant Ben Liang Zhu resides at 46 Liberty Place 1 in Weehawken, New Jersey; and Defendant Chan resides at 928 Ridge Avenue in Philadelphia, Pennsylvania.

12. On information and belief, De Gi Ching, a/k/a Teh Qi Ching, a/k/a Jimmy Ching (“Defendant Ching”), with a business address of 781 Hamburg Turnpike in Wayne, New Jersey, was the head waiter of King Chef, continues as the head waiter of Metropolitan Buffet, and had knowledge of and committed the actions, practices, and policies complained of herein. On information and belief, Defendant Ching resides at 6 Forsgate Drive in Freehold, New Jersey.

### **STATEMENT OF FACTS**

13. Plaintiffs are from Fuchow, a region within the Fujian province on the southeastern coast of China. They speak Fuchow, a distinct dialect of the Fujian language. While Plaintiffs communicate primarily in Fuchow, they are also able to communicate in Mandarin.

14. Plaintiffs worked as waitresses at King Chef. They served customers at tables, performed kitchen preparation work, such as making won-tons and preparing vegetables, and also performed “side work,” such as wiping the buffet, polishing brass fixtures, and filling salt and pepper shakers, among other duties.

15. While employed at King Chef, Plaintiffs did not receive any wages from Defendants. Their only income was gratuities from customers.
16. Under federal law, an employer is permitted to pay its tipped employees base wages that are lower than the minimum wage, provided, however, that the employer informs its employees that their base wages will be reduced. Defendants did not pay Plaintiffs any base wage, nor did Defendants inform Plaintiffs that their base wages would be reduced.
17. Beginning in September 2000, Plaintiff Liu received a check for each week that she worked at King Chef. In exchange for the checks, however, Plaintiff Liu paid in cash an equal amount to Defendant An Na Zheng. That is, when Defendant An Na Zheng gave Plaintiff Liu a check for \$13.80, Plaintiff Liu paid \$13.80 in cash to Defendant An Na Zheng.
18. Until about October 25, 2001, Plaintiffs each worked six days per week. They worked on Fridays, Saturdays, and four additional days during the week. After about October 25, 2001, they worked for a total of five days per week—Fridays, Saturdays, and three additional week days.
19. Until about October 25, 2001, Plaintiffs worked approximately 80 hours per week. After about October 25, 2001, Plaintiffs worked about 65 hours per week.
20. On weekdays, Plaintiffs worked from about 10 a.m. until about 11 p.m. On weekends, they worked from about 10 a.m. until about 11:30 p.m. About every second weekend, Plaintiffs were required to work at King Chef until approximately 1:30 a.m. for one night, polishing brass fixtures.
21. Plaintiffs ate all their meals at King Chef, but were given only a few minutes to eat their meals.
22. Plaintiffs usually did not eat breakfast. If they had time to eat breakfast, they ate while standing and continued to work.

23. Plaintiffs had about 10 to 20 minutes to eat lunch, and about 10 minutes to eat dinner.

Defendants often rushed Plaintiffs through these meals and pressured them to perform side work instead of taking time to eat.

24. During their meals, Plaintiffs were required to attend to any customers that were seated at their tables.

25. Plaintiffs were required to give a cash payment (“kickback”) to their employer each day they worked at King Chef. This daily kickback was paid out of Plaintiffs’ tips.

26. During their pre-employment interviews with Defendant An Na Zheng, Plaintiffs were not informed that a daily kickback was a requirement of the waitress position. Plaintiffs both found out about this requirement at the end of their first day of work, when the kickback was demanded from them.

27. From May 2000 until approximately March 2001, Plaintiff Liu paid an \$18 daily kickback directly to Defendant An Na Zheng. Beginning in approximately March 2001, the amount of the daily kickback was reduced to \$15. Plaintiff Liu then gave the \$15 daily kickback to the head waiter, Defendant Ching.

28. Plaintiff Liu was sometimes required to pay a higher daily kickback. If a co-worker did not come to work, the other employees were required to make up for the co-worker’s kickback by splitting the amount between them.

