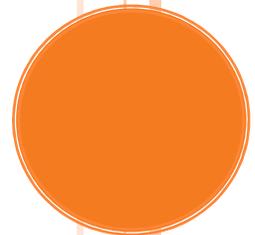




ASIAN AMERICANS  
**ADVANCING  
JUSTICE**  
LOS ANGELES

## Cy Pres Awards



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## Overview

### *You can help increase access to justice and advance civil rights*

#### **Advancing Justice - Los Angeles' Mission**

Asian Americans Advancing Justice - Los Angeles, formerly known as the Asian Pacific American Legal Center, was founded in 1983 and is the largest organization in the country focused on meeting the civil and human rights needs of the poor and marginalized segments of Asian American, Native Hawaiian, and Pacific Islander communities – the nation's fastest-growing populations. We accomplish this through various access to justice initiatives. Our mission is to advocate for civil rights, provide legal services and education, and build coalitions to positively influence and impact Asian Americans, Native Hawaiians, and Pacific Islanders (NHPI) and to create a more equitable and harmonious society. We serve more than 15,000 individuals and organizations each year through direct services, impact litigation, policy analysis and advocacy, and leadership development. Each of our program areas seeks to serve the most vulnerable and needy members of our society, while also building a strong Asian American and NHPI voice for civil rights and social justice.

#### **Guidelines for Designation of *Cy Pres* Recipients**

The doctrine of *cy pres*, or fluid recovery, allows litigants to request courts to distribute unclaimed or residual funds in class action settlements and judgments and certain other actions to non-profit organizations based on the following broad guidelines. Courts annually approve millions of dollars in *cy pres* funds to non-profit organizations like ours that engage in access to justice initiatives for underserved communities, which has been crucial to our ability to continue our important work.

California, like many other states, has enacted a statute that specifically states that organizations that provide legal aid and other access to justice initiatives are appropriate recipients of *cy pres* funds. In cases brought in California courts, the statute allows courts to direct unclaimed funds from class action recoveries to non-profit organizations that engage in programs that will benefit the class or similarly situated persons, that promote the law consistent with the objectives of the underlying case, or that provide legal services to the indigent – any one of these bases is sufficient to approve a *cy pres* designation.

Federal courts also have broad discretion under the *cy pres* doctrine to equitably distribute unclaimed class action funds to the “next best” alternative, which invariably includes organizations that engage in access to justice initiatives. Federal courts routinely approve as *cy pres* recipients non-profit legal organizations that provide legal services and engage in other access to justice initiatives for underserved communities, and whose work has a nexus to the underlying issues in the case.

In non-class action suits, or prior to class certification, settling parties can direct all or part of the settlement payments to a *cy pres* recipient.

## Our Diverse Programs Make a Difference

Our diverse programs make us an excellent *cy pres* recipient. Advancing Justice – LA is a unique organization that merges the work of a traditional legal services provider and a civil rights organization. To achieve our goals of justice and equality, we focus our work on four program areas:

- 1) **direct services**
  - 2) **impact litigation**
  - 3) **policy analysis and advocacy**
  - 4) **leadership development**
- 

### 1) Direct Services

We provide legal assistance, representation, and referral information to low-income, limited-English-speaking individuals. The following are some of the legal services and access to justice programs we provide to indigent and underserved community members:

**Asian Language Legal Intake Project (ALLIP):** We have set up toll-free hotlines operated by multilingual staff who speak a dozen Asian languages to assist Asian American and NHPI immigrants in their native language. We offer legal assistance in Cantonese, Khmer, Korean, Mandarin, Thai, and Vietnamese. We also serve indigent clients who speak Spanish or English. Callers receive resources, counseling, or referral to a staff attorney or another legal aid organization on issues such as employment/workers' rights, consumer fraud, housing, domestic violence, family law, immigration, citizenship, and other forms of discrimination. Each year, the hotlines receive more than 4,000 calls from indigent, monolingual, or limited-English-speaking immigrants in need of legal assistance.

**Workers' Rights:** We provide both direct legal representation and *pro se* advice and counseling to low-wage, limited-English-proficient, and other disadvantaged workers seeking to recover unpaid wages and challenge other unlawful working conditions.

**Domestic Violence and Family Law:** We assist low-income and limited-English-speaking domestic violence survivors with family law and immigration services, including helping them obtain restraining orders, child custody, and support orders, and to achieve legal status without the help of their abuser. We also assist victims of labor or sex trafficking obtain legal status.

**Immigration & Citizenship:** We help individuals whose income levels and language barriers make it difficult for them to receive assistance with immigration and citizenship

issues. With local partner organizations, we provide free citizenship assistance in Los Angeles and Orange counties, as well as across California and the nation with the help of our affiliate organizations and other partners. We collaborate with community-based groups to hold free immigration workshops and also take a limited number of immigration cases at low or no cost. In addition to providing legal services, the Immigration & Citizenship Project works with our Immigrant Rights Unit to advocate for fair immigration laws.

