

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHUN T. LEE, LIPING SUN on behalf of himself :
and all other persons similarly situated, :

Plaintiff, :

v. :

VILLAGE SUPER MARKET, INC. d/b/a :
ShopRite, VILLAGE SUPER MARKET OF NJ, L.P. :
d/b/a ShopRite, RONALD L. GOLEY, HUA :
HUANG, JOHN DOE, JANE DOE, fictitiously :
named parties, true name(s) unknown, and :
COMPANY ABC, COMPANY XYZ, factiously :
named business entities, true name(s) unknown :

Defendants. :

CIVIL ACTION

Case No.:

COLLECTIVE AND CLASS ACTION
COMPLAINT AND JURY DEMAND

Plaintiffs CHUN T. LEE and LIPING SUN (hereinafter referred to as "Plaintiffs") by way
of Complaint against the Defendants, states as follows:

INTRODUCTION

1. Plaintiffs allege on behalf of himself and on behalf of other similarly situated current
and former employees of Defendants pursuant to the Fair Labor Standards Act
("FLSA") and New Jersey Wage and Hour Law that among other things, they are
entitled to unpaid wages from defendants for overtime work for which he did not
receive overtime premium pay as required by law, liquidated damages,
prejudgment interest, post-judgment interest, and attorney's fees and costs.

THE PARTIES

2. Plaintiffs are former employees of the defendants.
3. Defendants VILLAGE SUPER MARKET, INC. d/b/a ShopRite and VILLAGE
SUPER MARKET OF NJ, L.P. d/b/a ShopRite (collectively, hereinafter referred to as

“Village” or “ShopRite”) are companies incorporated in the State of New Jersey which conducts business in the State of New Jersey.

4. Defendants VILLAGE SUPER MARKET, INC. and/or VILLAGE SUPER MARKET OF NJ, L.P. own and operate many different Shoprite locations, including the locations where Plaintiffs worked.
5. Both Village entities are involved in the management, operation, and/or ownership of certain ShopRite locations, including locations where Plaintiffs worked.
6. For instance, on its website, Village Super Market, Inc. claims that it owns and operates many ShopRite locations, including the Livingston, NJ location where the plaintiff was employed.
7. The name Village Super Market, Inc. also appeared on Employee Schedule at the Livingston, NJ location.
8. However, it is Village Super Market of NJ, L.P. that issued some or all of the paychecks to ShopRite employees, including Plaintiffs.
9. Both Village entities should be held liable for the labor law violations at issue.
10. Upon information and belief, Defendant Ronald L. Goley is an individual who resides in the state of New Jersey.
11. Upon information and belief, Defendant Hua Huang is an individual who resides in the state of New Jersey.
12. At all relevant times, Plaintiffs were individually engaged in interstate commerce or in the production of goods for interstate commerce.
13. At all relevant times, each corporate defendant has been, and continue to be, an enterprise engaged in interstate commerce and/or the production of goods for interstate commerce in within the meaning of the FLSA, 29 U.S.C. § 201 et al.

14. Upon information and belief, at all relevant times, Village has had gross revenues in excess of \$500,000.
15. Upon information and belief, at all relevant times, the defendants have used goods and materials produced in interstate commerce, and have employed two or more individuals who handled such goods and materials.
16. Upon information and belief, Defendant Hua Huang was a Chinese food manager for Defendant enterprise at the locations where Plaintiff worked.
17. Upon information and belief, Defendant Hua Huang had the power to hire and fire employees, set schedules, retain records, supervised Plaintiff, and retained records.
18. Upon information and belief, Defendant Ronald L. Goley was the kitchen manager for the Defendant enterprise at the location where Plaintiff worked.
19. Upon information and belief, Defendant Ronald L. Goley had the power to hire and fire employees, set wages, set schedules, supervised Plaintiff, and retained records.
20. Defendants John Doe and Jane Doe are individuals, true names unknown at this time, affiliated with the other defendants.
21. Defendants Company ABC and Company XYZ are business entities, true names unknown at this time, affiliated with the other defendants.
22. All defendants are "employers" as defined in the Fair Labor Standards Act and the New Jersey Wage and Hour Law.

JURISDICTION AND VENUE

23. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 1337 and supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367. In addition, the Court has jurisdiction over Plaintiffs' claims under the FLSA pursuant to 29 U.S.C. § 216(b).

24. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because the enterprise was located in this district, and all transgressions occurred in this district.

COLLECTIVE ACTION AND CLASS ACTION ALLEGATIONS

25. Plaintiffs seek to prosecute their overtime claims as a collective action on behalf of all persons employed by the defendants at all relevant times, who were non-exempt employees within the meaning of the FLSA, and who were not paid statutory overtime compensation at rates not less than one-and-one-half times the regular rate of pay for hours worked in excess of forty hours per workweek (the "Collective Action Members"), pursuant to 29 U.S.C. §216(b).

