



Asian American and Latino Workers Sue Korean Restaurant for Labor Violations and Get Temporary Restraining Order Blocking Boss from Retaliating

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Asian American and Latino employees of a Korean restaurant, Kum Gang San, obtained a temporary restraining order yesterday barring the restaurant owner from retaliating against them for asserting their labor rights.

The workers sued Kum Gang San for failing to pay minimum wage and overtime and for illegally keeping some of their tips. Kum Gang San also forced some employees to work at the owner's other restaurants without pay and harassed workers into attending church. Upon discovering that workers planned to sue the restaurant over these labor violations, the Kum Gang San owner, Ji Sung Yoo, threatened to retaliate against any employee who participated in this lawsuit.

The nine workers, three Latino bussers and six Korean waiters, are represented by the Asian American Legal Defense and Education Fund (AALDEF) and LatinoJustice PRLDEF. The restaurant Kum Gang San has locations in Flushing, Queens and in Manhattan's Koreatown on 32nd Street. The lawsuit was filed in the federal court of Manhattan.

"Kum Gang San has not respected the workers' right to get fair wages," said Alba Lucero Villa, a Bickel & Brewer Latino Institute for Human Rights Fellow who works at LatinoJustice PRLDEF.

The workers charged that the owners said they would retaliate against anyone who participated in a lawsuit by reporting them to immigration authorities and blacklisting them from further employment in the community.

“Ji Sung Yoo used threats to trap vulnerable immigrant workers into an abusive situation,” said Bethany Li, staff attorney at AALDEF. “Mr. Yoo subjected them to forced labor, poverty wages, and abuse. They are showing tremendous courage by standing up against worker exploitation.”

In addition to not paying the workers their lawful share of tips and federal and state law-mandated overtime, the suit claims the owners also forced some employees to pick cabbages at the owner’s friend’s farm, mow the lawn, and shovel snow at the owner’s home.

“We have suffered a lot with this boss,” said Mr. Kim, a Korean waiter. “We are coming forward and suing the boss to make him pay for his wrongdoings. This case is a personal struggle, but we are doing it so that the boss can change his ways and not mistreat other workers in the future.”

The workers say they were abused and treated unfairly.

“We are being exploited,” said Eutemio Morales, a Latino busser. “I have had to work up to 20 hour days without overtime. All workers have rights, and we are taking action to stop the abuse.”

Another worker, Rosalino Julian Ventura, added, “It’s not right to work so hard for so long and not be paid right. We are only seeking justice.”

The parties are due back in court on Friday for the judge to hear the workers’ motion for a preliminary injunction to further limit Kum Gang San from retaliating against workers for participating in this lawsuit.

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