## **2) Impact Litigation**

Our impact litigation furthers our broad civil rights and access to justice mission by strategically identifying and litigating cases to enforce and expand protections for the low-income, disadvantaged, and underserved members of our communities.

We have engaged in important and groundbreaking litigation that has provided access to justice and expanded the rights of low-income and immigrant communities, set legal precedent on civil rights matters, and changed discriminatory institutional practices. Through our coalition-building approach, we strive to work together with other communities to vindicate basic rights for all disadvantaged peoples.

Among our most impactful cases have been those we litigated on behalf of low-wage immigrant garment workers, which led to systemic change in the garment industry. In a series of litigation, we represented a multi-racial group of workers who were forced to work in sweatshop conditions where they were subject to both exploitative wages as well as intolerable working conditions. Our garment worker litigation, together with community organizing, direct action, and legislative advocacy, resulted in increased corporate accountability and enforcement of wage and hour laws. We have continued to litigate employment and wage and hour cases on behalf of large groups of low-wage and disadvantaged workers in other industries.

We also have litigated a number of impact cases on behalf of limited-English-speaking and bilingual clients. Through these cases we have challenged English-only policies, exposed fraudulent schemes perpetrated against limited-English-speaking consumers, and opposed discriminatory employment practices against bilingual and limited-English-proficient employees.

## **3) Policy Analysis and Advocacy**

We engage in policy analysis and advocacy with legislative and government agencies to defend civil rights. This work is conducted through partnerships with groups in Sacramento and Washington, D.C., and informed by the grassroots knowledge of issues facing the community gained through representing clients in impact and direct legal services cases and through community partnerships. Our aim is to advance justice through legislation and humane, sensible institutional policies at the city, county, state, and national levels. Our policy and advocacy efforts are focused on:

① The health-related needs of Asian American and NHPI communities, including advocacy and education regarding health care reform implementation with the help of community partners.

② Advocating for fair laws and policies affecting Asian American and NHPI immigrants, including by monitoring and analyzing potential legislation or policies, advocating for change with legislators and agency officials, providing testimony for legislative hearings and comments on state and federal legislation and administrative policies, and educating communities and individuals about policy developments.

③ Compiling demographic data on Asian Americans and NHPIs, including demographic profiles, reports on voter and political participation, and other projects aimed at promoting a better understanding of our growing and diverse communities, as well as making that data more accessible through research, technical assistance, and training.

④ Protecting and seeking to advance the rights of Asian American and NHPI voters through election monitoring, redistricting campaigns at the state and local levels, and policy work that advocates for effective bilingual voting assistance.

⑤ Fostering Asian American and NHPI civic engagement through nonpartisan education and mobilization of voters.

#### 4) Leadership Development

We believe the creation of a more just and harmonious society requires the development of community members able to lead in a multiracial, global society. One of our fundamental values is our commitment to strengthening and improving interracial group relations. Our Leadership Development in Interethnic Relations (LDIR) program brings together individuals who are diverse in race, gender, sexual orientation, age, and experience to confront stereotypes and prejudice and practice the tools for becoming effective community leaders. Similarly, our Youth & Parent Leadership Development (YPLD) program develops the leadership skills of immigrant families by working with racially diverse youth in Los Angeles and San Gabriel Valley schools and by providing multilingual parent-training programs for Asian and Latino immigrants to help them advocate for their children and their communities.

### Advocating for Access to Justice for Our Communities

*Cy pres* funds are especially important for supporting all of our access to justice initiatives, including direct legal services and impact litigation work. Unlike many of our other funding sources, *cy pres* awards are unrestricted. This has allowed us to direct *cy pres* funds to our important and groundbreaking legal representation of individuals and groups who otherwise would not have access to the legal system to vindicate their rights. We rely on *cy pres* funds to be able to continue this invaluable work.

With the assistance of individual attorneys, in-house counsel, law firms, and class action practitioners, we have received *cy pres* awards that have helped build a powerhouse legal team to provide access to justice for low-income, disadvantaged, and underserved communities. Our cases have increased equal educational opportunity, challenged employment discrimination, fought sweatshops and other exploitative wages and working

conditions, and exposed fraudulent practices aimed at vulnerable and limited-English-proficient consumers. *Cy pres* awards will help us continue this important work.

## Ways to Help Advancing Justice – LA Receive *Cy Pres* Awards

Law firms and individual supporters in the legal community can help us receive *cy pres* awards. This does not require you to ask anyone to donate money or time. Here are ways you can assist us:

- ◆ If you, your firm, or someone you know is party to or counsel on a class action case involving potential *cy pres* awards, you may help nominate our organization as an awardee.
  
- ◆ Familiarize yourself with our work and help us outreach to the courts and class action attorneys about our access to justice initiatives, civil rights advocacy, legal services, and litigation on behalf of low-wage workers and vulnerable consumers.
  
