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Superior Court of California
County of Fresno
By: A. Rodriguez, Deputy

7 Attorney for PLAINTIFF LETITIA SANCHES

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF FRESNO**

10 LETITIA SANCHES

Case No. [21CECG00378](#)

11 Plaintiff.
12 Vs.

**COMPLAINT FOR EQUITABLE RELIEF
AND CIVIL PENALTIES (CA B&P 17200
Et Seq. and 17500 Et Seq.)**

13 DELI DELICIOUS FRANCHISING, INC. A
14 California Corporation, HESAM HOBAB an
15 Individual and DOES 1-25, inclusive.

16 Defendants.

17 Plaintiff, LETITIA SANCHES ("SANCHES"), alleges the following on information and
18 belief:

19 **NATURE OF THE ACTION**

20 1. Defendant DELI DELICIOUS FRANCHISING INC. ("DDFI") is a franchisor which issues
21 licenses to operate Deli Delicious restaurants primarily in the Central Valley of California. The
22 headquarters of DDFI is located in Fresno, California. The sole stockholder of DDFI is
23 Mohammad Hobab, the father of Co-Defendant Hesam Hobab.
24

1 2. Defendant Hesam Hobab is the president of DDFI and also operates a free standing
2 franchise located at 5628 N. Blackstone Avenue, in Fresno, California.

3 3. Plaintiff Letitia Sanches is a consumer of products within the meaning of California
4 Business and Professions Code §§17200 & 17500 et seq.

5 4. Plaintiff is unaware of the names and capacities of those defendants named as DOES 1-
6 25 herein. Plaintiff believes and thereon alleges that DDFI, HOBAB and DOES 1-25 are
7 principals, agents, successors or affiliates of each other. Plaintiff prays leave to amend once
8 the true names and capacity of those named as DOES are known to her.

9 5. The events giving rise to this litigation happened in Fresno, California.

10 6. This action arises from Defendants joint and concerted effort to sell deli sandwiches
11 disguised as fresh and organic products whereas the main ingredient of the sandwich, its
12 bread, is baked and then frozen before being shipped to the restaurants.

13 7. As described further below, Defendant DDFI and this franchisee and perhaps score of
14 other restaurants, have violated California's Unfair Competition Law (Business and Professions
15 Code section 17200, et seq.), and False Advertising Law (Business and Professions Code
16 section 17500, et seq.) by selling frozen bread disguised as fresh.

17 8. This action further claims, on information and belief, that DDFI and its applicable
18 franchisees advertise that the bread is made with 100% organic flour but do not make their
19 bread using 100% organic flour the majority of times.

20 9. As a result of Defendant DDFI's unlawful, unfair, and fraudulent business acts practices,
21 and deceptive advertising acts, consumers are fooled or misled by its products and
22 advertisings all in violation of California Consumer Protection Laws.

23 10. A demand for correction was issued to DDFI and HOBAB on November 26, 2020 but
24 neither DDFI nor HOBAB has ceased to correct the deficiency.

GENERAL ALLEGATIONS

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2 11. Marion Webster defines a sandwich as two or more slices of bread or a split roll
3 having a filling in between or b: one slice of bread covered with food. Indeed, that is what
4 most people think of a sandwich when they hear the term. Plaintiff Sanchez also believed
5 that she was buying sandwiches made out of bread with a particular filling therein.

6 12. Defendant DDFI advertises its sandwiches as having "fresh ingredients". The main
7 ingredient of a sandwich is its bread as set forth above. One cannot make a sandwich without
8 bread and "wrap" foods do not constitute a sandwich.

9 13. Based on information and belief, DDFI has forced the majority of its franchises to buy
10 frozen bread from its sister entity DD'S Bakery which bakes the sandwich breads and then
11 freezes them before having them sent to restaurants. DD's Bakery's major owner is also
12 Mohammad Hobab.

13 14. DDFI also advertises that it uses 100% organic flour for all its products. On
14 information and belief, Plaintiff alleges that DDFI's bread which is sold in the sandwiches is
15 not made with 100% organic bread.

16 15. On November 24, 2020, Plaintiff visited the site of Hesam Hobab's restaurant located
17 at 5628 N. Blackstone Avenue, Fresno, California. That store is owned and operated by
18 Hesam Hobab.

19 16. The ordered two sandwiches which were: Classic Ham with Swiss cheese and Turkey
20 Avocado. All signs at the store showed that the DDFI's sandwiches were made of 100%
21 organic flour. There were also signs promoting the sandwiches as having "fresh ingredients"
22 or "always fresh". The photos shown in the store depicted bread that looked nothing like the
23 sandwiches she had just bought.
24

1 17. Plaintiff took those sandwiches to consume with her co-worker. The breads by which
2 the sandwiches were made were stale and dry. They were not fresh as the sign "Fresh
3 Ingredients" indicated. Plaintiff performed some internet search and determined that the
4 bread was frozen before it was being sold to consumers. None of that had been disclosed to
5 Plaintiff.