29. Plaintiff Chen was required to pay a \$15 daily kickback to Defendant Ching.

30. Defendants diverted tips due to Plaintiffs for the use of Defendants.

31. Defendant An Na Zheng sometimes required Plaintiffs to pay for customers’ bills, even if the customers had already paid. For example, Plaintiffs were required to pay customers’ bills when a customer paid at the cashier directly, not at the table where he or she dined, and when

the customer left with the check after paying. The customers' bills were deducted from Plaintiffs' tips.

32. When Plaintiffs complained about being required to pay customers' bills, they were punished by receiving fewer customers and therefore fewer tips.
33. When customers wrote a tip amount on a credit card receipt, Defendant An Na Zheng gave the Plaintiffs a lower amount than what had been indicated as a tip on the credit card receipt. Defendant An Na Zheng also withheld tips from some credit card receipts altogether.
34. Plaintiff Liu was fined for minor mistakes she was accused of making. Fines were deducted from Plaintiff Liu's tips.
35. Defendants hindered a wage and hour investigation of King Chef that was conducted by the New Jersey Department of Labor (DOL).
36. During one of the DOL visits to King Chef, in approximately late October 2001, Plaintiff Liu and other employees spoke with the DOL investigator. Plaintiff Liu was instructed by Defendants what to say to the investigator, and Defendant An Na Zheng listened to the conversation.
37. Plaintiff Liu believed that if she told the inspector information other than what Defendant An Na Zheng instructed her to say, Defendants would terminate her employment.
38. After the October 2001 DOL investigation, Defendants told Plaintiffs and other employees that they would receive a salary of \$3 per hour. Plaintiffs, however, did not receive wages from Defendants.
39. Instead of being paid wages as required by law, after the October 2001 DOL investigation, Plaintiffs were told that they owed money to the Defendants for back rent, meals, utilities, and other expenses.

40. At the time they were interviewed for their positions with King Chef, Plaintiffs understood that room and board would be provided to them free of charge.
41. It is standard practice in the restaurant industry for employees who work out of state or far from their home addresses, as was the situation for Plaintiffs, to be provided room and board free of charge.
42. During Plaintiff Liu's phone interview, she and Defendant An Na Zheng had a conversation about the housing that would be provided as a benefit of the position with King Chef, clearly indicating that housing would be provided as part of the waitress position.
43. After the October 2001 DOL investigation, a time-card system was instituted at King Chef. Defendants either filled in hours on the time cards, or instructed Plaintiffs what hours to write on the time cards. Plaintiffs and other employees worked more hours than what was reflected on the time cards.
44. After the October 2001 DOL investigation, a three-hour afternoon "break" was instituted. However, Plaintiffs and other employees stayed at the restaurant during this break and continued working.
45. Although Plaintiffs were not required to stay at the restaurant during the "break," Plaintiffs had no means of transportation, were unfamiliar with the surrounding area, and were told to perform side work.
46. Plaintiffs were not given tip-paying tables to wait on during the "break" and were not paid a wage, even though they performed side work, such as filling salt shakers and polishing the brass buffet, during this time.
47. After the October 2001 DOL investigation, Plaintiffs' schedules were reduced from six days per week to five days per week.

48. Plaintiffs, Fujianese women, suffered unequal terms and conditions of employment, as compared to northern Chinese male employees, because of their ethnicity and sex.
49. All the female employees at King Chef were from Fujian, a province in the south of China, while all but one of the male employees were from the north of China. The primary language spoken by Plaintiffs is a dialect of Fujian, while the primary language of the male employees from northern China is Mandarin.
50. Male waiters from the north of China received more tables, larger tables, and tables with better-tipping customers than Plaintiffs and other Fujianese female waitresses.
51. If a customer specifically asked to be seated at a table in one of the Plaintiffs' sections, Defendants refused to seat the customer in the waitress's section if it was a customer who tipped well. Defendant Ching and other northern Chinese male waiters were given these tables.
52. During the "break," only Defendant Ching and other northern Chinese male waiters were given tables to wait on—and the tips associated with the tables—while Plaintiffs and other Fujianese women were required to perform side work, for which they received no compensation.
53. Due to the discriminatory seating policy, Plaintiffs earned less in tips—the only income for all King Chef wait staff—than did the male waiters from northern China.
54. Defendant An Na Zheng verbally abused Plaintiffs and other Fujianese women employees. She frequently yelled, "You're not educated!" and, "You're so dumb and stupid!" at Plaintiffs.
55. Defendant An Na Zheng criticized the English capabilities of the Fujianese women, but not of the men from northern China, even though their capabilities were equivalent.