- ◆ If you become aware of *cy pres* awards through word of mouth or published notices, please let us know about the opportunities.

For more information on how you can help increase legal services and advance civil rights with *cy pres* awards, please contact:

**Laboni Hoq**  
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# Key Impact Cases

## Consumer Fraud

*We have successfully represented diverse plaintiffs—including Chinese, Filipino, and Korean Americans; young families; and elderly veterans—in cases ranging from foreclosure rescue scams to deceptive sales practices.*

### ***Bai v. Bob Wondries & Associates (dba Wondries Toyota) (2002)***

Advancing Justice - LA represented a group of Chinese immigrant consumers against Wondries Toyota dealership for fraud, negligent misrepresentation, violation of the Consumer Legal Remedies Act, unfair competition (Bus. & Prof. Code section 17200), false advertising, and discrimination. The consumers were lured to the dealership by advertisements in Mandarin specifically directed to recent immigrant consumers. At the dealership, Mandarin-speaking sales agents misrepresented the consumers' creditworthiness as part of a scheme to charge them exorbitant interest rates of up to 19 percent. The consumers also were asked to sign contracts in English that differed significantly from oral representations by the salespeople in Chinese.

The suit was settled for a confidential amount and Wondries provided a letter of apology to each client. The settlement agreement also required Wondries to provide written translations of contracts and to cap their interest rates in future transactions for a period of five years. Public Counsel and Robins, Kaplan, Miller and Ciresi served as co-counsel.

Bai v. Wondries Toyota served as the catalyst for Assembly Bill 309 in 2003 (known in the California Legislature as "the Wondries bill") which requires the written translation of certain business contracts in Chinese, Korean, Tagalog, and Vietnamese. AB 309 amended and expanded California Civil Code section 1632, which previously required the written translation of certain business contracts in Spanish. In advocating for passage of AB 309, Advancing Justice - LA helped arrange for one of the Bai plaintiffs to testify in Sacramento about the importance of the bill based on his experience with Wondries Toyota.

### ***Ahn v. S.C.I. California Funeral Services, Inc. (dba Oakdale Memorial Park) (2005)***

Advancing Justice - LA represented a group of 17 elderly Korean immigrants against S.C.I. Funeral Services, Inc., one of the largest funeral services providers in the state, alleging that a Korean-speaking sales agent fraudulently sold cemetery plots to elderly Korean War veterans with limited English proficiency based on promises that the funeral service did not keep. The sales agent, who communicated with the veterans in Korean, promised that the veterans would be buried in a group memorial cemetery created to commemorate their military service. Relying on these statements and Korean-language advertisements, the veterans signed English-language contracts that did not include key terms.

Advancing Justice - LA filed suit on behalf of the veterans, alleging fraud, misrepresentation, violations of the Consumer Legal Remedies Act, the Elder Abuse and Dependent Adult Civil

Protection Act, and unfair business practices (under Cal. Bus. & Prof. Code section 17200). The parties entered into a settlement agreement, which required, among other things, translations of contracts and other key documents into Korean. Defendants also provided letters of apology to the plaintiffs. Public Counsel and Lim, Ruger & Kim, LLP served as co-counsel.

***Tran v. Kim Van Skin Solutions International, Inc. (2006)***

Advancing Justice - LA represented Cathy Tran, a Vietnamese immigrant, in a suit against a beauty salon that falsely offered free beauty school training in a Vietnamese-language radio advertisement. Instead, the salon pressured Ms. Tran to sign a contract requiring her to pay “training fees” and to provide free labor to the salon for a period of two years. Advancing Justice - LA brought claims against the salon and its owner, alleging fraud, misrepresentation, unfair business practices (under Cal. Bus. & Prof. Code section 17200), false advertising, and Labor Code violations. Ms. Tran won a default judgment against the salon. Mayer Brown served as co-counsel.

***Yuki Sushi v. Ueng (2007)***

Advancing Justice - LA represented a group of Chinese immigrants against Yuki Sushi, which falsely advertised in a Chinese-language newspaper that it offered “sushi school” classes and had job opportunities. Yuki Sushi collected training fees but failed to provide the training or job opportunities as promised. Instead, the owner forced the students to work without pay.

Advancing Justice - LA filed a state court action against the owner alleging false advertising, Labor Code violations, and unfair business practices (under Cal. Bus. & Prof. Code section 17200). Advancing Justice - LA obtained a default judgment exceeding \$195,000. Munger, Tolles & Olson LLP served as co-counsel.

***Lin v. Kuckelkorn (2010)***

Advancing Justice - LA represented 77 families in an action against the two former directors of Montecito Fine Arts School and its associated entities (“Montecito”), a San Gabriel Valley art school that suddenly closed in July 2009. In response to a Chinese-language advertising campaign featuring high-pressure, fraudulent sales tactics and emphasizing one of the director’s immigrant background, the families collectively pre-paid \$1.5 million for courses and services they failed to receive. As the school itself had filed for bankruptcy, Advancing Justice - LA filed the complaint against the directors Edgar Kuckelkorn and Trisha Zhang.

