

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

<b>THOMAS E. PEREZ, Secretary of Labor, United States Department of Labor,</b>	:	Case No. 1:13-cv-903
Plaintiff,	:	District Judge Beckwith Magistrate Judge Bowman
-vs.-	:	
<b>DANCING WASABI HYDE PARK, INC., A Corporation, et al.</b>	:	<b><u>ANSWER OF DANCING WASABI HYDE PARK, INC.</u></b>
Defendants.	:	

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Comes now Defendant Dancing Wasabi Hyde Park, Inc., by and through counsel, and for its Answer to Plaintiff's Complaint, states as follows.

The present management of this Defendant is engaged in litigation against Defendant Chang Hee Choi, pending before the Hamilton County Court of Common Pleas, Ohio, Case No. A1400383. Mr. Choi has been enjoined from exercising managerial responsibility in relation to employment and payroll matters, among others, by an Order of that Court entered on January 30, 2014.

Said Order further requires Mr. Choi to cooperate fully in providing all necessary information to the present management of this Defendant in relation to this action, which requirement will be fully insisted upon and diligently pursued.

This Answer is made on the basis of the management's present reasonable belief and the information of which it is currently aware. Leave of the Court for amendment of this Answer will be sought in the light of any further relevant information of which the management may become aware, or which it may receive.

**I.**

This Paragraph of the Complaint, and the preliminary statement preceding it, contain no averments which call for answer.

**II.**

1. Defendant admits the averments contained in this Paragraph of the Complaint.
2. Defendant denies that Chang Hee Choi resides at 7258 Laurel Oak Lane, Cincinnati, Ohio, denies that Chang Hee Choi is its 100% owner and that he was its 100% owner during the entire period mentioned in the Complaint, but admits that Chang Hee Choi was at all times mentioned in the Complaint wholly responsible for management of its employees, and all direct and indirect actions in its relations with its employees as an employer within the meaning of the Fair Labor Standards Act.

**III.**

This Paragraph of the Complaint contains only a legal conclusion which does not call for answer. To the extent that answer is required, Defendant admits as to itself that it has engaged in performance of related business activities for a common business purpose, but denies that it is engaged in or has been at any time mentioned in the Complaint engaged in performance of related business activities for a common business purpose with Defendant Choi in his personal capacity. Defendant Choi is and was President of Defendant Dancing Wasabi Hyde Park, Inc., and to that extent its agent when acting within the legitimate scope of his office, but this Defendant denies that it is or has been engaged in any related business activities with Defendant Choi in his personal capacity.

**IV.**

This Paragraph of the Complaint contains only a legal conclusion which does not call for answer. To the extent that answer is required, and assuming that the language of the Complaint was

intended to reflect accurately the language of the cited section of the Fair Labor Standards Act, Defendant admits as to itself that it has had an annual dollar volume of sales in excess of \$500,000.00, exclusive of excise taxes at the retail level, admits that it has and has had employees handling, selling and otherwise working on goods or materials that have been produced for or moved in commerce, and denies the remaining averments contained in this Paragraph of the Complaint.

**V.**

Defendant denies the averments contained in this Paragraph of the Complaint as to itself, insofar as it currently has no information as to what actions purportedly on its behalf that Defendant Choi may have taken in this regard, but denies that Defendant Choi was authorized to undertake any such actions on its behalf as averred in this Paragraph.

**VI.**

Defendant denies the averments contained in this Paragraph of the Complaint as to itself, insofar as it currently has no information as to what actions purportedly on its behalf that Defendant Choi may have taken in this regard, but denies that Defendant Choi was authorized to undertake any such actions on its behalf as averred in this Paragraph.

**VII.**

Defendant denies the averments contained in this Paragraph of the Complaint as to itself, insofar as it currently has no information as to what actions purportedly on its behalf that Defendant Choi may have taken in this regard, but denies that Defendant Choi was authorized to undertake any such actions on its behalf as averred in this Paragraph.

**VIII.**

Defendant denies the averments contained in this Paragraph of the Complaint as to itself, insofar as it currently has no information as to what actions purportedly on its behalf that Defendant Choi may have taken in this regard, but denies that Defendant Choi was authorized to undertake any such actions on its behalf as averred in this Paragraph.

**IX.**

Defendant denies the averments contained in this Paragraph of the Complaint as to itself, insofar as it currently has no information as to what actions purportedly on its behalf that Defendant Choi may have taken in this regard, but denies that Defendant Choi was authorized to undertake any such actions on its behalf as averred in this Paragraph. The second sentence of this Paragraph contains only legal conclusions not calling for answer.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted by this Court as to this Defendant.
2. All actions which are alleged by Plaintiff to have given rise to liability on the part of this Defendant, insofar as such actions did in fact take place, were actions taken by Defendant Choi outside the scope of his agency on behalf this Defendant, and taken solely in his personal capacity.
3. Defendant specifically reserves the right to rely upon any and all defenses that are or may become available to it, and to amend its Answer in accordance with the Rules of Civil Procedure and as the Court may permit.

WHEREFORE, having fully answered Plaintiff's Complaint as to itself, Defendant Dancing Wasabi Hyde Park, Inc., prays that it be dismissed from this action at Plaintiff's cost,

that Plaintiff take nothing by its Complaint against this Defendant, and for any and all other relief to which it may be entitled at law or in equity.

Respectfully submitted,

s/ Daniel A. Niehaus  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Sandra B. Kramer, Trial Attorney for Plaintiff, and I hereby certify that I have mailed the document by the United States Postal Service to Defendant Chang Hee Choi at 3827 Paxton Avenue, Apt. 442, Cincinnati, Ohio 45209.

s/ Daniel A. Niehaus  
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