56. The work of Fujianese women was scrutinized more closely than the work of northern Chinese men. Plaintiffs were verbally abused for the quality of their work. Male waiters from northern China, whose quality of work was similar to that of the Plaintiffs, were not verbally abused.
57. Plaintiffs lived in housing that was maintained by Defendants, the conditions of which violate the public policy of New Jersey.
58. The King Chef apartment housed approximately seven women in one bedroom, three men in a second bedroom, and four to six people in a combined kitchen/living room area.
59. The King Chef apartment was overcrowded and dirty. It was infested with vermin, including cockroaches, and was occasionally without electricity or running water.
60. While Plaintiffs were not required to stay in the King Chef apartment, their permanent homes were located in New York City. The Defendant-provided housing had been offered to Plaintiffs as an incentive to work at King Chef, which was located far from their homes in New York.
61. Plaintiffs and other King Chef employees were picked up at the King Chef apartment each morning and driven back to the King Chef apartment each night.
62. Defendants threatened Plaintiffs and their families when Plaintiffs resigned from their positions at King Chef.
63. Plaintiffs experienced much pressure as waitresses at King Chef. The combination of not receiving wages for their work, having their tips diverted, being required to pay for customers' bills, and suffering discriminatory and verbally abusive treatment made the working conditions unbearable. Plaintiffs felt that they had to leave King Chef.
64. Plaintiffs Liu and Chen resigned at the same time. When they resigned, Defendant An Na Zheng warned the Plaintiffs that they should consider the consequences of any action they

may take because they have families and children. Defendant Xiao Yang Zheng stood by as Defendant An Na Zheng made this threat.

65. Plaintiffs took this threat seriously, because they had reason to believe that Defendants had hired individuals to threaten and intimidate other former King Chef employees who had filed a civil action for labor law and other violations in this Court, titled Wu v. Oriental Buffet, Inc., Civil Action No. 00-4482 (KSH). In addition, Plaintiff Liu overheard Defendant An Na Zheng say that a life in Chinatown was worth \$10,000 to \$20,000.
66. After they stopped working at the restaurant, Plaintiffs received checks that were backdated for dates when Plaintiffs Liu and Chen had worked at the restaurant. The checks range in amount from \$26.07 to \$40.29. No explanation accompanied the checks.
67. The name of King Chef Buffet has been changed to Metropolitan Buffet. On information and belief, this change was effected for the purpose of evading liability.
68. On information and belief, defendants An Na Zheng, Xiao Yang Zheng, Chan, and Ching remain associated with the restaurant.
69. On or about February 25, 2003, a Restaurant License Application for Metropolitan Buffet Corporation was submitted to the Township of Wayne, New Jersey. While the address listed for King Chef is 777 Hamburg Turnpike and the address listed for Metropolitan Buffet is 781 Hamburg Turnpike, Metropolitan Buffet occupies the same physical space as the restaurant that was formerly known as King Chef Buffet.
70. The primary banner over the entrance to the restaurant reads “Metropolitan Buffet” and a smaller awning reads “King Chef.” In addition, the take-out menus for Metropolitan Buffet list the address as 777 Hamburg Turnpike.
71. Normal business operations have continued with minimal interruption at the restaurant formerly called King Chef Buffet, now called Metropolitan Buffet.

72. On information and belief, Metropolitan Buffet employs many of the same managers and staff members as were employed by King Chef Buffet. Also on information and belief, there has been no staff turnover due to the change in the restaurant's name.

