

February 22, 2019

The Honorable Raúl M. Grijalva, Chairman
The Honorable Gregorio Kilili Camacho Sablan
Committee on Natural Resources
United States House of Representatives
1324 Longworth House Office Building
Washington, DC 20515
Email: nrdeems@mail.house.gov

Re: Committee Hearing on H.R. 560 and other matters
Labor violations at the Imperial Pacific casino in Saipan, CNMI

Dear Chairman Grijalva and Congressman Sablan,

We are individuals and organizations outraged by the severe labor rights violations that transpired at the Imperial Pacific construction site in Saipan, CNMI. We appreciate the attention that the U.S. Congress paid to such issues last year, including through a hearing held by the Senate Committee on Energy concerning the *Northern Mariana Islands U.S. Workforce Act* (S. 2325). However, many of the issues raised at that hearing still have not been satisfactorily addressed and, in the intervening time, new problems have emerged.

As you may recall, Imperial Pacific initially hired multiple Chinese construction companies to build its casino and resort project, such as Gold Mantis and MCC. These companies then employed thousands of Chinese workers, many of whom lacked legal work authorization. These workers suffered abuses that should never occur on United States soil: false promises about working conditions, enormous recruitment fees, failure to pay minimum wage, horrible living conditions, and shocking rates of workplace injuries.¹ At the aforementioned Senate Energy Committee hearing last year, one member appropriately described these violations as “outrageous.”² Some of these abuses have been addressed – such as the U.S. Department of Labor obtaining nearly \$14 million for the minimum wage violations suffered by nearly 2,400 Chinese workers – but others have not.³

One unaddressed problem of serious concern is the utter disregard for worker safety and lack of compensation for workers injured on the project. An OSHA investigation documented over 80 serious worker injuries on the construction site in 2016 alone – an injury rate well above the national average.⁴ Moreover, OSHA found that rather than ensuring these workers received appropriate medical care, the Chinese employers sent them back to China, even in cases where the doctor objected to moving the patient.⁵ In March 2017, at least one worker fell to his death from the building’s scaffolding.⁶ However, these contractors were able to operate in CNMI without purchasing workers’ compensation insurance for these employees and there is no evidence that the workers were ever compensated for their injuries.

A federal lawsuit, recently filed in December 2018, has highlighted this injustice.⁷ Seven former employees of Gold Mantis, a contractor on the Imperial Pacific casino project, suffered severe injuries on the job – including a severely burnt leg and a fingertip that was severed off. Due to their undocumented status, Gold Mantis refused to take them to the hospital or to see a doctor. Instead, these already indebted workers needed to borrow more money to purchase pain relievers and medication. After the FBI intervened and the Gold Mantis managers fled back to China, local newspapers reported on the injuries and mistreatment suffered by these workers.⁸ Nonetheless, neither Gold Mantis nor Imperial Pacific paid a single penny to compensate these employees for their injuries before they were sent back to China.⁹ Due to their injuries, some of the workers are now only able to perform limited, light work and they lack the money to pay for the medical procedures recommended by their doctors.

Even after the enforcement actions by federal authorities, labor problems at the Imperial Pacific construction site have persisted. In the summer of 2018, over 30 Chinese employees working on the casino project protested that they had not been paid overtime.¹⁰ At the end of 2018, the H-2B guest workers employed directly by Imperial Pacific complained of their contracts being terminated early and not being properly compensated.¹¹

There appears to be a fundamental lack of meaningful oversight over the casino and its contractors. The institutions currently in place, like the CNMI Casino Commission, are clearly insufficient. Imperial Pacific has been permitted to continue its project without remedying the serious violations that have already transpired, such as severe worker injuries, or making sufficient plans to avoid them in the future. Local CNMI legislators made the common-sense proposal to establish an independent monitoring body to ensure that the casino and its contractors follow the law, provide safe working conditions, and legally compensate workers.¹² However, the CNMI Governor has not publicly expressed support for this proposal.

In light of the situation described above, when Governor Torres of the CNMI appears before your Committee next week, we hope that the Committee will inquire as to what steps are being taken to ensure that past worker abuses are remedied and future violations are prevented.

Thank you for your attention to this matter.

Sincerely,

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China Labour Bulletin

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Audrey Winn
Asian American Legal Defense and Education Fund (AALDEF)

Enclosures:

1. Declaration of Rick Foster (December 15, 2016).
2. Complaint, *Wang, et al. v. Gold Mantis Construction*, 18-Civ-0030 (December 17, 2018).
3. Photographs of Gold Mantis employees' injuries.

* These individuals are signing in their personal capacities and not as representatives or on behalf of their respective institutions.

¹ See, e.g., Neil Gough & Cao Li, *U.S. investigates work at Pacific island casino project with Trump ties*, NEW YORK TIMES, May 4, 2017, <https://www.nytimes.com/2017/05/04/business/saipan-casino-illegal-chinese-workers-trump.html>; Ferdie De La Torre, *Construction workers housing lacks occupancy certificate*, SAIPAN TRIBUNE, April 25, 2017, <https://www.saipantribune.com/index.php/construction-workers-housing-lacks-occupancy-certificate/>.

² Legislative Hearing, Senate Energy and Natural Resources Committee, February 6, 2018, available at: <https://www.energy.senate.gov/public/index.cfm/2018/2/legislative-hearing-on-various-bills>.

³ Sophia Yan, *Chinese firms will pay \$14 million in back wages in Saipan case*, ASSOCIATED PRESS, March 6, 2018.

⁴ Declaration of Rick Foster, Docket No. 3, *Establishment Inspection of: MCC International Saipan Ltd. Co.*, 16-MC-0041 (CNMI District Court, December 15, 2016), para. 3.

⁵ Foster Declaration, para. 3.

⁶ Ferdie De La Torre, *Man killed was unauthorized to work*, SAIPAN TRIBUNE, April 5, 2017, <https://www.saipantribune.com/index.php/man-killed-unauthorized-work/>.