The families alleged that defendants claimed Montecito would award master’s degrees, certifications, college credit, and provide college counseling to students in the school’s 3D animation portfolio development program. Advancing Justice - LA brought claims for fraud, concealment, negligent misrepresentation, and unfair business practices, including false advertising and violations of the Consumer Legal Remedies Act. Shortly after filing the complaint, both defendant directors filed for bankruptcy, which stayed the civil action. Kirkland & Ellis LLP served as *pro bono* counsel.

### ***Chae v. Trinity Law Associates (2010)***

As part of its broader community response to the California foreclosure crisis, Advancing Justice - LA represented 28 immigrant homeowners against Trinity Law Associates and its attorneys and managers, alleging they engaged in widespread mortgage-related fraud. Trinity falsely represented to the homeowners that filing lawsuits against mortgage lenders would prevent foreclosure and result in lower mortgage rates. Trinity targeted the Korean immigrant community through false advertising in Korean-language media and by employing non-attorney agents fluent in Korean who were unlawfully compensated for client referrals. After collecting steep up-front retainer fees, Trinity failed to provide the promised legal services and continued to make false representations to their clients. As a result of Trinity's fraud, the homeowners either lost their homes to foreclosure or faced increased risk of foreclosure. Advancing Justice - LA brought claims for fraud, legal malpractice, statutory violations (including discrimination under the Fair Employment and Housing Act), and breach of contract. Plaintiffs obtained a default judgment against Trinity and its principal, and reached a settlement with the remaining defendants. O'Melveny & Myers LLP provided pro bono legal support.

## **Confronting Discrimination**

*We have successfully litigated cases seeking to remedy various forms of race, religious, and national origin discrimination on behalf of Asian Americans and other communities of color.*

### ***Gonzalez v. Abercrombie & Fitch Co. (2003)***

Advancing Justice - LA represented a group of Asian American college students who had worked for Abercrombie & Fitch, a national clothing retailer, in the Crystal Court Mall. The workers approached Advancing Justice - LA complaining that they were fired from positions as "brand reps" (salespeople) after a white executive from corporate headquarters visited the store and, pointing to a white model on a store poster, said, "You need more employees who look like this." Advancing Justice - LA joined with other civil rights legal organizations representing African American and Latino applicants and employees to file a nationwide class action lawsuit against Abercrombie & Fitch for discrimination in hiring, firing, and job assignments in its retail stores. In 2004, the court approved a class settlement that required the company to pay \$40 million.

The settlement also required the company to establish guidelines for hiring practices and promotion policies, including the hiring of a new vice president of diversity, diversity training for all employees with authority over hiring, and increased diversity in its marketing materials. Advancing Justice - LA co-counseled the case with the Mexican American Legal Defense and Educational Fund, NAACP Legal Defense and Educational Fund, and Lieff, Cabraser, Heimann & Bernstein.

### ***Her v. Club One Casino and related matters (2010)***

Advancing Justice - LA represents a multiracial group of Hmong, Cambodian, and older workers in California's Central Valley in several related suits against Club One Casino in Fresno for its discriminatory employment practices against these workers on account of their

race, national origin, and age. As example of its discriminatory practices, Club One excluded its Hmong dealers from working at special poker tournaments, disproportionately reduced the hours of Hmong, Cambodian, and older workers, and made disparaging comments about long-time Hmong poker dealers' English proficiency. One of the cases also is brought on behalf of all poker dealers to remedy Club One's practice of depriving dealers of their breaks, failing to pay them minimum wage and overtime compensation, and unlawfully taking portions of their tips under the guise a tip pooling scheme. Advancing Justice - LA seeks to obtain compensation for the workers for their economic losses and mental distress, and injunctive and declaratory relief to prevent future violations. Minami Tamaki LLP serves as co-counsel.

### ***Abdon v. Delano Regional Medical Center (2011)***

Advancing Justice - LA represented over 40 Filipino American hospital employees who were subjected to a discriminatory English-only policy by their employer, Delano Medical Regional Center (DRMC) in California's Central Valley. The Filipino American employees alleged that DRMC discriminated against them by subjecting them to an over-reaching English-only policy which the hospital did not enforce against other bilingual employees. On behalf of the employees, Advancing Justice - LA intervened in a lawsuit that was filed by the U.S. Equal Employment Opportunity Commission to assert state law claims that provide the workers' heightened protections.

In 2012, the parties reached a landmark settlement of \$975,000 which is the largest settlement for a workplace language discrimination case in the health care industry in the United States. In addition to monetary relief, the settlement imposed on the hospital a three-year consent decree that prohibits it from engaging in the kind of alleged discrimination and harassment that gave rise to the lawsuit and institutes a new language policy. The new policy acknowledges the value of the hospital's diverse work force and allows employees the dignity to speak the language of their choice in appropriate circumstances. The consent decree also requires the hospital to hire an external Equal Employment Opportunity monitor to ensure compliance with its terms as well as train all staff to comply with equal employment laws and the new language policy.

