

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

DISTRICT OF COLUMBIA,
a municipal corporation
400 6th Street N.W.
Washington, DC 20001,

Plaintiff,

v.

MJ FLOORING LLC
8301 Venture Drive
Waldorf, MD 20603,

and

MIGUEL D. QUINTANILLA
8301 Venture Drive
Waldorf, MD 20603,

Defendants.

Case No.:

Judge:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff the District of Columbia (“District”), through the Office of the Attorney General, brings this enforcement action against Defendant MJ Flooring LLC and Miguel Quintanilla for violations of the District’s Minimum Wage Revision Act (“MWRA”), D.C. Code § 32-1001, *et seq.* The District’s minimum wage law requires every employer who chooses to do business in the District to guarantee fair payment to all workers. Defendants MJ Flooring LLC and Miguel Quintanilla have ignored this requirement, depriving workers of the hard-earned wages to which they are entitled. The District therefore brings this action to recover wages owed to workers as well as for all applicable penalties for violations of District law.

JURISDICTION

1. The Court has jurisdiction over the subject matter of this case pursuant to D.C. Code § 11-921 and D.C. Code § 32-1306(a)(2).

2. This Court has personal jurisdiction over Defendants MJ Flooring LLC and Miguel Quintanilla pursuant to D.C. Code § 13-423(a).

PARTIES

3. Plaintiff the District of Columbia, a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the seat of the federal government. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. The Attorney General is also charged with enforcing violations of the District's wage laws, including the MWRA, pursuant to D.C. Code § 32-1306(a)(2)(A).

4. Defendant MJ Flooring LLC is a foreign corporation with business address at 8301 Venture Avenue, Waldorf, MD 20603. Defendant has provided cleaning services in the District.

5. Defendant Miguel Quintanilla is the sole owner and president of MJ Flooring, LLC during the times relevant to this Complaint. Mr. Quintanilla regularly has used corporate funds for personal uses. Mr. Quintanilla is jointly responsible for the actions alleged in this Complaint.

FACTUAL ALLEGATIONS

6. Defendants provide cleaning services to certain fire stations in the District, including one at 3420 14th Street, N.W.

7. Since at least October 2020, Defendants have employed people to provide cleaning services at various District of Columbia locations. The duties of these employees have included mopping and sweeping floors, and disinfecting halls, floors, walls, and other surface areas. Defendants have hired and fired these employees and set their work schedules and locations.

8. Even though the minimum wage in the District at all relevant time was at least \$15 per hour, Defendants have paid their employees less than that.

9. For example, Defendants paid at least 13 different employees only \$13 per hour. One employee worked 30 hours per week, for which Defendants paid her only \$780 every two weeks. Thus, Defendants stole \$120 of this employee's pay every two weeks. Other employees' wages were similarly pilfered to the tune of thousands of dollars over the relevant time period.

10. Upon hire, Defendants did not provide employees with any new hire paperwork or notice that included MJ Flooring LLC's name, address of its principal place of business and mailing address, telephone number, the employee's rate of pay and basis of that rate, and the employee's regular payday.

11. Employees were paid by cash or personal check. Defendants did not furnish to each employee, at the time of payment of wages, an itemized statement showing any deductions from and additions to wages and hours worked during the pay period.

12. Defendants have not maintained a record of the name, address, and occupation of each employee, the rate of pay and the amount paid each pay period to each employee, and the precise times worked each day and each workweek by each employee.

COUNT ONE
Minimum Wage Violations
D.C. Code § 32-1003(c).

13. The District re-alleges paragraphs 1-12 of this Complaint as if fully set forth herein.

14. Defendants are employers under the MWRA. D.C. Code § 32-1002(3).

15. The individuals who performed cleaning services for Defendants are their employees under the MWRA. D.C. Code § 32-1002(2).

16. Defendants violated the MWRA because they did not pay employees the required minimum wage for the hours they worked. *See* D.C. Code § 32-1003(c).

17. The Attorney General is authorized to bring a civil action in the Superior Court against employers for violations of the MWRA for “restitution or for injunctive, compensatory, or other authorized relief for an individual or for the public at large.” D.C. Code § 32-1306(a)(2)(A).