⁷ Anita Hofschneider, *Lawsuit filed by injured Chinese workers against Saipan casino*, HONOLULU CIVIL BEAT, December 18, 2018, <https://www.civilbeat.org/2018/12/lawsuit-filed-by-injured-chinese-workers-against-saipan-casino/>.

⁸ See, e.g., Emmanuel T. Erediano, *Gold Mantis vows to pay injured workers; US Labor looks into 'ongoing case'*, MARIANAS VARIETY, May 12, 2017, <http://www.mvariety.com/cnmi/cnmi-news/local/95216-gold-mantis-vows-to-pay-injured-workers-us-labor-looks-into-ongoing-case>.

⁹ Hofschneider, *Lawsuit filed by injured Chinese workers*.

¹⁰ Cherrie Anne E. Villahermosa, *Construction workers stage protest*, MARIANAS VARIETY, August 24, 2018, <http://www.mvariety.com/cnmi/cnmi-news/local/107005-construction-workers-stage-protest>.

¹¹ Jon Perez, *80 workers lose jobs*, SAIPAN TRIBUNE, October 15, 2018, <https://www.saipantribune.com/index.php/80-workers-lose-jobs/>.

¹² Cherrie Anne E. Villahermosa, *Sen. Manglona says monitoring board should ensure compliance at hotel-casino construction site*, MARIANAS VARIETY, July 31, 2018, <http://www.mvariety.com/cnmi/cnmi-news/local/106361-sen-manglona-says-monitoring-board-should-ensure-compliance-at-hotel-casino-construction-site>.

Enclosure 1

FILED
Clerk
District Court

DEC 15 2016

for the Northern Mariana Islands
By _____
(Deputy Clerk)

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

MC 16-00041

ESTABLISHMENT INSPECTION OF:

MCC INTERNATIONAL SAIPAN
LTD. CO.

DECLARATION OF RICK FOSTER

RICK FOSTER, in accordance with 28 U.S.C. §1746(2), declares:

1. I am a Compliance Safety and Health Officer (CSHO) with the Occupational Safety and Health Administration (OSHA), United States Department of Labor. I am fully familiar with the facts and circumstances of this case. I submit this Declaration in support of the Secretary of Labor’s Application in this matter.

2. MCC International Saipan Ltd. Co. (“MCC”) was selected by OSHA for a “referral” inspection pursuant to Chapter 9 of the Field Operations Manual (CPL 02-00-160) effective August 2, 2016. On December 3, 2016, OSHA received a referral through the OSHA website online from a treating physician at the Commonwealth Health Care Corporation (CHCC), Saipan’s hospital, providing information that a large number of workers were experiencing serious injuries at the construction project including amputations and fractures. December 4, 2016, the employer reported that a worker on the site had a heart attack and had passed away. I went to the site on 12/6/2016 to investigate the referral and verify whether the fatality was occupationally related and observed what appeared to be workers exposed to fall hazards, *i.e.*, climbing from one level of the scaffolding to another without being continuously protected from a fall hazard.

3. The North American Industry Classification (NAICS) code for MCC is 236220. The Bureau of Labor Statistics has reported that the incident rate for this NAICS code in 2015 was 3.1, and based on the available information, MCC’s incident rate is greatly exceeds the national average for 2015. An Excel spreadsheet reflecting approximately 80 serious injuries from that

1 site logged at CHCC from January 1 through December 6, 2016 is attached hereto as Exhibit 2.

2 4. A report received by OSHA from a treating physician at CHCC stated that a worker from
3 the MCC site had fallen and broken his back. The treating physician recommended that he be
4 hospitalized and not transported, but the injured person was not allowed to be admitted, and was
5 promptly transported to the People's Republic of China.

6 5. MCC's mailing address is 3rd Floor Bank of Guam, Garapan, Saipan, MP 96950.
7 MCC's phone number is 670-233-6868. MCC affects interstate commerce in that it uses United
8 States-based phone lines and internet services to order materials and supplies between China and
9 the United States; in addition, MCC purchases fuel for their onsite vehicles such as cranes,
10 trucks, loaders, buses and backhoes, which are all transported or used on U.S. highways. MCC's
11 Imperial Pacific Resort casino construction project is located in Garapan, Saipan, MP 96950.

12 6. In my capacity as a CSHO, I entered the MCC construction site on December 6, 2016 and
13 presented credentials to Mr. Michael Fejeran, Site Safety Officer. I explained the reason for the
14 inspection, I arrived at the work site at 0850 and was escorted to the MCC main office. At 0900
15 I was told to wait until the legal representative could be contacted and attend the opening
16 conference. I stated that I could wait 45 minutes for legal counsel and others to arrive. During
17 the wait time, Mr. Fejeran provided me with a copy of the internal investigation of a fatality that
18 occurred at the worksite on December 3, 2016.

19 7. After a wait time of approximately one-hour, I explained the reason for the inspection,
20 and held an opening conference with Mr. Fejeran, Mr. Chan Sam Gazy, Mr. Ren Deping Jasen,
21 Mr. Liu Yuan Xiong, Mr. Javier Dayat (Safety Consultant), Mr. David Rollera (Safety
22 Consultant), Mr. Alvin Zhem, Mrs. Deb Comacho (Regulatory and Compliance Officer for Best
23 Sunshine), Mr. Aldon Wong (Project Manager for Gold Mantis). Following the opening
24 conference, Mr. Chuck McDonald (Legal Counsel for Imperial Pacific Resort) arrived and I held
a brief opening conference with him. Mr. McDonald then asked that I leave the room so he
could discuss this situation with the members of the opening conference. Approximately 30


1 minutes later, Mr. McDonald stated to me that they needed more time to determine what they
2 should do and asked the CSHO to leave. Mr. McDonald stated he would contact me later in the
3 day to discuss. At 1540 I received a phone call from Mr. McDonald stating that he and the MCC
4 attorney would like for me to meet them at their office on 12/7/2016 at 1000 to discuss the
5 situation. Thereupon, I contacted my supervisor and proceeded to explain the refusal of entry by
6 MCC.