### ***Hamdan v. Dept. of Justice et al. (2012)***

Advancing Justice - LA is litigating a Freedom of Information Act (FOIA) case seeking information about the U.S. government's involvement in the overseas detention, interrogation, and torture of U.S. citizen Naji Hamdan. Between August and October 2008, Mr. Hamdan was detained and tortured at a black site in the United Arab Emirates (U.A.E.), where he was living at the time. Mr. Hamdan believes that his detention and torture in the U.A.E. was at the behest of the U.S. government, pursuant to its well-known practice of "proxy detention" of terrorism suspects abroad. This and other practices adopted by the government in the name of counterterrorism after 9/11 have had a disproportionately harmful effect on Arab and Muslim Americans, like Mr. Hamdan.

Through its FOIA lawsuit, Advancing Justice - LA and co-counsel the ACLU of Southern California are challenging the government's withholding of key documents that would shed much needed public light on the U.S. government's involvement in Mr. Hamdan's detention and torture abroad.

## Advocating for Workers' Rights

*Our groundbreaking workers' rights litigation is based on a model of litigating for social change, in which workers are involved in case decision-making and strategizing. This client-centered model has led to significant Advancing Justice - LA victories, including increasing corporate accountability for sweatshop conditions in the garment industry, as well as systemic change, with the passage of Assembly Bill 633, the nation's strongest anti-sweatshop law.*

### ***Bureerong v. Uvawas (1995)***

Advancing Justice - LA was lead counsel for 80 Thai garment workers who had been enslaved in a sweatshop in El Monte, California, where they had lived and worked under armed guard and behind barbed wire, sewing garments for the nation's leading manufacturers and retailers. These workers had been held for up to seven years in a two-story apartment building where they suffered severe physical and psychological injuries while working in deplorable conditions. Advancing Justice - LA, in coalition with several other non-profit legal groups and private law firms, sued the manufacturers and retailers on behalf of the Thai workers as well as 22 Latino workers who sewed in a front shop affiliated with the El Monte sweatshop.

In the first federal lawsuit of its kind, the workers alleged violations of the Fair Labor Standards Act, California Labor Code, and negligence theories against companies whose garments were sewn in sweatshop conditions. The lawsuit established precedent for holding manufacturers and retailers accountable for the conditions in which their clothes are made. The case resulted in two published opinions – 922 F. Supp. 1450 (C.D. Cal. 1996) and 959 F. Supp.1231 (C.D. Cal. 1997). The case ultimately settled for an amount in excess of \$4 million.

Advancing Justice - LA also was instrumental in obtaining S-visas, issued to persons who assist federal law enforcement investigate and prosecute crimes, for the Thai workers who were otherwise at risk of deportation. This case was one of the first instances in which a large group of low-wage workers obtained S visas, creating a path to lawful permanent residency and eventual citizenship.

The following firms and organizations co-counseled the case: Rothner, Segall, Bahan & Greenstone; Hadsell & Stormer (now Hadsell, Stormer, Keeny, Richardson & Renick); ACLU of Southern California; Asian Law Caucus; Equal Rights Advocates; ACLU Immigrants' Rights Project; and Bird, Marella, Boxer & Wolpert (now Bird, Marella, Boxer, Wolpert, Nessim, Lincenberg & Dooks).

### ***Chen v. Ramirez (1999)***

Advancing Justice - LA brought wage and hour claims on behalf of garment worker Ms. Hsiu-Chu Chen against well-known clothing manufacturers including BCBG Max Azria and garment factory operators. Ms. Chen often worked six days a week in sweatshop conditions, and at times earned little more than \$3.00 an hour.

In retaliation for bringing suit, one of the defendant manufacturers, City Girl, Inc., filed counterclaims and a third-party complaint against Ms. Chen and APALC, respectively, alleging defamation, trade libel, and unfair business practices. Pro bono counsel Munger,

Tolles & Olson LLP defended Ms. Chen and Advancing Justice - LA, filing a special motion to strike under the California anti-SLAPP (Strategic Lawsuit Against Public Participation) statute. Thereafter, the parties entered into a settlement agreement requiring that defendants to pay \$30,000 and that City Girl dismiss its counterclaims.

***Bian v. Reebok, Emeraldtex (1999)***

Advancing Justice - LA brought wage and hour claims on behalf of Chinese garment workers who sewed clothing for Reebok at a factory located in El Monte, California. The workers worked 12 to 16 hours a day and were paid as little as \$2 an hour. Advancing Justice - LA secured an early settlement with Reebok and the sweatshop operator.

