



## Domino's Should Pay For Franchise Wage Violations, Suit Says

By Y. Peter Kang

Law360, Los Angeles (April 4, 2016, 9:07 PM ET) -- Domino's Pizza Inc. was taken to task on Monday in a putative wage-and-hour class action filed in New York federal court saying the pizza chain can't hide behind the franchise model when its franchisees are committing wage violations against employees.

Former Domino's Pizza Inc. employee Riad Kucher alleges systemic wage violations in which he and other workers were forced to put in numerous off-the-clock hours and weren't paid overtime. He claims he was ultimately fired for complaining about the allegedly withheld wages.

"This has happened time and time again, and the time has come for it to stop," the 37-page complaint states. "Domino's cannot continue to hide behind its franchise model — which allows it to reap massive revenues totaling almost \$2,000,000,000 per year — and disclaim any responsibility for the conduct of its franchisees, even while it is well aware that it flouts the law and mistreats its employees."

The suit said the New York State Attorney General's office in 2014 investigated 23 Domino's restaurants in eight New York counties, resulting in a \$450,000 settlement to **resolve labor violations**, including unpaid wages. **The following year**, the state attorney general's office reached a nearly \$1 million settlement with five current and former Domino's franchisees, which admitted to violations of basic labor law protections, including minimum wage and overtime violations, according to the complaint.

"The time has come for Domino's — on a corporate level — to take full ownership and responsibility for the repetitive and blatant unlawful conduct of its franchisees," Kucher said. "Domino's should not be permitted to turn a blind-eye to the unlawful conduct committed by its franchisees, and allow complaints of unlawful conduct to fall on deaf ears."

Kucher seeks to establish a collective of former employees under the Fair Labor Standards Act and a class of former employees under New York labor law.

An attorney for Kucher told Law360 on Monday that he hopes the lawsuit sends a message to Domino's that action needs to be taken on a corporate level.

"We intend to hold Domino's, the franchisor, liable for the conduct of its franchisees, particularly given that it has been put on actual notice of the alleged unlawful wage and hour practices many times over, and has not taken appropriate remedial measures to put an end to these violations," said David E. Gottlieb of [Wigdor LLP](#).

Representatives for the other parties did not immediately respond to requests for comment Monday.

The workers are represented by David E. Gottlieb, Tanvir H. Rahman and Rita M. Lenane of Wigdor LLP.

Counsel information for Domino's and the franchisees was not immediately available.

The case is Riad Kucher v. [Domino's Pizza Inc.](#) et al., case number [1:16-cv-02492](#), in the U.S. District Court for the Southern District of New York.

--Additional reporting by Emily Field. Editing by Kelly Duncan.