

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MILTON AL STEWART, Acting Secretary
of Labor, United States Department of Labor,

Plaintiff,

v.

LAZY DOG MANAGEMENT, LLC d/b/a
THE OLE DOG TAVERN, CHUBBYLOVE,
LLC d/b/a CHUBBY'S, CHRISTOPHER
DELMONICO, and NIALL O'NEILL,

Defendants.

Civil Action No. 3:21-cv-00204-SRU

CONSENT PRELIMINARY INJUNCTION AND ORDER

Pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (the “FLSA” or “Act”), Plaintiff Milton Al Stewart, Acting Secretary of Labor, United States Department of Labor (the “Secretary”) has sought a temporary restraining order and preliminary injunction against Defendants Lazy Dog Management, LLC d/b/a The Ole Dog Tavern, ChubbyLove, LLC d/b/a Chubby's, Christopher Delmonico, and Niall O'Neill (collectively, “Defendants”). By agreement of the parties, pursuant to Rule 65 of the Federal Rules of Civil Procedure and Section 17 of the FLSA, 29 U.S.C. § 217, the Court hereby issues a preliminary injunction, which shall be valid until further order of the Court:

1. Enjoining and restraining Defendants, their officers, agents, servants, and employees, and those persons in active concert or participation with Defendants who receive actual notice of this injunction and order from violating the provisions of Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), by retaliating, taking any adverse action, or threatening to take any adverse action against any

current or former employee because that employee asserted their rights under the FLSA. Among other prohibited acts of retaliation, Defendants shall not:

- a. Seek to have any employee kick back or return any compensation that is owed to that employee;
- b. Report or threaten to report any employee to immigration or law enforcement authorities, or threaten to have any employee deported or investigated by immigration or law enforcement, for purposes of inhibiting any employee's rights under the Act;
- c. Refer to any employee's immigration status, citizenship, work authorization status, or lack of government documents (including a driver's license), for purposes of inhibiting any employee's rights under the Act;
- d. Disparage or threaten to disparage any employee to other employers, for purposes of inhibiting any employee's rights under the Act;
- e. Terminate or threaten to terminate any employee, for purposes of inhibiting any employee's rights under the Act;
- f. Make any employee's working conditions less favorable, including by reducing any employee's hours of work, for purposes of inhibiting any employee's rights under the Act; and
- g. Instruct any employee not to speak to, or to provide false information to, the United States Department of Labor, or otherwise influence any employee with respect to their participation in any investigation conducted or legal proceeding brought by the United States Department of Labor.

2. Requiring Defendants to provide to the Secretary within seven days of this Order the last known mailing address of all current and former employees who were due back wages and/or liquidated damages pursuant to the April 5, 2017 agreement between Defendants and the Secretary or the April 18, 2019 agreement between Lazy Dog Management, LLC d/b/a The Ole Dog Tavern, Christopher Delmonico, Niall O'Neill, and the Secretary;
3. Requiring Defendants to permit the Secretary's representatives to notify all current and former employees who were due back wages and/or liquidated damages pursuant to the April 5, 2017 agreement between Defendants and the Secretary that those employees have the right to receive and keep any back wages and liquidated damages due to them free from any retaliation or threat of retaliation. To effectuate the notification in this paragraph, the Secretary's representatives will mail the notice attached to this Order as Exhibit A in both English and Spanish to those employees included in the April 5, 2017 agreement; and
4. Requiring Defendants to permit the Secretary's representatives to notify all current and former employees who were due back wages and/or liquidated damages pursuant to the April 18, 2019 agreement between Lazy Dog Management, LLC d/b/a The Ole Dog Tavern, Christopher Delmonico, Niall O'Neill, and the Secretary that those employees have the right to receive and keep any back wages and liquidated damages due to them free from any retaliation or threat of retaliation. To effectuate the notification in this paragraph, the Secretary's representatives will mail the notice attached to this Order as Exhibit B in both English and Spanish to those employees included in the April 18, 2019 agreement.