73. On information and belief, the President of King Chef, Frank Chan, the Secretary of King Chef, Kai Tong Chan, and the Secretary of Metropolitan Buffet, Kai Chiang Chan, are the same person operating under aliases. In addition, the address for the registered agent of Metropolitan Buffet, Yan Fang Chen, is the same as the address for Defendant An Na Zheng, 43 Pike Drive, #2A, Wayne, NJ 07470.

### **FIRST CLAIM FOR RELIEF**

#### **FAIR LABOR STANDARDS ACT**

74. The allegations in paragraphs 1 through 73 are repeated as if fully stated herein.

75. Defendants willfully refused to pay Plaintiffs the applicable minimum hourly wage in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 206(a)(1), 203(m).

76. Defendants willfully refused to pay Plaintiffs overtime compensation at rates not less than one and one-half times the regularly paid wages or minimum rate of pay for each hour worked in excess of forty hours per workweek, in violation of 29 U.S.C. § 207(a)(2).

77. Defendants' willful violations of the Fair Labor Standards Act entitle Plaintiffs to recovery for their unpaid minimum wages, unpaid overtime compensation, an equivalent amount as liquidated damages, and reasonable attorneys' fees and costs of the action, pursuant to 29 U.S.C. § 216(b).

**SECOND CLAIM FOR RELIEF**

**NEW JERSEY WAGE AND HOUR LAW**

78. The allegations in paragraphs 1 through 77 are repeated as if fully stated herein.
79. Defendants intentionally refused to pay Plaintiffs the required minimum wage, in violation of N.J.S.A. § 34:11-56a4.
80. Defendants intentionally refused to pay Plaintiffs proper overtime wages at one and one-half times the regularly paid wages or minimum wage and failed to keep proper wage and hour records, in violation of N.J.S.A. § 34:11-56a4.
81. Defendants' willful violations of the New Jersey Wage and Hour Law entitle Plaintiffs to recover their unpaid minimum wages, unpaid overtime compensation, and reasonable attorneys' fees and costs of the action, pursuant to N.J.S.A. § 34:11-56a25.

**THIRD CLAIM FOR RELIEF**

**EQUAL PAY ACT**

82. The allegations in paragraphs 1 through 81 are repeated as if fully stated herein.
83. The Defendants willfully discriminated against Plaintiffs by giving them fewer and smaller tip-paying tables than male employees, thereby ensuring that Plaintiffs received significantly lower wages than male employees, in violation of the Equal Pay Act, 29 U.S.C. § 206(d)(1).
84. Defendants' willful violation of the Equal Pay Act entitles Plaintiffs to recovery of the differential in tips as compared to the male employees, an equivalent amount as liquidated damages, and reasonable attorneys' fees and costs of the action, pursuant to 29 U.S.C. § 216(b).

**FOURTH CLAIM FOR RELIEF**

**NEW JERSEY EQUAL PAY ACT**

85. The allegations in paragraphs 1 through 84 are repeated as if fully stated herein.
86. The Defendants willfully discriminated against Plaintiffs by giving them fewer and smaller tip-paying tables than male employees, thereby ensuring that Plaintiffs received significantly lower wages than male employees, in violation of the New Jersey Equal Pay Act, N.J.S.A. § 34:11-56.2.
87. Defendants' willful violation of the New Jersey Equal Pay Act entitles Plaintiffs to recovery of the differential in tips as compared to the male employees, an equal amount as liquidated damages, and reasonable attorneys' fees and costs of the action, pursuant to N.J.S.A. § 34:11-56.8.

**FIFTH CLAIM FOR RELIEF**

**NEW JERSEY LABOR LAW**

88. The allegations in paragraphs 1 through 87 are repeated as if fully stated herein.
89. Defendants willfully diverted tips that were due to Plaintiffs for the use of Defendants, in violation of N.J.S.A. § 34:11-4.14(a).
90. Defendants willfully withheld and diverted Plaintiffs' wages, in violation of N.J.S.A. § 34:11-4.4.
91. Defendants' willful violations of the New Jersey prohibitions against diversion and withholding of wages and tips entitle Plaintiffs to the wages and tips that were diverted to and withheld by Defendants, pursuant to N.J.S.A. § 34:11-4.14(b).