6 18. Plaintiff, on information and belief has now also determined that not 100% of the flour
7 used in the breads were made from organic flour.

8 19. Based on available public information, since at least 2018, DDFI has consistently
9 advertised its products having "fresh ingredients." Nowhere does DDFI inform the consumers
10 that the bread products were previously frozen after being baked.

11 20. For years DDFI has advertised its products as fresh but in reality, the main ingredient
12 of the product is frozen after being baked.

13 21. As described further above, Sanchez believes that the bread sold by DDFI is not made
14 of 100% organic flour.

15 22. The bread sold at the DDFI's restaurants is a mandatory product that DDFI requires all
16 its restaurants to sell.

17 **FIRST CAUSE OF ACTION**
18 **DISSEMINATION OF FALSE ADVERTISING**
19 **Violation of B&P 17500 et seq.**
20 **Against DDI and Hesam Hobab and all DOES**

21 23. Plaintiff incorporates the foregoing paragraphs as though they were fully set forth
22 herein.

23 24. Defendants violated Business and Professions Code section 17500 by making or
24 disseminating, or causing to be made or disseminated, before the public in this State, untrue
or misleading statements in connection with the sale of goods or services, that Defendants
knew or should have known were untrue or misleading, including but not limited to

1 statements concerning the condition of the bread they have sold in their sandwiches to the
2 public.

3 25. Defendants knew that the bread sold in their stores was baked and then frozen.
4 Instead of disclosing it to the public, they advertise their sandwiches of having "fresh
5 ingredients."

6 26. In court filings and public displays, DDFI has told the world that its product is fresh and
7 made of 100% organic flour since 2018.

8 27. Based on information, DDFI did not buy 100% organic flour until late October 2020.

9 28. Plaintiff alleges that the foregoing amounts to violation of the California Business and
10 professions Code Section 17500 et seq.

11 **SECOND CAUSE OF ACTION**

12 **UNFAIR COMPETITION**

13 Violation of B&P 17200 et seq.

14 Against DDI and Hesam Hobab and all DOES

15 29. Plaintiff incorporates the foregoing paragraphs as though they were fully set forth
16 herein.

17 30. Business and Professions Code section 17200 et seq. (the Unfair Competition Law or
18 UCL) prohibits any unlawful, unfair or fraudulent business act or practice, any unfair, deceptive,
19 untrue or misleading advertising, and any violation of Business and Professions Code section
20 17500 et seq.

21 31. Defendants DDFI and Hesam HOBAB violated the UCL by engaging in unlawful, unfair,
22 and fraudulent business acts or practices, including but not limited to:

23 (a) knowingly and intentionally selling previously baked and frozen bread as fresh to
24 the public;

(b) making and/or disseminating false, misleading, and deceptive statements to the
public about the quality of their bread and its flour.

1 PRAYER FOR RELIEF

2 Wherefore, Plaintiff prays for judgment and relief as follows:

3 1. Under Business and Professions Code, sections 17203, 17204 and 17535 and the
4 equitable powers of this Court, Defendant DDFI, together with its successors and assigns,
5 franchisees and all persons who act in concert with them or on their behalf, be permanently
6 enjoined from engaging in any of the unlawful, unfair and fraudulent business acts and
7 practices and deceptive advertising described in this Complaint, and be required to take such
8 actions and adopt such measures as are necessary to prevent Defendant DDFI from engaging
9 in any further such acts, practices and advertising.

10 2. Under Business and Professions Code, sections 17203, 17204 and 17535 and the
11 26 equitable powers of this Court, Defendants DDFI and HOBAB, together with its successors
12 and assigns and all persons who act in concert with or on their behalf, be ordered to restore
13 to any person any money or property that Defendant DDFI and HOBAB may have acquired by
14 means of the unlawful, unfair and fraudulent business acts and practices and deceptive
15 advertising described in this Complaint.

16 3. Under Business and Professions Code section 17206, Defendants DDFI and HOBAB
17 be assessed a civil penalty in the amount of \$2,500 for each violation of the UCL, according to
18 proof.

19 4. Under Business and Professions Code, section 17536, Defendants DDFI and HOBAB
20 be assessed a civil penalty in the amount of \$2,500 for each violation of Business and
21 Professions Code, section 17500, according to proof.

22 5. For the costs of suit.

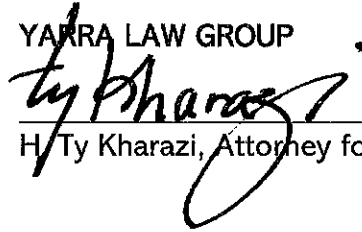
23 6. For attorney's fees under CCP 1021.50.

24 7. For such other and further relief as the Court may deem to be just and proper.

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Respectfully Submitted,

YARRA LAW GROUP



H/Ty Kharazi, Attorney for Letitia Sanches

Dated: Feb 7, 2021