7
8 8. The inspection and investigation sought herein is part of the referral procedures
9 outlined in Chapter 9 of the Field Operations Manual, designed to assure compliance with the
10 Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*).

11 9. This program has been approved by the Secretary of Labor. A true and correct copy of
12 the Field Operations Manual is attached hereto as Exhibit 1.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 DATED: 12/15/16

15 

16 Rick Foster
17 Compliance Safety and Health Officer
18 U.S. Department of Labor
19 Occupational Safety and Health Administration

20 Witnessed:

21 DATED: Dec. 15, 2016

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23 

24 Hon. Ramona V. Manglona
Chief Judge, District Court
for the Northern Mariana Islands

Month	Visits
January	1
February	1
March	1
April	2
May	4
June	7
July	4
August	6
September	10
October	17
November	19
Dec 1-Dec 8	7
Total	79

Injuries	Total
Hit by moving/falling item	43
Fall from height (1-20 meters)	9
Injured by power tool	12
Cut by metal/wood	7
Pain after lifting	2
Stepped on nail	3
Infected wound	1
Stepped in hole	1
Twisted ankle	1
Electrocution	1
Total	80

Summary of Diagnoses	Total
Laceration	26
Sprain/strain	10
Fingernail avulsion	5
Extremity pain	5
Back pain	2
Abrasion	3
Fracture of bone	7
Puncture wound	3
Foreign body in eye/corneal abrasion	3
Contusion	19
Infected wound	2
Hemorrhagic bursitis	1
Concussion	1
Fingertip amputation	1
Scapular hematoma	1
Closed head injury	3
Rhabdomyolosis	1
Dislocated joints	2
Total	95

Dispo	Total
Discharge, no follow up	49
Discharge, f/u ER	18
Discharge, f/u ophthalmologist	3
Discharge, f/u General Surgery	4
Admit	3
Total	77

Company declined one of these
3 admissions, flew pt off island

Detailed Diagnoses
Chest pain
(1) Crush injury, (2) Fingernail avulsion to thumb
Ankle laceration
Shoulder pain
(1) Back abrasion, (2) Thigh abrasion
Back pain
Knee strain
Metallic foreign body in eye
Chest wall abrasion
Head laceration
Hand laceration
Facial laceration
(1) Fingernail avulsion, (2) Distal phalanx fracture
puncture wound
scalp laceration
(1) Calcaneous fracture, (2) Compression fracture of vertebrae
Chin laceration
Shoulder pain
Eyebrow laceration
Eyebrow laceration
Thigh contusion
Nose contusion
Fracture of 1st and 2nd metatarsal
Leg contusion
Chest wall laceration
Wrist laceration
Infected finger
(1) Elbow contusion, (2), Hemorrhagic bursitis
(1) Finger laceration, (2) Tendon laceration
Thumb abscess
Knee sprain
puncture wound
(1) Ankle sprain, (2) Foot sprain
(1) Foreign body in cornea, (2) Corneal abrasion
Rib contusion
Fracture of phalanx of foot
(1) Concussion, (2) Cervical strain, (3) Minor head injury
Knee sprain
(1) Elbow laceration, (2) Contusion
Finger contusion
Traumatic amputation of fingertip
Rib contusion

Shoulder contusion
Ankle sprain
Shoulder strain
Thumb laceration
Scalp laceration
Hematoma of scapula
(1) Corneal foreign body, (2) Corneal rust ring
(1) Head contusion, (2) Wrist contusion
Low back pain
Foot laceration
Chin laceration
Hand sprain
Finger avulsion injury
Shoulder contusion
Crush injury, thumb
Forearm laceration
(1) Closed head injury, (2) Laceration of scalp
Ankle sprain
Thumb laceration
Thumb injury
Minor head injury
Leg contusion
Leg contusion
Foot pain
(1) Finger laceration, (2) Avulsion of finger
Shoulder contusion
Thigh laceration
Jaw dislocation
Puncture wound
Hand laceration
Leg contusion
Abrasion of scapula
Shoulder contusion
(1) Laceration of finger, (2) Distal phalanx fracture
Facial contusions
Rhabdomyolosis
(1) Femoral neck fracture, (2) Elbow dislocation

Enclosure 2

ORIGINAL

FILED
Clerk
District Court

DEC 17 2018

for the Northern Mariana Islands
By _____
(Deputy Clerk)

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8 Attorney For Plaintiffs

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN MARIANA ISLANDS

CY 18-00030

11 TIANMING WANG, DONG HAN, YONGJUN)
12 MENG, LIANGCAI SUN, YOULI WANG,)
13 QINGCHUN XU, and DUXIN YANG,)

CIVIL ACTION NO. 18-_____

14 Plaintiffs,)

COMPLAINT

15 vs.)

16)
17 GOLD MANTIS CONSTRUCTION)
18 DECORATION (CNMI), LLC,)

19 Defendant.)

20 **INTRODUCTION**

21
22 1. Plaintiffs are six men from China who paid large fees based on promises of high-paying
23 construction jobs in Saipan. Instead, their employer Gold Mantis - one of the firms hired to construct the
24 Imperial Pacific casino - forced them to labor for long hours for below minimum wage under extremely
25 dangerous conditions.
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2. The Imperial Pacific construction site had an injury incidence rate above the national average. There were safety violations in plain sight, and employees received neither adequate training nor protective equipment. Rather than seek to improve conditions on the worksite, Imperial Pacific and its contractors sought to conceal the severity of the problem from government authorities, medical providers, and any other party that might hold them accountable.