**SIXTH CLAIM FOR RELIEF**

**BREACH OF CONTRACT**

92. The allegations in paragraphs 1 through 91 are repeated as if fully stated herein.
93. Defendants breached the oral contracts that were entered into between Plaintiffs and Defendants at the time of Plaintiffs' job interviews by demanding compensation from Plaintiffs, namely daily kickbacks and payment for room and board.
94. Plaintiffs have suffered harm and are entitled to compensatory and punitive damages.

**SEVENTH CLAIM FOR RELIEF**

**CIVIL RIGHTS**

95. The allegations in paragraphs 1 through 94 are repeated as if fully stated herein.
96. Defendants willfully denied Plaintiffs, of Fujianese origin, the same right to make and enforce contracts as enjoyed by employees from the north of China, in violation of 42 U.S.C. § 1981.
97. Defendants' violation of Plaintiffs' equal rights to make and enforce contracts entitles Plaintiffs to compensatory damages, punitive damages, attorneys' fees and costs, and any other equitable relief this Court deems appropriate.

**EIGHTH CLAIM FOR RELIEF**

**NEW JERSEY LAW AGAINST DISCRIMINATION**

98. The allegations in paragraphs 1 through 97 are repeated as if fully stated herein.
99. Defendants intentionally discriminated against Plaintiffs because of their national origin and because of their sex, in violation of N.J.S.A. § 10:5-12.

100. Defendants' willful violation of Plaintiffs' civil rights entitles Plaintiffs to compensatory damages, punitive damages, attorneys' fees and costs, and any other equitable relief this Court deems appropriate, pursuant to N.J.S.A. §§ 10:5-13, 10:5-27.1.

### **NINTH CLAIM FOR RELIEF**

#### **REPRISALS: NEW JERSEY LAW AGAINST DISCRIMINATION**

101. The allegations in paragraphs 1 through 100 are repeated as if fully stated herein.

102. Defendants' threats against Plaintiffs and their families when Plaintiffs resigned from their employment at King Chef constitute reprisals prohibited by the New Jersey Law Against Discrimination, N.J.S.A. § 10:5-12(d).

103. Defendants' reprisals against Plaintiffs and their families entitle Plaintiffs to compensatory damages, punitive damages, attorneys' fees and costs, and any other equitable relief this Court deems appropriate, pursuant to N.J.S.A. §§ 10:5-13, 10:5-27.1.

### **TENTH CLAIM FOR RELIEF**

#### **NEW JERSEY PUBLIC POLICY**

104. The allegations in paragraphs 1 through 103 are repeated as if fully stated herein.

105. Defendants housed Plaintiffs in company housing that was primarily for the benefit of the Defendants, the conditions of which violate New Jersey public policy, pursuant to N.J.S.A. §§ 34:9A et seq., 2A:42 et seq.; N.J.A.C. § 12:56-8.6; 29 U.S.C. § 1823.

106. Defendants' housing of Plaintiffs in conditions that violate the public policy of New Jersey entitles Plaintiffs to declaratory relief and other equitable relief this Court deems appropriate.

## **PRAYER FOR RELIEF**

Wherefore, Plaintiffs respectfully request that this Court grant the following relief:

- a. Declare that Defendants have violated federal and state minimum wage and overtime laws by not paying Plaintiffs a base wage or overtime pay during their employment at King Chef;
- b. Declare that Defendants violated the New Jersey and federal Equal Pay Acts by steering fewer and smaller tip-paying tables to Plaintiffs, because of their sex;
- c. Declare that Defendants violated New Jersey state prohibitions against diverting and withholding wages and tips of the Plaintiffs;
- d. Declare that Defendants violated Plaintiffs' civil rights under federal and state law by treating Plaintiffs differently from male and non-Fujianese employees based on their national origin and sex;
- e. Declare that Defendants violated Plaintiffs' civil rights under New Jersey law by threatening Plaintiffs and their families;
- f. Declare that Defendants violated the public policy of New Jersey by housing Plaintiffs in a substandard apartment;
- g. Award compensatory damages to Plaintiffs in an amount to be determined at trial;
- h. Award punitive damages to Plaintiffs in an amount to be determined at trial;
- i. Order Defendants to pay reasonable attorneys' fees and costs; and
- j. Grant such other and further relief as this Court deems just and proper under the circumstances.