COUNT TWO
Employer Records and Notice Violations
D.C. Code § 32-1008

18. The District re-alleges paragraphs 1-17 of this Complaint as if fully set forth herein.

19. Defendants have violated the MWRA because they have failed to maintain a record of the name, address, and occupation of each employee, the rate of pay and the amount paid each pay period to each employee, and the precise times worked each day and each workweek by each employee. D.C. Code § 32-1008(a)(1).

20. Defendants have violated the MWRA because they did not provide employees, at the time of hiring, with the required written notice containing the name of their employer, their

employer's physical and mailing addresses, their employer's phone number, the employee's base of pay and the basis of that rate, and the employee's regular payday. D.C. Code § 32-1008(c).

21. Defendants have also violated the MWRA because they did not furnish to each employee at the time of payment of wages an itemized statement showing any deductions from and additions to wages and hours worked during the pay period. D.C. Code § 32-1008(b)(3), (5).

PRAYER FOR RELIEF

WHEREFORE, the District of Columbia respectfully requests:

- a. A declaratory judgment both that (1) Defendants' failure to pay minimum wage constitutes a violation of the MWRA and an injunction against further violations of the MWRA, and (2) Defendants' failure to provide required new hire notices, to maintain required employment records, and to furnish employees with itemized statements at the time of wage payment constitutes a violation of the MWRA, and an injunction against further violations of the MWRA.
- b. An award of back wages against Defendants due to their failure to pay minimum wage in violation of MWRA, in an amount to be proven at trial;
- c. Liquidated damages equal to treble the back wages unlawfully withheld;
- d. Statutory penalties against Defendants for each violation of the MWRA in an amount to be proven at trial;
- e. An award of reasonable attorneys' fees and costs as authorized by D.C. Code § 32-1306(a)(2)(A)(i); and
- f. Such other further relief as this Court deems just and proper.

JURY DEMAND

The District of Columbia demands a trial by jury by the maximum number of jurors permitted by law.

Respectfully submitted,

Dated: August 31, 2021

KARL A. RACINE
Attorney General for the District of Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

JIMMY R. ROCK
Assistant Deputy Attorney General
Public Advocacy Division

/s/ James Graham Lake
JAMES GRAHAM LAKE (D.C. Bar No. 1028853)
Chief, Workers' Rights and Antifraud Section

/s/ Nicole Tortoriello
NICOLE TORTORIELLO (D.C. Bar No. 1027162)
Assistant Attorney General
Public Advocacy Division
Office of the Attorney General
400 6th Street N.W.
Washington, D.C. 20001
Phone: (202) 251-4499
Email: nicole.tortoriello@dc.gov

Attorneys for the District of Columbia

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH INFORMATION SHEET

District of Columbia

Case Number: _____

vs

Date: August 31, 2021

MJ Flooring LLC and Miguel D. Quintanilla

☐ One of the defendants is being sued
in their official capacity.

Name: <i>(Please Print)</i> Nicole Tortoriello, Assistant Attorney General	Relationship to Lawsuit
Firm Name: Office of the Attorney General for the District of Columbia	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: Six digit Unified Bar No.: 202-251-4499 1027162	<input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____

TYPE OF CASE: ☐ Non-Jury ☐ 6 Person Jury ☒ 12 Person Jury
Demand: \$ Restitution and civil penalties Other: Injunctive relief

PENDING CASE(S) RELATED TO THE ACTION BEING FILED

Case No.: _____ Judge: _____ Calendar #: _____

Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: *(Check One Box Only)*

A. CONTRACTS

COLLECTION CASES

- | | | |
|---|---|---|
| <input type="checkbox"/> 01 Breach of Contract | <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 16 Under \$25,000 Consent Denied |
| <input type="checkbox"/> 02 Breach of Warranty | <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent | <input type="checkbox"/> 18 OVER \$25,000 Consent Denied |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 27 Insurance/Subrogation | <input type="checkbox"/> 26 Insurance/Subrogation |
| <input type="checkbox"/> 07 Personal Property | Over \$25,000 Pltf. Grants Consent | Over \$25,000 Consent Denied |
| <input type="checkbox"/> 13 Employment Discrimination | <input type="checkbox"/> 07 Insurance/Subrogation | <input type="checkbox"/> 34 Insurance/Subrogation |
| <input type="checkbox"/> 15 Special Education Fees | Under \$25,000 Pltf. Grants Consent | Under \$25,000 Consent Denied |
| | <input type="checkbox"/> 28 Motion to Confirm Arbitration | |
| | Award (Collection Cases Only) | |

