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Epicurean Owner May Be Indicted

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Owner faces criminal charges after allegedly threatening worker's job

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Published: Tuesday, October 23, 2012

Updated: Tuesday, October 23, 2012 02:10

The owner of Epicurean and Co. could be facing criminal indictment for violating a court order that was issued during a civil lawsuit which began in 2010.

The owner, Chang Wook Chon, was issued a show cause order by the U.S. District Court for the District of Columbia during a hearing last week. The order mandates that he appear at a status conference next month to determine a time and place for a trial on the criminal contempt charges.

The 2010 lawsuit was filed as a class action case by four employees of Epicurean and Co. who alleged that Chon had violated the Fair Labor Standards Act by failing to fully compensate them for overtime work.

Chon offered settlement payments to the four plaintiffs outside of court during a meeting at which no attorneys were present, according to court documents. However, a judge ruled in 2011 that there was not sufficient evidence that these settlements were fair and reasonable and that the case should continue in court.

According to Darin Dalmat, an attorney for the employees, his firm had by that time lost touch with the plaintiffs. But this May, one of the original plaintiffs contacted Dalmat to reopen the case. Dalmat said that the plaintiff had stopped communicating with attorneys because Chon said he would report the plaintiff to immigration authorities.

According to the plaintiff's testimony last week, he received a notice from the court in December of 2011 regarding a continuation of the case and informed Chon that he would need a day off to appear in court. The plaintiff alleged that Chon told him that if he wanted to keep his job, he should ignore the notice.

At a hearing last week, the court determined that this violated a 2011 court order that prohibited Chon from discussing the case with the plaintiffs. The court referred the case to the U.S. Attorneys' Office, which must decide whether it will prosecute the case by the end of the month.

According to Dalmat, criminal proceedings would effectively put the civil case on hold and could lead to a fine or prison sentence.

"An order to show cause regarding criminal contempt is a matter that must be addressed with the utmost seriousness and care," Kimberly Jandrain, an attorney for Chon, wrote in an email. "Our client and we are approaching it that way. Given that it is a criminal matter, we cannot comment on the merits, other than to say that we look forward to the matter being heard on the merits."

The show cause order comes a day after a judge approved two settlements in another lawsuit against Chon, which was filed this summer by three former employees of Epicurean and Co. also alleging violations of the Fair Labor Standards Act. The defendant filed an agreement known as an offer of judgment with regard to two of the plaintiffs, which means judgment was entered in their favor.

As a result of the judgment, the plaintiffs will receive a total of \$18,250 in damages and attorney's fees. The third plaintiff agreed to drop her case and release the defendant from liability for a settlement of \$200.