Date: \_\_\_\_\_

Respectfully submitted,

---

Lenora M. Lapidus (LL-6592)  
Jennifer Arnett Lee  
Women's Rights Project  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-519-7816  
Fax: 212-549-2580

Edward M. Barocas (EB-8251)  
American Civil Liberties Union of  
New Jersey Foundation  
35 Halsey Street, Suite 4B  
Newark, NJ 07102  
Tel: 973-642-2084  
Fax: 973-642-6523

Alix R. Rubin (ARR-6732)  
Lowenstein Sandler, PC  
65 Livingston Avenue  
Roseland, NJ 07068-1791  
Tel: 973-597-2492  
Fax: 973-597-2493

On behalf of the ACLU-NJ

**ATTORNEYS FOR PLAINTIFFS**

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury as to all issues.

Date: \_\_\_\_\_

Lenora M. Lapidus (LL-6592)  
Jennifer Arnett Lee  
Women’s Rights Project  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-519-7816  
Fax: 212-549-2580

Edward M. Barocas (EB-8251)  
American Civil Liberties Union of  
New Jersey Foundation  
35 Halsey Street, Suite 4B  
Newark, NJ 07102  
Tel: 973-642-2084  
Fax: 973-642-6523

Alix R. Rubin (ARR-6732)  
Lowenstein Sandler, PC  
65 Livingston Avenue  
Roseland, NJ 07068-1791  
Tel: 973-597-2492  
Fax: 973-597-2493

On behalf of the ACLU-NJ

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATION UNDER LOCAL CIVIL RULE 10.1**

Counsel for Plaintiffs do not include the street addresses of Mei Ying Liu and Chen Shu Chen in the complaint due to the threats that Plaintiffs received upon their resignations from King Chef, as detailed herein. Defendants hired individuals to threaten and intimidate other former King Chef employees who filed a civil action against King Chef and related defendants. Because Plaintiffs fear that Defendants will undertake similar measures against them and their families, Plaintiffs' street addresses are not included in herein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Lenora M. Lapidus (LL-6592)  
Jennifer Arnett Lee  
Women's Rights Project  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-519-7816  
Fax: 212-549-2580

Edward M. Barocas (EB-8251)  
American Civil Liberties Union of  
New Jersey Foundation  
35 Halsey Street, Suite 4B  
Newark, NJ 07102  
Tel: 973-642-2084  
Fax: 973-642-6523

Alix R. Rubin (ARR-6732)  
Lowenstein Sandler, PC  
65 Livingston Avenue  
Roseland, NJ 07068-1791  
Tel: 973-597-2492  
Fax: 973-597-2493

On behalf of the ACLU-NJ

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATION UNDER LOCAL CIVIL RULE 11.2**

This matter is not the subject of any other action pending in any court, or any pending arbitration or administrative proceeding. However, a closely related matter is currently pending in the United States District Court for the District of New Jersey before the Honorable Katharine S. Hayden, U.S.D.J.: Wu v. Oriental Buffet, Inc., 00-4482 (KSH).

Date: \_\_\_\_\_

\_\_\_\_\_  
Lenora M. Lapidus (LL-6592)  
Jennifer Arnett Lee  
Women's Rights Project  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel: 212-519-7816  
Fax: 212-549-2580

Edward M. Barocas (EB-8251)  
American Civil Liberties Union of  
New Jersey Foundation  
35 Halsey Street, Suite 4B  
Newark, NJ 07102  
Tel: 973-642-2084  
Fax: 973-642-6523

Alix R. Rubin (ARR-6732)  
Lowenstein Sandler, PC  
65 Livingston Avenue  
Roseland, NJ 07068-1791  
Tel: 973-597-2492  
Fax: 973-597-2493

On behalf of the ACLU-NJ

**ATTORNEYS FOR PLAINTIFFS**