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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 **THOMAS E. PEREZ,**)
 Secretary of Labor,)
 17 United States Department of Labor,)

18 Plaintiff)

19 v.)

20 **NATIONAL CONSOLIDATED**)
COURIERS, INC., a corporation,)
 21 **TANWEER AHMED,** an individual,)
 22)

23 Defendants)

Case No.

24)
 25) **DECLARATION OF NATALIE**
 26) **NARDECCHIA IN SUPPORT OF**
 27) **APPLICATION FOR**
 28) **TEMPORARY RESTRAINING**
) **ORDER AND PRELIMINARY**
) **INJUNCTION**

Now comes Natalie Nardecchia, and states as follows:

1. I am employed by the United States Department of Labor, Office of the Solicitor. My office is located at 350 South Figueroa Street, Suite 370, Los Angeles, California, 90071. I am one of the attorneys for the Plaintiff in the above-captioned matter. The facts stated here are based on my personal knowledge or my review of the

1 file in this case. If called as a witness, I could and would competently testify to the
2 following matters.

3 2. On December 18, 2014, I sent a litigation hold notice letter to Tanweer
4 Ahmed, Sultan Bhatti, and various individuals connected with NCCI by regular mail.
5 Attached hereto as Exhibit 1 is a true and correct copy of that letter.

6 3. On February 9, 2015, Defendant Ahmed appeared for an administrative
7 deposition in Los Angeles, California. I took his deposition. During the deposition,
8 Ahmed was again provided with the December 18, 2014 litigation hold letter, which he
9 denied having received previously. Ahmed claimed during deposition that the address
10 on the letter was incorrect because there was no suite number for his office. However,
11 during the course of the investigation, the Secretary has obtained corporate tax returns
12 for NCCI and also a W-2 for Ahmed; the address on the December 18, 2014 letter
13 matches the address on the tax return records. The December 18, 2014 letter was made
14 an exhibit to the deposition. Ahmed confirmed during deposition his understanding that
15 he was obligated to preserve evidence.

16 4. On January 27, 2015, three days before his scheduled deposition, Ahmed
17 sent to the Secretary, through his counsel, Stephen Hunt, a flight itinerary. Attached as
18 Exhibit 2 is a true and correct copy of the email from Mr. Hunt and the attached
19 itinerary, which includes a flight purportedly departing on February 29, 2015 (a non-
20 existent date).

21 5. On January 27, 2015, I sent an email back to Mr. Hunt regarding the flight
22 itinerary. Mr. Hunt then responded to my email on January 28, 2015 and included new
23 flight itineraries from his client. Attached as Exhibit 3 are true and correct copies of
24 these emails and attachments. On the flight itinerary that Ahmed claimed was purchased
25 on January 7, 2015, he provided the confirmation number for the flight. According to
26 United, the flight was purchased on January 28, 2015 and not January 7, 2015.
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1 6. Ahmed chose not to appear for his deposition on January 30, 2015. I was
2 present on January 30, 2015 in Houston to take Ahmed's deposition and entered a non-
3 appearance on the record. Ahmed admitted during his February 9, 2015 deposition that
4 he had not been out of the country on January 30, 2015, but had been in Las Vegas at a
5 "board meeting" in connection with his work as an officer of KFC.

6 7. On February 6, 2015 and February 8, 2015 I received emails from Amira
7 Khalaf, one of Ahmed's subordinates at NCCI. During his deposition, Ahmed
8 confirmed that he asked Khalaf to send the emails to me in response to his subpoena.
9 These included only five categories of documents regarding NCCI: tax returns; accounts
10 receivable; profit and loss statements; balance sheets; and "Independent Contractor
11 Report[s]." Ahmed did not produce any emails, text messages, or other records
12 responsive to the subpoena. Ahmed stated during his February 9, 2015 deposition,
13 though, that he has used email as a mode of communication for his work relating to
14 NCCI, including to send bi-weekly "settlement sheets."

15 8. The Secretary has obtained, through other sources, a small amount of
16 emails to and from Ahmed. Attached as Exhibit 4 are true and correct examples of these
17 emails. The Secretary has come to learn, in the course of his investigation, that NCCI
18 personnel use email communications throughout the day, on a daily basis, to conduct
19 their operations and issue directives. Ahmed has had at least two email addresses at
20 NCCI: tanweer@nccus.com and tanweer3@nccus.com.

21 9. The Secretary has learned, through the course of his investigation, that
22 NCCI, a courier company, has drivers, or couriers, who generally have set routes and
23 work full-time for NCCI, delivering or picking up items from NCCI's clients, including
24 checks and other highly sensitive documentation from major banks such as Wells Fargo.
25 The Secretary has further learned during his investigation that Tanweer Ahmed has been
26 the owner of NCCI and has operated or controlled NCCI for years. Further, Ahmed has
27 controlled the bank account for NCCI, made major financial decisions on behalf of
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1 NCCI, and directs payment amounts, on a bi-weekly basis, to all of his subordinates,
2 including managers, dispatchers, and drivers at each NCCI location. Ahmed himself
3 testified at his February 9, 2015 deposition that he maintains a “spread sheet” showing
4 the amounts that NCCI pays to entities that in turn pay NCCI’s drivers; the spread sheet
5 contains the amounts of “lump sum” payments to drivers, which he directs. The
6 Secretary has further come to know that Ahmed oversees contract negotiations with all
7 of NCCI’s customers and approves large purchases. Ahmed described his job duties
8 with NCCI’s customers as being involved “with the pricing or the bidding process” and
9 “negotiating with the customers.” Ahmed further described himself as being a “face
10 person of the company [NCCI] since... [he was put] in charge of that” by the previous
11 owner of NCCI. Ahmed further testified that he “overlook[s] basically the accounts
12 payable,” and he gives his subordinate the “green light” for paying bills on behalf of
13 NCCI.

14 10. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the
15 laws of the United States of America that the foregoing is true and correct.

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17 Dated: February 25, 2015

/s/Natalie Nardecchia
NATALIE NARDECCHIA