3. Each of the Plaintiffs suffered a physical injury while working as an employee of Gold Mantis, including a badly burnt leg, scalded hand, and partially severed finger. Not only did Gold Mantis refuse to take the injured workers to the hospital, but in order to keep hidden their own illegal practices, also threatened Plaintiffs that they risked being arrested if they sought medical attention on their own. Thus, Plaintiffs were left to care for these injuries on their own.

4. Gold Mantis never purchased workers compensation insurance for these employees. Despite the fact that Plaintiffs sustained serious and severe injuries, missed time from work, and paid medical expenses out of their own pockets, Gold Mantis never compensated them a penny for the injuries they suffered at work. Even after Plaintiffs' attorneys contacted Gold Mantis concerning the injuries, Gold Mantis still denied that the workers were its employees and refused to take any responsibility. Accordingly, Plaintiffs now bring this action seeking compensation for the multitude of damages stemming from those injuries.

JURISDICTION

5. This Court has jurisdiction pursuant to the provisions of 28 U.S.C. § 1332(a)(2).

VENUE

6. Venue is proper, pursuant to 28 U.S.C. § 1391(b)(2), because the events giving rise to this cause of action occurred in the Commonwealth of the Northern Mariana Islands.

PARTIES

7. Plaintiff Tianming Wang (Mr. Tianming Wang) is a resident and citizen of the People's Republic of China.

8. Plaintiff Dong Han (Mr. Han) is a resident and citizen of the People's Republic of China.

1 9. Plaintiff Yongjun Meng (Mr. Meng) is a resident and citizen of the People's Republic of
2 China.

3 10. Plaintiff Liangcai Sun (Mr. Sun) is a resident and citizen of the People's Republic of
4 China.

5 11. Plaintiff Youli Wang (Mr. Youli Wang) is a resident and citizen of the People's Republic
6 of China.

7 12. Plaintiff Duxin Yang (Mr. Yang) is a resident and citizen of the People's Republic of
8 China.

9 13. Mr. Tianming Wang, Mr. Han, Mr. Meng, Mr. Sun, Mr. Youli Wang, Mr. Xu, and Mr.
10 Yang are referred to collectively as "Plaintiffs".

11 14. Defendant Gold Mantis Construction Decoration (CNMI), LLC (hereinafter, "Gold
12 Mantis") is, and was at all time relevant hereto, a limited liability company created and existing under
13 CNMI law with its principle office located in Saipan, CNMI.

14 15. On information and belief, Gold Mantis CNMI is a wholly owned subsidiary of an entity
15 in China (hereinafter, "Gold Mantis China") named either Gold Mantis (International) Construction
16 Decoration Limited, Gold Mantis (China) Construction Decoration Limited, or Suzhou Gold Mantis
17 Construction Decoration Co., Ltd.

18 16. On information and belief, Gold Mantis China is a public company traded on the
19 Shenzhen stock exchange.

20 17. On information and belief, towards the end of 2015, Gold Mantis China invested U.S.
21 \$30 million into a subsidiary entity in Saipan.

22 **FACTS**

23 **Company background**

24 18. Imperial Pacific International (CNMI), LLC (hereinafter, "Imperial Pacific") was granted
25 an exclusive license to build casino resorts in Saipan, CNMI. The first of these was to be built on a site
26 in Garapan on the island of Saipan ("Casino Worksite").
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1 19. Imperial Pacific hired multiple Chinese construction companies to perform the work on
2 the casino resort in Garapan.

3 20. On information and belief, Gold Mantis signed an agreement with Imperial Pacific for
4 \$160 million to perform certain work on the Casino Worksite project.

5 21. Other construction companies hired by Imperial Pacific for the project include MCC
6 International Saipan Ltd. Co. ("MCC"), Beilida New Materials System Engineering Co. Ltd. ("Beilida"),
7 and Sino Great Wall International Engineering Co. LLC.

8 **Plaintiffs' employment by Gold Mantis**

9 22. Gold Mantis employed roughly 500 Chinese construction workers for the Casino
10 Worksite project, including Plaintiffs.

11 23. Many of these Chinese construction workers, including Plaintiffs, paid large recruitment
12 fees based on the promise of good jobs in Saipan.

13 24. In order to get the job with Gold Mantis, several Plaintiffs were required to pay an
14 additional fee out of their own pocket to their supervisor.

15 25. Plaintiffs were provided shirts and hardhats that said "Gold Mantis" on them.

16 26. Gold Mantis set Plaintiffs' work schedule and assigned their work duties.

17 27. Gold Mantis set Plaintiffs' rate of pay and decided whether, when, and how to pay them.

18 28. Gold Mantis arranged Plaintiffs' housing, meals, and transportation to and from the
19 worksite.

20 29. Gold Mantis maintained records concerning Plaintiffs' work, including the number of
21 days worked by each Plaintiff.

22 30. Gold Mantis had the power to hire, fire, and discipline Plaintiffs.

23 31. Plaintiffs worked for Gold Mantis under abusive and exploitative conditions.

24 32. A Gold Mantis manager in charge of safety on the site, Mr. Wang Xiong Liu, was
25 regularly present on the site where Plaintiffs worked, frequently told Plaintiffs to pay attention to safety,
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1 and on several occasions made statements at meetings attended by Plaintiffs that the company would not
2 be responsible for workers on tourist visas if they got injured on the job.

3 33. One particular Gold Mantis supervisor, Xianghu Kong ("Supervisor Kong") often
4 screamed at Plaintiffs.

5 34. In several cases, Supervisor Kong summarily fired workers in anger over a single
6 incident, such as where an employee took a rest during work.

7 35. Supervisor Kong intimidated workers by threatening to physically harm any employee
8 who challenged or was not entirely obedient to him.

9 36. Plaintiffs and their coworkers regularly worked 12 or more hours per day.

10 37. Plaintiffs were required to work shifts of approximately 24 hours on occasion.

11 38. Gold Mantis systematically paid workers less than the minimum wage required under
12 applicable laws.

