



section 17 of the Act, that the defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them be and hereby are, permanently enjoined and restrained from violating the provisions of the Act, in any of the following manners.

**I**

Defendants shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any of their employees who in any workweek are engaged in commerce or the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than 40 hours, unless such employees receive compensation for their employment in excess of 40 hours at a rate not less than one and one-half times the regular rates at which they are employed.

**II**

Defendants shall not fail to make, keep and preserve records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the regulations issued, and from time to time amended, pursuant to section 11(c) of the Act and found at 29 C.F.R. Part 516.

**III**

**FURTHER, JUDGMENT IS HEREBY ENTERED**, pursuant to section 16(c)

of the Act, in favor of the plaintiff and against the defendants in the total amount of \$176,228.22.

**A.** Defendants have paid the sum of \$114,173.22, which represents the unpaid overtime compensation due to the present and former employees named in Exhibit A, attached hereto and made a part hereof, in the amounts set forth therein, for the period of December 4, 2010, through December 1, 2012. Defendants represent that they deducted the appropriate federal and state taxes from the above sum before submitting the aforesaid payment.

**B.** Defendants shall pay to the plaintiff the gross amount of \$2,055.00, which represents the unpaid overtime compensation due to Brenda Shumpert, named in Exhibit B, attached hereto and made a part hereof, for the period of December 4, 2010, through December 1, 2012.

**C.** Defendants shall further pay to plaintiff, as liquidated damages, the additional sum of \$60,000.00 due to the present and former employees named in Exhibits A and B for the period of December 4, 2010, through December 1, 2012, plus post-judgment interest, in the amounts set forth therein.

#### **IV**

The monetary provisions of Paragraph III of this judgment shall be deemed satisfied by defendants, upon the following:

**A.** Defendants forwarding to plaintiff a cashier's check made payable to

“U.S. Department of Labor – Wage and Hour Division” in the amount of \$2,055.00, which represents the unpaid overtime compensation hereby found to be due Brenda Shumpert. The aforesaid payment shall be forwarded to the U.S. Department of Labor - Wage and Hour Division, Attn: Timolin Mitchell, 211 Fort Street, Suite 517, Detroit, Michigan 48226.

**B.** Defendants forwarding to plaintiff a cashier’s check made payable to “U.S. Department of Labor – Wage and Hour Division” in the amount of \$30,000.00, which represents a portion of the liquidated damages allegedly due to the present and former employees. The aforesaid payment shall be forwarded to the U.S. Department of Labor – Office of the Solicitor, Attn: Stacey Scanlon, 230 S. Dearborn Street, Room 844, Chicago, Illinois 60604.

**C.** The remaining liquidated damages in the amount of \$30,000.00, plus post-judgment interest, shall be paid by defendants to plaintiff in monthly installments as follows:

<u>Date Due</u>	<u>Amount Due</u>
08/01/15	\$2,513.56
09/01/15	\$2,513.56
10/01/15	\$2,513.56
11/01/15	\$2,513.56
12/01/15	\$2,513.56
01/01/16	\$2,513.56
02/01/16	\$2,513.56
03/01/16	\$2,513.56
04/01/16	\$2,513.56
05/01/16	\$2,513.56

06/01/16	\$2,513.56
07/01/16	\$2,513.57

Defendants shall deliver to plaintiff cashier's checks made payable to "U.S. Department of Labor - Wage and Hour Division" and equal to the gross amounts due including post-judgment interest, as set forth above. The aforesaid payments shall be forwarded to the U.S. Department of Labor - Wage and Hour Division, Attn: Timolin Mitchell, 211 Fort Street, Suite 517, Detroit, Michigan 48226. Defendants also shall provide plaintiff a schedule, in duplicate, showing the name, last-known address, gross amount due, and social security number for the employees named in Exhibits A and B.

**D.** Plaintiff shall distribute the proceeds of each installment check of Paragraph IV.A (less legal deductions for the employee's share of social security and Federal withholding taxes) , IV.B, and IV.C of this judgment to the persons enumerated in Exhibits A and B or to their estates, if necessary, and any amounts of unpaid compensation, liquidated damages, and post-judgment interest not so paid within a period of three years from the date of receipt thereof shall, pursuant to section 16(c) of the Act, be covered into the Treasury of the United States as miscellaneous receipts. Defendants remain responsible for paying their share of any applicable taxes to the appropriate State and Federal revenue authorities.

## V

Defendants shall not request, solicit, suggest, or coerce, directly, or indirectly, any employee to return or to offer to return to the defendants or to someone else for the

defendants, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this judgment or the Act; nor shall defendants accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this judgment or the Act; nor shall defendants discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received or retained money due to him from the defendants under the provisions of this judgment or the Act.

## VI

Should defendants fail to pay any of the payments set forth in paragraphs III and IV hereinabove on or before the dates set forth therein, the entire amount of the balance of unpaid compensation and liquidated damages remaining due under this judgment shall become immediately due and owing without further notice by plaintiff to defendants.

## IX

**FURTHER**, it is agreed by the parties herein and hereby **ORDERED** that each party bear its own fees and other expenses incurred by such party in connection with

any stage of this proceeding to date with no costs, including, but not limited to, any and all costs referenced under the Equal Access to Justice Act, as Amended.

Dated: August 14, 2015  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**FRIENDS WHO CARE, INC.**  
and **GAYLE BUSSELLE**

**M. PATRICIA SMITH**  
Solicitor of Labor

s/ Gayle E. Busselle  
**GAYLE BUSSELLE**

**CHRISTINE Z. HERI**  
Regional Solicitor

s/ Thomas V. Trainer  
**THOMAS V. TRAINER**  
Director, Friends Who Care, Inc.,  
as Successor Personal Representative  
of the Estate of Jack Busselle  
201 West Big Beaver Road, Suite 600  
Troy, MI 48084  
Phone: (248) 528-1111  
Fax: (248) 528-5129

s/ Bethany S. Sweeny  
**BETHANY S. SWEENEY**  
Attorney for the Defendants

Kerr, Russell and Weber, PLC  
500 Woodward Avenue, Suite 2500  
Detroit, MI 48226  
Telephone: (313) 961-0200  
Tel. no.: (630) 355-7590

s/ Stacey Scanlon  
**STACEY SCANLON**  
Attorney for the Plaintiff

Office of the Solicitor  
U.S. Department of Labor  
230 S. Dearborn St., Rm. 844  
Chicago, Illinois 60604  
Tel. no.: (312) 353-6990