***Ceja v. AZ3, Inc. (2000)***

Advancing Justice - LA brought wage and hour claims on behalf of Latino garment workers against well-known manufacturers including BCBG Max Azria. The manufacturers had hired an independent monitoring company to inspect working conditions at the garment factory. When the workers told the independent monitor that they were not paid minimum wage or overtime, they were fired. Despite reports from the monitor indicating “Fail” grades for the sweatshop where the workers labored, the manufacturers continued to use the sweatshop. The routine and continued violations of workers’ rights revealed the failure of private monitoring to effectively end sweatshop abuse in the garment industry. The case settled, affording the workers back wages, statutory penalties, and damages.

***Zhao v. Bebe Stores, Inc. (2000)/Tham v. Bebe Stores, Inc. (2001)***

Advancing Justice - LA brought wage and hour claims on behalf of Chinese garment workers who worked exclusively for the private retailer Bebe while employed at a factory known as Apex Clothing Corporation. The workers were denied their lawful wages, including because defendants doctored their piece rate records. When the workers complained, they were fired and even blacklisted. The workers settled with Bebe on the eve of trial and won a default judgment against Apex for \$1.4 million. Bebe also agreed to create and post a toll-free hotline for worker complaints. Bird, Marella, Boxer & Wolpert served as co-counsel.

***Castro v. Forever 21, Inc. (2001)***

Advancing Justice - LA brought wage and hour claims in federal court on behalf of 33 Latino garment workers against Forever 21, a national clothing retail chain. The 33 workers worked in more than a dozen different sweatshops that sewed Forever 21 clothing. After a victory at the Ninth Circuit Court of Appeals reversing the lower court’s dismissal, Advancing Justice - LA re-filed the case in state court. Three years after Advancing Justice - LA filed suit, defendants agreed to a global settlement that included a commitment by Forever 21 to promote greater worker protection in the local garment industry. Bird, Marella, Boxer & Wolpert served as co-counsel.

***Desh Management v. Begum (2010)***

Advancing Justice - LA brought claims on behalf of Sakina Begum, a limited-English-proficient, low-wage Bengali cook against her former employer, Little Dhaka Restaurant in Artesia, for sexual harassment and wage and hour violations. Ms. Begum was subject to lewd

sexual harassment from the restaurant's head chef. Despite her repeated complaints, the restaurant ignored the harassment. After Ms. Begum sought help from the community group the South Asian Network (SAN) to understand her rights and legal options, the restaurant owners sued Ms. Begum and SAN claiming defamation, extortion, and malicious prosecution. Advancing Justice - LA defended Ms. Begum and SAN in that lawsuit by filing an anti-SLAPP motion, which resulted in dismissal of all claims against SAN. Advancing Justice - LA and pro bono co-counsel Caldwell Leslie & Proctor, P.C. then brought affirmative claims against the restaurant and its head chef for sexual harassment and wage and hour violations.

In 2013, Desh agreed to settle the dispute, pay substantial damages to Ms. Begum and her husband, and apologize for the mistreatment they suffered.

### ***Talavera v. QTS (2013)***

Advancing Justice - LA, together with the Wage Justice Center, is litigating a class action wage and hour lawsuit on behalf of a multi-racial group of primarily Latino and Korean port truck drivers who have been misclassified as independent contractors, and are thereby being denied basic workplace protections including minimum wage, meal and rest breaks, and reimbursement for business expenses. The case is part of a larger worker-led movement to change port industry practices to ensure vulnerable workers are not subject to exploitative working conditions.

## **Challenging Unconstitutional Laws**

*We have participated in major civil rights cases challenging unconstitutional laws that target immigrants and communities of color in coalition with other civil rights groups.*

### ***Gregorio T. v. Wilson (1994)***

Advancing Justice - LA participated in a constitutional challenge to California's Proposition 187, which barred undocumented immigrants from receiving a wide range of public services. This case, led by the Mexican American Legal Defense and Educational Fund and the ACLU, resulted in a federal district court's invalidating Proposition 187.

### ***Coalition for Economic Equity v. Wilson (1996)***

Advancing Justice - LA supported a constitutional challenge to California's Proposition 209, which prohibited the consideration of race or ethnicity in the state's public contracting, education, and employment. Although Proposition 209 withstood this challenge, Advancing Justice - LA has remained committed to supporting race-conscious policies in public institutions throughout the country.

### ***Castaneda v. University of California Regents (1998)***

Advancing Justice - LA represented highly qualified African American, Latino, and Filipino students who were denied admission to UC Berkeley. In partnership with other civil rights groups, Advancing Justice - LA challenged the university's admissions policy as being

discriminatory by, among things, giving undue weight to standardized test scores and extra GPA points for courses that were not equally available to students of color in California. The case resulted in a settlement in 2003 when UC Berkeley adopted “comprehensive review,” the admissions policy still in use today and which has been adopted by UCLA as well. UC Berkeley also agreed to hire a consultant identified by Advancing Justice - LA and co-counsel to help implement and monitor an admissions process that takes into account the whole definition of “merit.”