13 39. Gold Mantis did not keep accurate records of the hours worked by its employees as
14 required by law.

15 40. In or around March 2017, after federal government authorities such as the Federal Bureau
16 of Investigation, began investigating various contractors on the casino project, Gold Mantis abandoned
17 Plaintiffs and their coworkers on Saipan. Gold Mantis managers and supervisors returned to China while
18 Plaintiffs and their coworkers were left unpaid in their inadequate housing and without food and water.

19 41. After some supervisors had fled, Mr. Wei Yuan of Gold Mantis came to the workers'
20 dormitory to discuss the number of days they had worked and unpaid wages still owed to them.

21 42. After numerous protests by Plaintiffs and other employees, Gold Mantis eventually
22 reached a settlement with the U.S. Department of Labor in which it agreed to pay millions of dollars to
23 Plaintiffs and their coworkers for wage and hour violations that occurred during their employment.

24 **Gold Mantis' disregard for the safety of its employees**

25 43. Gold Mantis showed a reckless disregard for safety conditions on the worksite and the
26 safety or well-being of its employees, including Plaintiffs.

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1 44. Gold Mantis did not provide Plaintiffs with adequate training to perform their jobs safely.

2 45. Gold Mantis did not provide Plaintiffs with the proper protective equipment to perform
3 their jobs safely.

4 46. Gold Mantis did not purchase workers compensation insurance on behalf of Plaintiffs.

5 47. Gold Mantis did not post required notices regarding workers compensation in or about
6 the workplace, nor did it make any other effort to inform its employees of their right to compensation
7 for injuries sustained at work.

8 48. Instead, Gold Mantis told its workers that the company would not have any responsibility
9 if they got injured because they were in Saipan illegally.

10 49. Gold Mantis did not file the legally required reports with government authorities upon
11 discovering that Plaintiffs or other employees sustained injuries at work, and thus did not provide
12 Plaintiffs with copies of any such reports as required by law.

13 50. Gold Mantis did not provide or arrange medical care for Plaintiffs and their coworkers
14 who sustained injuries at work.

15 51. Gold Mantis threatened Plaintiffs by stating that if they sought out medical care on their
16 own, they could face deportation or other troubles with the immigration authorities.

17 52. Gold Mantis systematically discouraged its employees from contacting government,
18 medical or other authorities outside of the company, including by telling them that they were in Saipan
19 illegally and could be arrested or deported at any time.

20 **Gold Mantis knew of the unsafe conditions on the worksite**
21 **but failed to respond appropriately**

22 53. Gold Mantis knew of the unsafe conditions on the Casino Worksite, but failed to take
23 appropriate actions to remedy the situation and ensure the safety of its employees.

24 54. There was a massive number of injuries on the Casino Worksite as untrained and
25 inexperienced workers were being pushed to work round-the-clock under unsafe conditions.

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1 55. As reported in the Saipan Tribune and elsewhere, in February 2016, one MCC worker
2 on the Casino Worksite had his leg crushed after a pipe that was not properly secured fell from a crane.

3 56. As reported by Bloomberg, the Casino Worksite was filled with widespread dangers:
4 including that generators weren't properly grounded, workers were missing basic equipment such as
5 safety glasses and correct footwear, and welders lacked anything like the necessary training to handle
6 torches.

7 57. On December 4, 2016, MCC reported to the Occupational Safety and Health
8 Administration (hereinafter, "OSHA") that a worker on the Casino Worksite died of a heart attack.

9 58. On December 6, 2016, a Compliance Safety and Health Officer (hereinafter, "CSHO")
10 from OSHA went to the Casino Worksite to investigate claims of a large number of workers being
11 seriously injured and a reported worker death due to a heart attack.

12 59. When the CSHO approached the Casino Worksite, he was able to observe workers
13 exposed to fall hazards because they were climbing between levels of scaffolding without continuous
14 fall protection.

15 60. The CSHO explained his intention to inspect the Casino Worksite to representatives of
16 the construction companies on the project, including Gold Mantis, but was denied access to the site.

17 61. According to assistant U.S. attorney James J. Benedetto, the inspection was prompted by
18 "an online complaint by a doctor working at the Commonwealth Health Center's emergency room
19 reporting serious injuries at the project on a daily basis."

20 62. As part of an application seeking a warrant for OSHA to inspect the worksite, the CSHO
21 filed an affidavit, dated December 15, 2016 ("OSHA Affidavit"), which included a spreadsheet reflecting
22 approximately 80 serious injuries from the worksite logged at the hospital on Saipan ("CHCC") from
23 January 1 to December 6, 2016. The causes of the injuries and number of people injured by each cause
24 included: hit by moving/falling item (43); fall from height of one to twenty meters (9); injured by power
25 tool (12); cut by metal/wood (7); pain after lifting (2); stepped on nail (3); infected wound (1); stepped
26 in hole (1); twisted ankle (1); electrocution (1).

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1 63. The OSHA Affidavit stated that based on this information, the incident rate for injuries
2 on the Casino Worksite "greatly exceeds" the national average.

3 64. The OSHA Affidavit described a report by a treating physician at CHCC that after
4 someone from the worksite fell and broke his back, and the physician recommended that he be admitted
5 and not transported, the injured person was not allowed to be admitted and was promptly transported to
6 China.

7 65. Even when presented with all of this evidence, OSHA was still initially refused entry onto
8 the worksite to conduct an inspection.

9 66. OSHA eventually conducted an inspection of the Casino Worksite from December 16-22,
10 2016.

11 67. During this inspection, OSHA found no less than twenty "serious violations" by MCC,
12 Beilida, and Gold Mantis and proposed fines totaling over \$191,000.

