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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, WEST JUDICIAL DISTRICT, AIRPORT COURT

The People of the State of California,  
Plaintiff

vs.

WILSHIRE WEST CAR WASH, LLC  
SOROUDI, MEHDI  
PENDLETON, GARY ALLEN  
TORRES, RIGOBERTO  
VIRAMONTES, REMBERTO  
MAXXAM ENTERPRISES III, LLC  
Defendant

COMPLAINT

Case No. 300A20320

CONFIRMED COPY  
OF ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

JAN 23 2013

John A. Clarke, Executive Officer/Clerk

DR #13-CA0134

The undersigned, upon information and belief, complains that: S. REED Deputy

COUNT 01

Between on or about January 22, 2009 and on or about January 22, 2013, within the City of Santa Monica, a violation of Section 182(a) of the California Penal Code, a misdemeanor, was committed by MEHDI SOROUDI, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who willfully and unlawfully conspired together to cheat and defraud persons of property and labor by means which were in themselves criminal, a misdemeanor. Pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendant committed, among other things, the following overt acts in the City of Santa Monica:

a. Altered employee time records and created false employee time records for the purpose of, and with the result of, depriving employees of pay for certain hours worked;

b. Created false time records to give the appearance that employees began work later, and ended work earlier, than they in fact did;

c. Created false time records to give the appearance that employees took a meal break when in fact the employees were still on duty at the time;

d. Failed and refused to give employees a paid rest period for every four hours worked;

e. Failed and refused to give employees a meal break of at least 30 minutes for shifts of at least five hours;

f. Coerced employees into signing declarations which falsely stated that the employees had received ten-minute breaks for every four hours worked;

g. Forced employees to pay a regular fee for cable television even though they were not allowed to watch television on the job;

- h. Forced employees to pay a regular fee for towel laundering;
- i. Failed and refused to pay employees the legal minimum wage;
- j. Threatened, harassed and punished employees who questioned the defendants' unlawful behavior;

COUNT 02

Between on or about January 22, 2009 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 487(a) of the California Penal Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who by false or fraudulent representation and pretense, defrauded a person of money and labor of a value exceeding nine hundred and fifty dollars.

COUNT 03

Between on or about January 22, 2009 and on or about October 31, 2012, within the City of Santa Monica, a violation of Section 487(a) of the California Penal Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who by false or fraudulent representation and pretense, defrauded a person of money and labor of a value exceeding nine hundred and fifty dollars.

COUNT 04

On a continuing and regular basis between on or about January 22, 2009 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(b) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who then and there paid or caused to be paid to employees a wage less than the minimum fixed by an order of the California Industrial Welfare Commission.

COUNT 05

On a continuing and regular basis between on or about January 22, 2009 and on or about October 31, 2012, within the City of Santa Monica, a violation of Section 1199(b) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who then and there paid or caused to be paid to employees a wage less than the minimum fixed by an order of the California Industrial Welfare Commission.

COUNT 06

On a continuing and regular basis between on or about January 22, 2009 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 512(a) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who employed an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes.

COUNT 07

On a continuing and regular basis between on or about January 22, 2009 and on or about October 31, 2012, within the City of Santa Monica, a violation of Section 512(a) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who employed an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes.

COUNT 08

On a continuing and regular basis between on or about January 22, 2009 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 221 of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who collected or received from an employee any part of the wages previously paid to the employee.

COUNT 09

On a continuing and regular basis between on or about January 22, 2009 and on or about October 31, 2012, within the City of Santa Monica, a violation of Section 221 of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who collected or received from an employee any part of the wages previously paid to the employee.

COUNT 10

On a continuing and regular basis between on or about January 22, 2009 and on or about November 30, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor

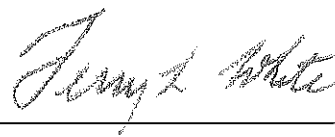
commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide paid ten-minute rest periods for every four hours worked.

COUNT 11

On a continuing and regular basis between on or about January 22, 2009 and on or about October 31, 2012, within the City of Santa Monica, a violation of Section 1199(c) of the California Labor Code, a misdemeanor, was committed by WILSHIRE WEST CAR WASH, LLC, MEHDI SOROUDI, MAXXAM ENTERPRISES III, LLC, GARY ALLEN PENDELTON, RIGOBERTO TORRES and REMBERTO VIRAMONTES, who violated or refused or neglected to comply with any order or ruling of the labor commission or any provision of California Labor Code Sections 1171-1205, to wit, failure to provide paid ten-minute rest periods for every four hours worked.

For purposes of any hearing pursuant to Penal Code Section 991 there is hereby incorporated into this complaint, and each count thereof, the Arrest and Booking Report, the Crime Report, all Supplemental Reports, and all other official documents provided to each defendant in the above entitled action

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct Executed on January 22, 2013, at Santa Monica, California.