26. Plaintiffs further seek to prosecute their overtime claims as a class action on behalf of all persons employed by the defendants at all relevant times, who were non-exempt employees within the meaning of the FLSA and the New Jersey Wage and Hour Law, and who were not paid statutory overtime compensation at rates not less than one-and-one-half times the regular rates of pay for hours worked in excess of forty hours per workweek (the "Class Members"), pursuant to Fed. R. Civ. P. 23.

27. The Collective Action Members and the Class Members are similarly situated to Plaintiffs in that they were employed by defendants as non-exempt workers, and were denied premium overtime pay for hours worked beyond forty hours in a week.

FACTS

28. Plaintiff Chun T. Lee was hired as a chef for the Asian food section of ShopRite on or about June 10, 2014, and remained employed by Defendants until about March 30, 2019.

29. Plaintiff Lee generally worked five days a week under a work schedule from 8:00 a.m. until 6:00 p.m. However, he would work until about 7:30 pm from time to time.

30. Plaintiff Liping Sun was hired as a chef for the Asian food section of ShopRite on or about March 21, 2015, and remained employed by Defendant until about November 23, 2018.
31. Plaintiff Sun generally worked five days a week under a work schedule from 8:30 am until 6:30 pm. However, he would work until about 7:30 pm from time to time.
32. Plaintiffs' job duties primarily included preparing Chinese food for the Asian food section.
33. However, from time to time, Defendant Ronald L. Goley, on behalf of ShopRite, would assign other tasks to Plaintiffs.
34. Defendants Hua Huang and Ronald L. Goley supervised Plaintiff's work, and controlled his work schedule.
35. Defendants failed to pay Plaintiffs statutory overtime compensation at rates not less than one-and-one-half times the regular rate of pay for hours worked in excess of forty hours per workweek.
36. Plaintiffs generally received a fixed weekly salary, regardless of the number of hours worked.
37. Defendants violated multiple aspects of the federal and state labor laws by mishandling each plaintiff's personal days, sick days, holidays, vacation time, breaks, time spent in changing clothes and cleaning his person, and overtime compensation calculations.
38. Defendants failed to meet the statutory recordkeeping requirements under both the federal and state labor laws.

FIRST CAUSE OF ACTION

Violation of the Fair Labor Standards Act- Overtime

39. Plaintiff repeats and incorporates each of the preceding allegations as if fully set forth herein.
40. Under the FLSA, a plaintiff is entitled to receive one and one-half (1.5) times the Plaintiff's regular rate for each hour worked above 40 in a given workweek.
41. At all relevant times, defendants had a policy and practice of refusing to pay overtime compensation to their employees for hours they worked in excess of forty hours per week to which plaintiff was entitled under 29 U.S.C. §206(a), in violation of 29 U.S.C. §207(a)(1).
42. Defendant's conduct is a willful violation of the FLSA within the meaning of 29 U.S.C. §255(a).
43. Defendants have not made a good faith effort to comply with the FLSA in regards to paying Plaintiff's compensation.
44. As a result of Defendants' actions, Plaintiff has been damaged and is entitled to recover unpaid overtime wages and an equal amount in liquidated damages, as well as attorney's fees and costs of suit.

WHEREFORE, Plaintiff demands judgment against Defendants for unpaid overtime wages, liquidated damages, prejudgment interest, post-judgment interest, attorney's fees, costs of suit, and all such further relief the court may deem equitable and just.

SECOND CAUSE OF ACTION

Violation of the New Jersey Wage & Hour Law- Overtime

45. Plaintiff repeats and incorporates each of the preceding allegations as if fully set

forth herein.

46. Under the New Jersey Wage & Hour Law, a plaintiff is entitled to receive one and one-half (1.5) times the Plaintiff's regular rate for each hour worked above 40 in a given workweek, N.J.S.A. 34:11-56a4 and NJAC 12:56-6.1.

47. At all relevant times, defendants had a policy and practice of refusing to pay overtime compensation to their employees for hours they worked in excess of forty hours per week, in violation of N.J.S.A. 34:11-56a4.

48. As a result of Defendants' actions, Plaintiff has suffered damages.

WHEREFORE, Plaintiff demands judgment against Defendants for all damages under the New Jersey Wage and Hour law, including without limitation unpaid overtime wages, liquidated damages, prejudgment interest, post-judgment interest, attorney's fees, costs of suit, and all such further relief the court may deem equitable and just.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Date: April 30, 2019

WANG, GAO & ASSOCIATES, P.C.
Attorney for Plaintiffs



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JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CHUN T. LEE and LIPING SUN

(b) County of Residence of First Listed Plaintiff Richmond, NY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Wang, Gao & Associates, P.C.
36 Bridge Street, Metuchen, NJ 08840 Tel: 732-767-3020

DEFENDANTS

VILLAGE SUPER MARKET, INC., et al.

County of Residence of First Listed Defendant Union, NJ
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 U.S.C. 206, 207

Brief description of cause:

Failure to pay statutory overtime compensation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

04/30/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Former ShopRite Chefs Owed Unpaid Overtime Wages, Lawsuit Says](#)