13 68. OSHA issued four citations against Gold Mantis for "serious" violations of federal
14 workplace safety rules based on observations made on December 16, 2016. The violations included (1)
15 failure to provide required eye and face protection for employees using a metal cut-off saw; (2) failure
16 to properly store large steel beams, which were stacked in way that could easily fall and strike workers;
17 (3) failure to protect workers from strike-by hazards by permitting the use of a frayed rope to lift large
18 steel beams; and (4) failure to take proper steps to prevent injuries caused by a drill press to its operator
19 and nearby workers.

20 69. OSHA issued numerous citations against MCC for violations of federal workplace safety
21 rules, including: the presence of holes that were not covered and people could fall through; multiple fall
22 hazards, such as unsecured and unsafe scaffolding; and failing to use compliant reporting forms.

23 70. One of the OSHA citations against MCC identifies seven workers who were injured in
24 just a three-week period but for whom MCC made no record of their injury and did not report the case
25 to OSHA. These injuries included a cut finger from operating a saw that resulted in amputation and
26 several injuries of workers struck by heavy metal objects.

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1 71. OSHA issued numerous citations against Beilida for violations of federal workplace
2 safety rules, including: failure to properly store compressed gas cylinders; operating torch equipment
3 with broken oxygen gauge needles; multiple fall hazards; permitting workers to walk under a crane with
4 a cart of compressed gas cylinders; and failing to use compliant reporting forms.

5 72. Even after the OSHA inspection, Gold Mantis and the construction companies on the
6 Casino Worksite project failed to adequately address the dangerous, illegal conditions on the worksite.

7 73. Even after the OSHA inspection, severe injuries continued to occur, including the death
8 of at least one worker on March 22, 2017.

9 74. The worker fatality on March 22, 2017 prompted an additional investigation by OSHA,
10 which resulted in citations against Beilida for five "serious" safety violations, including improper
11 planking, missing toe boards, missing X bracing, and improper stair treads.

12 **Plaintiffs' injuries**

13 **Tianming Wang**

14 75. On or about February 20, 2017, Mr. Tianming Wang began his employment with Gold
15 Mantis working on the Casino Worksite.

16 76. In the evening of March 17, 2017, Mr. Tianming Wang was at the construction site
17 cutting a long piece of steel with a torch.

18 77. The sparks produced by his cutting work ignited a substance in a nearby overturned
19 barrel. The substance in the barrel exploded and a flame shot out of the barrel, engulfing Mr. Tianming
20 Wang's lower left leg.

21 78. The fire and the explosion incinerated Tianming Wang's pant leg and caused horrific
22 burns on his lower left leg.

23 79. Mr. Tianming Wang was in excruciating pain and in need of immediate medical
24 assistance.

25 80. Gold Mantis supervisors and agents were on site at the time of Mr. Tianming Wang's
26 injury.
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1 81. After learning of Mr. Tianming Wang's injuries, Gold Mantis refused to take him to the
2 emergency room, call for emergency medical assistance, or arrange any other form of medical attention.

3 82. Mr. Tianming Wang was never provided any medical assistance by or through Gold
4 Mantis.

5 83. Gold Mantis officials told Mr. Tianming Wang that, because he was working in Saipan
6 illegally, he could be arrested if he went to the hospital.

7 84. Instead of arranging any form of medical attention, Gold Mantis transported Mr.
8 Tianming Wang back to the dormitory and left him to tend to his injuries himself.

9 85. Mr. Tianming Wang was unable to work after his injury.

10 86. Mr. Tianming Wang spent hundreds of dollars of his own money to purchase medication
11 to address his injury and pain.

12 87. Mr. Tianming Wang's physical injury, the fear of immigration authorities, and despair
13 of being unable to obtain adequate medical attention caused him an acute degree of anxiety and distress.

14 88. To this day, Mr. Tianming Wang still suffers from pain in his lower left leg, which still
15 has not fully healed.

16 89. Mr. Tianming Wang's extreme burns have resulted in severe scarring and permanent
17 disfigurement.

18 90. Mr. Tianming Wang's inability to use his left leg for many months has resulted in a
19 weakening of his left leg, muscular imbalances, and a limp that he fears could be permanent.

20 91. At the Casino Worksite, Gold Mantis did not take appropriate precautions for the sort of
21 work that Mr. Tianming Wang was required to perform. Overturned barrels containing highly flammable
22 substances were left haphazardly about the site.

23 92. Gold Mantis did not provide Mr. Tianming Wang with necessary training or safety
24 equipment for working with a cutting torch.

25 93. Gold Mantis never compensated Mr. Tianming Wang for his injuries, and never provided
26 him with any pay for the time that he was unable to work.

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Dong Han

94. On or about February 20, 2017, Mr. Han began his employment with Gold Mantis working on the Casino Worksite.

95. On or about March 17, 2017, Mr. Han was loading heavy, metal pipes with other workers when the stack of pipes shifted.

96. The pipes crushed Mr. Han's pinky finger on his right hand causing severe pain, swelling, and bruising.

97. Gold Mantis supervisors and agents were on site at the time of Mr. Han's injury.

98. After learning of Mr. Han's injuries, Gold Mantis refused to take him to the emergency room, call for emergency medical assistance, or arrange any other form of medical attention.

99. Mr. Han was never provided any medical assistance by or through Gold Mantis.

100. Instead of arranging any form of medical attention, Gold Mantis told him to return to the dormitory and rest.

101. Mr. Han was unable to work for a period of time after his injury.

102. As a result of his injuries, Mr. Han has suffered severe pain, a long and painful recovery and rehabilitation process, and still suffers from weakness and diminished use of his right hand.

103. After the accident, Mr. Han was emotionally shaken, with these feelings only amplified by the mistreatment and lack of care by Gold Mantis.

104. Mr. Han's physical injury, concern about earning an income, fear of authorities, and despair of being unable to obtain adequate medical attention caused him an acute degree of anxiety and distress.

105. At the worksite, Gold Mantis did not take appropriate precautions for the sort of work that Mr. Han was required to perform, such as appropriately stacking steel beams on the construction site.