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Complainant

REQUEST FOR DISCOVERY

Pursuant to Section 1054.3 of the Penal Code, the People hereby request that the defendant and his or her attorney provide the following:

(a) The names and addresses of persons, other than the defendant, he or she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific test, experiments, or comparisons which the defendant intends to offer in evidence at the trial.

(b) Any real evidence which the defendant intends to offer at the trial.

Please provide the requested items within 15 days of the defendant's arraignment. This is a continuing request; any items which are obtained or become known to the defense more than fifteen days after arraignment are to be provided to the People as soon as practicable.

## REQUEST FOR DISCOVERY TO WILSHIRE WEST CAR WASH , LLC

Pursuant to Penal Code sections 1054.3 and 1054.4, the People hereby request that the defendant and its attorneys provide the People the following discovery. The request covers all responsive items in the possession, custody or control of the defendant.

1. All DOCUMENTS (which includes notes, reports, memoranda, electronic data, emails, and all other Writings as defined in Evidence Code section 250) that reflect, describe, or otherwise relate to the name, address, telephone number, email address, or any other contact information of any person who was employed at Wilshire West Car Wash ("Wilshire West") at any time since January 22, 2009.

2. The name, address, telephone number, email address, or any other contact information of any person who was employed at Wilshire West Car Wash ("Wilshire West") at any time since January 22, 2009.

3. All DOCUMENTS that reflect, describe, or otherwise relate to the scheduled or planned work hours or schedules, for any employees at Wilshire West at any time since January 22, 2009.

4. All DOCUMENTS that reflect, describe, or otherwise relate to the time worked by employees at Wilshire West at any time since January 22, 2009.

5. All DOCUMENTS that reflect, describe, or otherwise relate to the times that employees actually logged in (either in writing or via a computer system) for work at Wilshire West at any time since January 22, 2009.

6. All "Employee Lists" relating to employees at Wilshire West created at any time since January 22, 2009.

7. All "Payroll Registers" relating to employees at Wilshire West created at any time since January 22, 2009.

8. The name, address and telephone number of each person the defendant intends to call as a witness at trial.

9. All written or recorded statements of each person the defendant intends to call as a witness at trial.

10. All real evidence which the defendant intends to use at trial.

11. All DOCUMENTS that relate to articles of incorporation, statement of officers, statement of information or other items which were filed by or otherwise relate to the defendant during the period from January 22, 2009 to the present.



## REQUEST FOR DISCOVERY TO WILSHIRE MAXXAM ENTERPRISES III, LLC

Pursuant to Penal Code sections 1054.3 and 1054.4, the People hereby request that the defendant and its attorneys provide the People the following discovery. The request covers all responsive items in the possession, custody or control of the defendant.

1. All DOCUMENTS (which includes notes, reports, memoranda, electronic data, emails, and all other Writings as defined in Evidence Code section 250) that reflect, describe, or otherwise relate to the name, address, telephone number, email address, or any other contact information of any person who was employed at Wilshire West Car Wash ("Wilshire West") at any time since January 22, 2009.

2. The name, address, telephone number, email address, or any other contact information of any person who was employed at Wilshire West Car Wash ("Wilshire West") at any time since January 22, 2009.

3. All DOCUMENTS that reflect, describe, or otherwise relate to the scheduled or planned work hours or schedules, for any employees at Wilshire West at any time since January 22, 2009.

4. All DOCUMENTS that reflect, describe, or otherwise relate to the time worked by employees at Wilshire West at any time since January 22, 2009.

5. All DOCUMENTS that reflect, describe, or otherwise relate to the times that employees actually logged in (either in writing or via a computer system) for work at Wilshire West at any time since January 22, 2009.

6. All "Employee Lists" relating to employees at Wilshire West created at any time since January 22, 2009.

7. All "Payroll Registers" relating to employees at Wilshire West created at any time since January 22, 2009.

8. The name, address and telephone number of each person the defendant intends to call as a witness at trial.

9. All written or recorded statements of each person the defendant intends to call as a witness at trial.

10. All real evidence which the defendant intends to use at trial.

11. All DOCUMENTS that relate to articles of incorporation, statement of officers, statement of information or other items which were filed by or otherwise relate to the defendant during the period from January 22, 2009 to the present.

NOTICE PURSUANT TO PENAL CODE SECTIONS 296 AND 296.1

NOTICE: Conviction of this offense will require the Defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1 if the Defendant has suffered a prior felony conviction. Willful refusal to provide the samples is a crime.

NOTICE: Defendant is required to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1 if the Defendant is currently on probation or parole and has suffered a prior felony conviction. Willful refusal to provide the samples is a crime.