### ***In re Marriage Cases (2007)***

Advancing Justice - LA led a coalition of 60 Asian American organizations to file an amicus brief in the California Supreme Court in support of *In re Marriage Cases*, a case seeking marriage equality for gay and lesbian couples. The Court held that gays and lesbians have a fundamental right to marry and that a statutory ban on same-sex marriage was unconstitutional. However, after this Supreme Court decision, California voters passed Proposition 8, a ballot initiative that eliminated the right of same-sex couples to marry. Advancing Justice - LA filed an amicus brief with other civil rights partners challenging the legality of Proposition 8 and has continued to advocate for marriage equality for gays and lesbians through legal advocacy and community education.

### ***Valle del Sol v. Brewer (2010)***

In partnership with other leading civil rights organizations, Advancing Justice - LA filed a class action lawsuit challenging Arizona’s Senate Bill 1070. As written, the bill requires state law enforcement officers to determine the immigration status of individuals whom law enforcement officers “reasonably suspect” are undocumented immigrants, potentially resulting in prolonged detention. The statute attempts to construct a special immigration enforcement regime for Arizona, creating new state-law criminal offenses relating to immigration. Advancing Justice - LA is co-counseling the case with several groups, including the ACLU Immigrants’ Rights Project, Mexican American Legal Defense and Educational Fund, and the National Immigration Law Center. Munger, Tolles & Olson serves as pro bono counsel.

### ***Fisher v. UT Austin (2012)***

In August 2012, Advancing Justice - LA, together with the three other affiliates of Asian Americans Advancing Justice, filed an amicus brief in the U.S. Supreme Court in the case *Fisher v. UT Austin*. In that case, the Supreme Court was to rule on whether UT Austin’s use of race as one of many factors in its undergraduate admissions is constitutional under the Equal Protection Clause of the Fourteenth Amendment. Advancing Justice’s brief addressed why race-conscious policies like UT Austin’s are important to Asian American, Native Hawaiian, and Pacific Islander communities. Advancing Justice argued that in contrast to racial balancing, an admissions policy that appropriately considers race helps ensure equal access to higher education for communities of color. The brief also addressed the harmful effects of over-reliance on test scores as a measure of merit, and how the benefits of a diverse student body are experienced by all students, who receive an enhanced quality of education and are better prepared to become leaders in an increasingly multi-cultural society.

In 2013, the Supreme Court upheld universities' right to consider race as on factor in the admissions process, and remanded the case to the Fifth Circuit to consider whether UT Austin's admissions program's consideration of race is narrowly tailored consistent with constitutional principles. Advancing Justice also filed an amicus brief with the Fifth Circuit after the case was remanded there, reiterating the importance of race-conscious admissions policies to achieving equal education opportunity.

## Our Legal Team

**LABONI HOQ** is Advancing Justice-LA's litigation director, and leads the organization's Impact Litigation unit in its efforts to advocate for civil rights through lawsuits that seek to enforce and expand existing legal protections as well as change institutional practices on behalf of marginalized communities.



Prior to joining Advancing Justice-LA, Ms. Hoq was a civil rights litigator at two plaintiffs-side civil rights law firms, where her practice focused on advocating for workers' rights in all aspects of their employment and other civil rights cases. She has litigated individual and class employment discrimination cases, state and nationwide class actions challenging violations of wage and hour and consumer protection laws, and federal civil rights cases against government entities.

Before practicing civil rights law, Ms. Hoq practiced business litigation at Sidley Austin LLP. Ms. Hoq received her J.D. from Columbia Law School in 2001 after obtaining a Master of Philosophy degree in Development Studies from Cambridge University. After law school, she was awarded a Fulbright fellowship to clerk on the South African Constitutional Court and to carry out research on land rights at the University of Witwatersrand Law Faculty in Johannesburg, South Africa.

Ms. Hoq has been listed in the *Southern California Super Lawyers Magazine*® - Rising Stars edition each year since 2008. In 2012, she received the National Asian Pacific American Bar Association's "Best Lawyers Under 40" Award.

**JUSTIN MA** is the supervising attorney in Advancing Justice - LA's Impact Litigation unit. Mr. Ma has worked on matters involving consumer fraud, workers' rights, and employment discrimination. He has been lead counsel on several cases, including a discrimination case on behalf of more than 40 Filipino-American nurses in Bakersfield who claimed they were subjected to an unlawful English-only policy at the workplace, and two class action lawsuits on behalf of current and former casino workers charging wage and hour violations, as well as national origin and age discrimination.



Prior to joining Advancing Justice-LA, Mr. Ma was a litigation associate at Sidley Austin LLP, where he represented clients ranging from individuals and small start-up companies to Fortune 500 companies in breach of contract, copyright matters, and class actions.