1 surgeon. He paid hundreds of dollars of his own money for the consultation alone. However, Mr. Sun
2 was unable to afford the suggested x-ray for his hand.

3 129. Mr. Sun was not able to work after the injury to his hand.

4 130. The incident resulted in the total loss of his fingernail.

5 131. Later on, a doctor at CHC told him that he needed to consult a surgeon concerning the
6 possible need to amputate the tip of his left index finger.

7 132. Upon his return to China, medical providers there told Mr. Sun that he requires further
8 surgery.

9 133. To this day, Mr. Sun deals with alternating pain and numbness in his finger, which could
10 permanently affect his usage of his hand and his ability to work.

11 134. As a result of his injuries, Mr. Sun has suffered severe pain, a long and painful recovery
12 and rehabilitation process, and still suffers from diminished use of his left hand. The partial amputation
13 of the tip of his left index finger caused by the accident has resulted in what could be permanent damage
14 and disfigurement. After the accident, Mr. Sun was emotionally shaken, with these feelings only
15 amplified by the lack of care and mistreatment at the hands of Gold Mantis. To date, Mr. Sun still suffers
16 from continued pain and suffering and diminished use of his left hand.

17 135. Mr. Sun's physical suffering, trepidation about being arrested or deported, despair of his
18 growing debts, and sense of helplessness from being unable to obtain adequate medical attention caused
19 him an acute degree of anxiety and distress.

20 136. Gold Mantis never compensated Mr. Sun for his injury, his inability to work, or his
21 medical expenses, which reached over one thousand U.S. dollars.

22 **Youli Wang**

23 137. Mr. Youli Wang began working for Gold Mantis in or around November 2016.

24 138. On or about January 20, 2017, while Mr. Youli Wang was loading beams of steel onto
25 a piece of plywood (to then be loaded with a forklift), he and other workers sat on top of the load to
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1 balance it. As the load was lifted, the plywood snapped, sending the load of steel and the workers falling
2 to the ground. This caused the steel pieces to shift, smashing his left hand, fracturing his left ring finger.

3 139. Mr. Youli Wang was immediately in extreme pain. His finger began swelling and
4 bleeding profusely. His fingernail was torn completely off of his finger.

5 140. Gold Mantis supervisors and agents were on site at the time of Mr. Youli Wang's injury.

6 141. Despite Mr. Youli Wang's injuries, Gold Mantis refused to take him to the emergency
7 room, call for emergency medical assistance, or arrange any other form of medical attention.

8 142. Mr. Youli Wang was never provided any medical assistance by or through Gold Mantis.

9 143. When he finally was brought (not by Gold Mantis) to CHC many months after his
10 accident, the physician confirmed the fracture of his finger and that the fingernail was now growing into
11 his hand, causing him pain.

12 144. As a result of his injuries, Mr. Youli Wang has suffered severe pain, a long and painful
13 recovery and rehabilitation process, and still suffers from diminished use of his left hand. His finger still
14 has not healed completely and may require treatment from a specialist. After the accident, he was
15 emotionally shaken, with these feelings only amplified by the lack of care and mistreatment at the hands
16 of Gold Mantis.

17 145. Mr. Wang Youli's physical suffering, the fear of government authorities, concern of his
18 growing debts from not earning income, and frustration of being unable to obtain adequate medical
19 attention caused him an acute degree of anxiety and distress.

20 146. Gold Mantis failed to provide appropriate equipment or manpower for the safe movement
21 of this material.

22 147. Despite Mr. Li's inability to work after his injury, he was not provided with compensation
23 for his lost wages. He also was not provided with any compensation or his injuries.

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Qingchun Xu

148. Mr. Xu began working for Gold Mantis on or around February 14, 2017.

149. On several occasions, Mr. Xu was required to work a shift lasting a full day and then return to work roughly eight hours later.

150. On or about March 30, 2017, Mr. Xu was working at the Casino Worksite moving very heavy pieces of stone.

151. Mr. Xu and another worker were using ropes to lift a piece of stone up the stairs. However, the stone was too heavy and fell onto Xu's left lower leg, inverting his ankle, and causing a sprain.

152. Mr. Xu was in a tremendous amount of pain and could not walk on his left ankle.

153. Gold Mantis refused to take Mr. Xu to the emergency room, call for emergency medical assistance, or arrange any other form of medical attention.

154. Mr. Xu was never provided any medical assistance by or through Gold Mantis.

155. Mr. Xu went to a small medical clinic on his own and paid for the costs himself.

156. As a result of his injuries, Mr. Xu has suffered severe pain, a long and painful recovery and rehabilitation process, and still suffers from diminished use of his left ankle. After the accident, Mr. Xu was emotionally shaken, with these feelings only amplified by the lack of care and mistreatment at the hands of Gold Mantis.

157. Mr. Xu's physical pain, the fear of being arrested or deported, concern of his growing debts from not earning income, and despair of being unable to obtain adequate medical attention caused him an acute degree of anxiety and distress.

158. Gold Mantis did not provide the appropriate equipment or manpower for the safe movement of this material.

159. Despite Mr. Xu's inability to work after his injury, he was not provided with compensation for his lost wages. Gold Mantis also never compensated Mr. Xu for his injuries, and never reimbursed him for the money he spent on his own medical care.

Duxin Yang

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2 160. Mr. Yang began working for Gold Mantis on or around December 3, 2016.

3 161. In or around mid-December, 2016, Mr. Yang was at the Casino Worksite moving heavy
4 pieces of plaster. While moving a large piece along the floor, it fell over and crushed the middle finger
5 on his right hand. The finger swelled immediately and was bleeding badly. Mr. Yang was in a
6 tremendous amount of pain and could not use his right hand.

7 162. Gold Mantis personnel was on the site when Mr. Yang was injured and was aware of his
8 injury.

