

# Illegal immigrants sue Cafe Express over papers

Defendant says law firm acted properly in chain's dealings

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By DIANNE SOLÍS and KAREN ROBINSON-JACOBS / The Dallas Morning News

Cafe Express, a unit of Wendy's International Inc., and a Houston law firm have been sued in Dallas County district court on fraud, unjust enrichment and other allegations on behalf of a group of illegal immigrants.

According to the suit, about 100 employees of Cafe Express were affected when the restaurant chain and its law firm allegedly missed a 2001 deadline to file paperwork that could have allowed the employees to become permanent U.S. residents.

Among them was the lead plaintiff, Jaime Chavez, a 36-year-old Mexican who worked at a Dallas-area Cafe Express.

Cafe Express agreed to help the workers gain permanent legal status, according to court documents. Cafe Express also continued to deduct \$25 from the workers' weekly paychecks to cover legal fees from May 2001 through December 2005, even after the key deadline was missed, the suit says.

Bob Bertini a spokesman for Wendy's, said late Monday that he was unable to reach the Cafe Express management team and could not comment on the details of the suit.

One of the lawyers named in the civil suit defended the law firm Boyar & Miller, where she formerly worked.

"I can assure you that Boyar Miller acted appropriately and took all appropriate legal action," said E. Michelle Bohrer, a Houston-based attorney and one of 15 defendants named in the suit. She declined to comment further.

According to court documents, the employees were told of the missed deadline in July when the company sent them letters stating that unless they could prove their applications were filed on time – independent of the law firm – they would be terminated on Sept. 15.

"The thing that really stuck out in our minds is that the very best last chance was missed," said Stan Broome, one of the Dallas lawyers representing the plaintiffs. Mr. Broome is seeking class-action status in the suit.

The restaurant industry is widely acknowledged to be one of the top destinations for immigrant workers without proper documents. And many illegal immigrant workers and employers are increasingly fearful that the federal government will stiffen enforcement of immigration laws.

Lawsuits by illegal immigrants workers are rare. Although some sections of law provide them with protections, a public suit can also expose them to deportation proceedings from the United States.