

Oct. 7, 2006, 12:03PM

Mexican immigrants file suit

Cafe Express held out money, law firm missed deadline, they say

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Three Mexican immigrants in Houston are suing Cafe Express, parent company Wendy's International and its former law firm Boyar & Miller, alleging the restaurant and its attorneys defrauded them.

Between 2000 and 2001, under the federal government's Life Act Amendment, undocumented workers could apply for permanent residency with the help of their companies.

Cafe Express hired Houston-based Boyar & Miller to do the paperwork for 100 of its employees in Houston and Dallas and deducted \$25 every other week from their paychecks to cover the cost of the legal fees, according to the suit filed Friday in Houston.

"We were so excited because it was like a dream come true," said plaintiff Daniel Olivares, 32, who worked at the River Oaks-area Cafe Express for six years, most recently as a bartender and cashier earning \$8.75 an hour.

But then, according to the lawsuit, Cafe Express and its attorneys missed the government's deadline and failed to tell the workers, who continued to pay legal fees for more than four years.

Last month, Cafe Express fired 16 workers, and 12 more left the company, after they were told they didn't have the proper documentation to work in the U.S., Wendy's officials said Friday.

Wendy's also told the workers, at that time, that the deadline had been missed, Wendy's said.

"There was no way to know that these weren't filed on time until we heard back from the government late this summer," said Bob Bertini, spokesman for Wendy's, which purchased a 45 percent stake in the restaurant chain in 2002 and later increased its interest to 70 percent.

Cafe Express and Boyar & Miller could not be reached for comment on Friday.

In the past five years, Olivares said he and other employees repeatedly asked Cafe Express management about the status of the petitions.

"They continued to string them along," said attorney Matthew Bobo of Dallas-based law firm Howie, Broome & Bobo, which is representing Olivares and the plaintiffs in another lawsuit filed in Dallas.

The workers are suing to recover the money they said was taken out of their paychecks.