9 163. Gold Mantis refused to take Mr. Yang to the emergency room, call for emergency medical
10 assistance, or arrange any other form of medical attention.

11 164. Mr. Yang was never provided any medical assistance by or through Gold Mantis.

12 165. Several weeks after the accident, Mr. Yang went to CHC because he was still suffering
13 from his badly injured finger.

14 166. As a result of his injuries, Mr. Yang has suffered severe pain, a long and painful recovery
15 and rehabilitation process, and still suffers from diminished use of his hand. After the accident, Mr.
16 Yang was emotionally shaken, with these feelings only amplified by the lack of care and mistreatment
17 at the hands of Gold Mantis.

18 167. Mr. Yang's physical pain, the fear of being arrested or deported, concern of his growing
19 debts from not earning income, and despair of being unable to obtain adequate medical attention caused
20 him an acute degree of anxiety and distress.

21 168. Gold Mantis did not provide the appropriate equipment or manpower for the safe
22 movement of the heavy pieces of plaster.

23 169. Despite Mr. Yang's inability to work after his injury, he was not provided with
24 compensation for his lost wages.

25 170. Gold Mantis also never compensated Mr. Yang for his injuries.
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Gold Mantis' failure to secure compensation

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2 171. Despite the fact that Gold Mantis was aware of Plaintiffs' injuries at the time they
3 occurred, Gold Mantis did not follow the procedures required by law to record and report workplace
4 injuries, nor did Gold Mantis compensate workers for their injuries.

5 172. The fact that Plaintiffs suffered injuries while working for Gold Mantis was published
6 in local newspapers in 2017.

7 173. When Plaintiffs asked Gold Mantis' lawyers about compensation for their work-related
8 injuries while preparing to depart Saipan for China, they were told that a company representative would
9 meet them at the airport in China to discuss the matter. Nobody from the company met them in China
10 to discuss this.

11 174. In late 2017, Plaintiffs' counsel sent letters to Gold Mantis' representative detailing the
12 injuries they suffered while employed by Gold Mantis, including the time, place, nature, and cause of
13 the injuries.

14 175. In response to the aforementioned letters, Gold Mantis responded by denying that
15 Plaintiffs were employees of Gold Mantis and stating that it would not settle Plaintiffs' injury claims.

16 176. In response to the aforementioned letters, Gold Mantis did not file any injury report or
17 take any other step towards securing compensation for Plaintiffs.

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19 **FIRST CAUSE OF ACTION**
20 **NEGLIGENCE**

21 177. Plaintiffs repeat, re-allege, and incorporate herein by reference, each and every allegation
22 contained in the preceding paragraphs.

23 178. Gold Mantis had a duty to Plaintiffs, both as its employees and/or as workers on its
24 construction site, including but not limited to: ensuring a safe worksite, working environment, and
25 working conditions; ensuring the use of safe work practices; and providing appropriate safety equipment
26 and safety training.

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179. Gold Mantis breached its duty to Plaintiffs by, amongst other things:
- a. Failing to provide a safe worksite and safe working conditions;
 - b. Failing to comply with federal government regulations concerning workplace safety;
 - c. Failing to provide appropriate equipment to complete the assigned tasks;
 - d. Failing to provide appropriate safety training;
 - e. Failing to provide appropriate protective equipment to workers;
 - f. Failing to purchase or arrange workers' compensation insurance;
 - g. Failing to report workers' injuries; and
 - h. Failing to respond appropriately to injuries.

180. The above actions or inactions by Gold Mantis were the direct and proximate cause of the injuries and damages suffered by Plaintiffs, including but not limited to physical injuries, pain and suffering, medical costs, future medical or other treatment, loss of wages, and other damages.

181. Gold Mantis's conduct constitutes gross negligence, and/or a reckless and/or malicious and/or willful, wanton disregard of Plaintiffs' rights, well-being, or safety.

**SECOND CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

182. Plaintiffs repeat, re-allege, and incorporate herein by reference, each and every allegation contained in the preceding paragraphs.

183. Rather than take all possible steps to ensure the safety of Plaintiffs and its other employees, Gold Mantis not only permitted unsafe conditions to persist but also took steps to prevent government and other authorities from detecting these unsafe conditions.

184. After each Plaintiff suffered his injury, Gold Mantis refused to provide or arrange for the provision of appropriate medical attention to that Plaintiff.

1 185. To the contrary, Gold Mantis affirmatively sought to prevent Plaintiffs from seeking
2 medical attention through a variety of threats and intimidation tactics.

3 186. When Plaintiffs needed time to recover from their injuries, Gold Mantis refused to
4 provide them with paid time off.

5 187. Gold Mantis did not compensate Plaintiffs in any way for the injuries sustained while at
6 work or other costs or damages stemming from those injuries.

7 188. Gold Mantis' conduct was extreme and outrageous.

8 189. Gold Mantis intentionally, recklessly, and/or knew or should have known its actions were
9 certain or substantially likely to cause, worsen, or prevent from improving physical harm and/or severe
10 emotional distress to Plaintiffs, including but not limited to fright, horror, grief, anger, disappointment,
11 worry, despair, and helplessness of an acute and severe nature.

12 190. Gold Mantis's conduct constitutes gross negligence, and/or a reckless and/or malicious
13 and/or willful, wanton disregard of Plaintiffs' rights, well-being, or safety.

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PRAYER FOR RELIEF

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17 191. WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

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(1) General damages in an amount to be proven at trial;

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(2) Special damages in an amount to be proven at trial;

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(3) Punitive damages in an amount to be proven at trial;

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(4) Costs of this suit; and

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(5) Such other and further relief as the court may deem just and proper.

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DEMAND FOR JURY TRIAL

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192. Plaintiffs hereby demand a trial by jury.

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1 DATED this 17th day of December, 2018.

2
3 BERLINE & ASSOCIATES, LLC

4
5
6 /s/ 

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Enclosure 3





