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Restaurateur to pay \$280,000 in dispute with workers

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The owner of the Casa Del Palmar and El Palmar stores and restaurants in San Rafael, Novato and Petaluma was ordered by a Marin Superior Court judge to honor a \$280,000 settlement with former employees for unpaid overtime wages and penalties. Judge Michael Dufficy last week ruled that a settlement reached in mediation in September was valid and should be enforced.

The defendant, business owner Roberto Guillen, had agreed to the settlement. But when he changed his mind about it later, attorneys for the employees asked the court to enforce the agreement.

The civil lawsuit was filed by the Tiburon law firm of Talamantes, Villegas, Carrera LLP, the San Rafael law firm Jaret & Jaret, and San Francisco lawyer Arthur Siegel. The plaintiffs were Angelica Jimenez, Alondra Magana, Cuahutemoc Magana and Linda Magana, former employees of the El Palmar stores and restaurants.

The lawsuit says employees were required to work long hours and were cheated out of overtime pay and rest breaks. El Palmar also did not keep records of time employees had worked, the suit said.

Plaintiffs' attorney Karen Carrera said the most disappointing thing about the case was that the business is Latino-owned and it exploited Latino workers.

"El Palmar and Guillen have absolutely no time records - the employees worked nine to 12 hours per day for a weekly cash salary no matter how many hours they worked," Carrera said. "The owner fired or suspended the workers at whim."

Carrera said the employers were taking advantage of low-income workers who did not know their rights and were afraid of losing their jobs.

"There are good employers out there, but there are employers out there who know they can take advantage of immigrants," Carrera said.

The case also involved unfair competition, Carrera said, because stores and restaurants that complied with the law cannot earn as much profit as one that shortchanged its workers.

Under terms of the settlement, Guillen will pay \$90,000 for restitution for labor code violations, \$75,000 to former and current employees, \$105,000 in attorneys' fees and \$10,000 for administration.

Guillen could not be reached for comment yesterday. His attorney, Theresa Fritz of Santa Rosa, declined to comment.

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