B. PROPERTY TORTS

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> 01 Automobile | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass |
| <input type="checkbox"/> 02 Conversion | <input type="checkbox"/> 04 Property Damage | |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a) | | |

C. PERSONAL TORTS

- | | | |
|---|--|--|
| <input type="checkbox"/> 01 Abuse of Process | <input type="checkbox"/> 10 Invasion of Privacy | <input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) |
| <input type="checkbox"/> 02 Alienation of Affection | <input type="checkbox"/> 11 Libel and Slander | <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) |
| <input type="checkbox"/> 03 Assault and Battery | <input type="checkbox"/> 12 Malicious Interference | <input type="checkbox"/> 19 Wrongful Eviction |
| <input type="checkbox"/> 04 Automobile- Personal Injury | <input type="checkbox"/> 13 Malicious Prosecution | <input type="checkbox"/> 20 Friendly Suit |
| <input type="checkbox"/> 05 Deceit (Misrepresentation) | <input type="checkbox"/> 14 Malpractice Legal | <input type="checkbox"/> 21 Asbestos |
| <input type="checkbox"/> 06 False Accusation | <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) | <input type="checkbox"/> 22 Toxic/Mass Torts |
| <input type="checkbox"/> 07 False Arrest | <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice) | <input type="checkbox"/> 23 Tobacco |
| <input type="checkbox"/> 08 Fraud | | <input type="checkbox"/> 24 Lead Paint |

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 32 Qui Tam |
| <input checked="" type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 33 Whistleblower |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |

/s/ Nicole Tortoriello

Attorney's Signature

August 31, 2021

Date



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

400 6th Street., N.W.
Washington, DC 20001

vs.

Plaintiff

Case Number _____

8301 Venture Drive
Waldorf, MD 20603

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Clerk of the Court

Name of Plaintiff's Attorney

Address

Telephone

By _____
Deputy Clerk

Date _____

如需翻译, 请打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

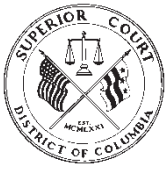
번역을 원하시면, (202) 879-4828로 전화하십시오

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
Vea al dorso la traducción al español



Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

Super. Ct. Civ. R. 4



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

District of Columbia

400 6th Street., N.W. Plaintiff
 Washington, DC 20001 vs.

Miguel D. Quintanilla

8301 Venture Drive Defendant
 Waldorf, MD 20603

Case Number _____

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Nicole Tortoriello

Clerk of the Court

Name of Plaintiff's Attorney

400 6th St. N.W., 10th Floor

Address

Washington, DC 20001

202-251-4499

Telephone

By _____

Deputy Clerk

Date _____

如需翻译, 请打电话 (202) 879-4828

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 Vea al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA

DIVISIÓN CIVIL

Sección de Acciones Civiles

500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001

Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

District of Columbia

400 6th Street., N.W.
Washington, DC 20001

contra

Demandante

Miguel D. Quintanilla

8301 Venture Drive
Waldorf, MD 20603

Demandado

Número de Caso: _____

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

Nicole Tortoriello

SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

400 6th St. N.W., 10th Floor

Por:

Dirección

Washington, DC 20001

Subsecretario

202-251-4499

Fecha

Teléfono

如需翻译, 请打电话 (202) 879-4828

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반려율을 전화로 (202) 879-4828 로 문의하십시오

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍA RETENÉRSELE SUS INGRESOS, O PODRÍA TOMÁRSELE SUS BIENES PERSONALES O BIENES RAÍCES Y SER VENDIDOS PARA PAGAR EL FALLO. SI USTED PRETENDE OPONERSE A ESTA ACCIÓN, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
See reverse side for English original