Mr. Ma received his J.D. *cum laude* from Northwestern University School of Law in 2001. During law school, Mr. Ma interned at the U.S. Equal Employment Opportunity Commission and the Bluhm Legal Clinic. He also served as an associate editor for the *Northwestern University Law Review*. Upon graduation, Mr. Ma clerked for the Honorable Alicemarie H. Stotler, in the United States District Court for the Central District of California.

**NICOLE OCHI** is a staff attorney in Advancing Justice - LA's Impact Litigation unit. Ms. Ochi has worked on matters involving employment discrimination, education, workers' rights, and civil rights. She also provides education advocacy and community legal education to low-income immigrant youth and parents.



Prior to joining Advancing Justice - LA, Ms. Ochi was a judicial clerk for the Honorable Harry Pregerson in the United States Court Appeals for the Ninth Circuit. During law school, Ms. Ochi was a law clerk with Advancing Justice - LA as well as Public Counsel's Children's Rights Project, Schonbrun DeSimone Seplow Harris & Hoffman LLP, the Law Office of Carol Sobel, and the Legal Aid Foundation of Los Angeles.

Ms. Ochi received her J.D. summa cum laude from Loyola Law School of Los Angeles in 2009. During law school, she was the editor-in-chief of the *Los Angeles Public Interest Law Journal* and the chief developments editor of the *Loyola of Los Angeles Law Review*. She published four articles, including on undocumented students, emancipated foster youth benefits, and the effect of the foreclosure crisis on renters.

**ZULAIKHA AZIZ** is a staff attorney in Advancing Justice - LA's Impact Litigation unit. Before joining Advancing Justice-LA, Ms. Aziz specialized in human rights, women's rights, and capacity-building projects internationally, with a focus on Afghanistan. She also provided legal services to Middle Eastern and Asian communities in Orange County.

Since joining Advancing Justice-LA, Ms. Aziz has worked on matters involving workers' rights, civil rights, and voting rights. She also engages in education and advocacy efforts on behalf of Muslim American communities.



Ms. Aziz received her J.D. from the University of California, Berkeley School of Law in 2008. During law school, Ms. Aziz worked with detainees and asylum applicants at the International Human Rights Law Clinic and the California Asylum Representation Clinic. After law school, Ms. Aziz worked on a variety of complex litigation matters at a large law firm in Los Angeles.

**JOHN C. TRANG** is a staff attorney in Advancing Justice - LA's Impact Litigation unit. Mr. Trang coordinates the organization's advocacy on behalf of low-wage workers, with a focus on combating wage theft and labor trafficking. He engages in direct legal services, community legal education, policy advocacy, and litigation.

During law school, Mr. Trang served as a judicial extern for the Honorable Andrew J. Wistrich of the United States District Court for the Central District of California. He also clerked for Hadsell, Stormer, Richardson, and Renick LLP, and the Office of the Federal Public Defender through his law school's criminal defense clinic. Mr. Trang was also co-chair of OUTLaw and a graduate assistant tutor for law students in constitutional law.

Mr. Trang received his J.D. from UCLA School of Law, with certificates from the Epstein Program in Public Interest Law and Policy and Critical Race Studies. He is the son of Vietnamese war refugees.

**YANIN SENACHAI** is a Skadden Fellow working in the Impact Litigation Unit with a focus on serving Thai low-wage workers who are denied basic workplace rights.



After completing her undergraduate degree at Stanford University, she worked for seven years in non-profit organizations providing help for Asian American survivors of domestic violence. Ms. Senachai also supported a national network of Asian American community advocates in sharing and enhancing culturally competent strategies for addressing domestic violence. Ms. Senachai graduated from University of California, Berkeley School of Law in 2012.

# Ways to Help Us Receive *Cy Pres* Awards

- ◆ If you, your firm, or someone you know is party to or counsel on a class action case involving potential *cy pres* awards, you can help nominate Asian Americans Advancing Justice – Los Angeles as an awardee.
- ◆ Learn about Advancing Justice – LA ([www.advancingjustice-la.org](http://www.advancingjustice-la.org)) and spread the word about our access to justice initiatives – our civil rights advocacy, legal services, and litigation on behalf of workers, consumers, and indigent individuals.
- ◆ If you learn of *cy pres* awards, please let us know of opportunities.

For more information, please contact:

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*Asian Americans Advancing Justice - Los Angeles is the nation's largest Asian American, Native Hawaiian, and Pacific Islander (AANHPI) legal and civil rights organization and serves more than 15,000 individuals and organizations every year. Founded in 1983 as the Asian Pacific American Legal Center, Advancing Justice - LA's mission is to advocate for civil rights, provide legal services and education, and build coalitions to positively influence and impact Asian Americans and Pacific Islanders and to create a more equitable and harmonious society. Through direct legal services, impact litigation, policy analysis and advocacy, leadership development and capacity building, Advancing Justice - LA seeks to serve the most vulnerable members of the AANHPI community while also building a strong AANHPI voice for civil rights and social justice.*