The Secretary agrees that, absent exigent circumstances, he will confer with Defendants' attorneys prior to filing any motion for contempt with respect to this Order and will seek to resolve any issues in good faith before filing such contempt papers.

This Order shall not be deemed an admission by any party of any liability or unlawful conduct on the part of Defendants, and shall not be admissible as evidence thereof, nor shall this Order be deemed a finding in favor of the Secretary as to any fact, allegation, or claim in this case.

SO ORDERED

Dated at Bridgeport, Connecticut, this 17th day of March 2021.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge

NOTICE TO CURRENT AND FORMER EMPLOYEES

The United States Department of Labor reached a settlement with ChubbyLove, LLC d/b/a Chubby's and Lazy Dog Management, LLC d/b/a The Ole Dog Tavern (formerly d/b/a Lazy Dog Tavern) for alleged violations of the Fair Labor Standards Act. Some workers were owed minimum wage and/or overtime wages for work performed between November 1, 2014 and October 31, 2016, and are also owed liquidated damages.

You have the right to receive the full amount of any back wages (after taxes) and liquidated damages that you are owed. ChubbyLove, LLC d/b/a Chubby's, Lazy Dog Management, LLC d/b/a The Ole Dog Tavern, Christopher Delmonico, and Niall O'Neill, and anyone acting on their behalf, cannot require you to return any money paid to you as part of the settlement with the United States Department of Labor, ask you to give up your current or future wages to get money from the settlement, or threaten to retaliate against you if you keep any money you get as part of the settlement with the United States Department of Labor.

You are protected by the Fair Labor Standards Act. You have the right to speak freely with investigators, attorneys, or other officials from the United States Department of Labor. Your employer is prohibited from retaliating against you in any way, including by terminating you, reporting you to immigration or law enforcement authorities, or threatening to do any of these things because you spoke with the Department of Labor or because you refused to return any money paid to you as part of the settlement with the Department of Labor.

The United States District Court for the District of Connecticut has ordered ChubbyLove, LLC d/b/a Chubby's, Lazy Dog Management, LLC d/b/a The Ole Dog Tavern, Christopher Delmonico, and Niall O'Neill, and anyone acting on their behalf not to retaliate against, threaten to retaliate against, intimidate, or attempt to influence or in any way threaten employees for asserting their rights under the Fair Labor Standards Act or providing information to the Department of Labor.

The Hartford District Office of the Department of Labor's Wage and Hour Division is located at 135 High Street, Room 210, Hartford, CT 06103-1111. You can contact the Hartford District Office by telephone at (860) 240-4160 or toll-free at 1-866-487-9243 with any questions or concerns about these issues, including if you think you have been a victim of retaliation under the Fair Labor Standards Act.

NOTICE TO CURRENT AND FORMER EMPLOYEES

The United States Department of Labor reached a settlement with Lazy Dog Management, LLC d/b/a The Ole Dog Tavern for alleged violations of the Fair Labor Standards Act. Some workers were owed minimum wage and/or overtime wages for work performed between November 1, 2016 and November 3, 2018, and are also owed liquidated damages.

You have the right to receive the full amount of any back wages (after taxes) and liquidated damages that you are owed. Lazy Dog Management, LLC d/b/a The Ole Dog Tavern, Christopher Delmonico, and Niall O'Neill, and anyone acting on their behalf, cannot require you to return any money paid to you as part of the settlement with the Department of Labor, ask you to give up your current or future wages to get money from the settlement, or threaten to retaliate against you if you keep any money you get as part of the settlement with the United States Department of Labor.

You are protected by the Fair Labor Standards Act. You have the right to speak freely with investigators, attorneys, or other officials from the United States Department of Labor. Your employer is prohibited from retaliating against you in any way, including by terminating you, reporting you to immigration or law enforcement authorities, or threatening to do any of these things because you spoke with the Department of Labor or because you refused to return any money paid to you as part of the settlement with the Department of Labor.

The United States District Court for the District of Connecticut has ordered Lazy Dog Management, LLC d/b/a The Ole Dog Tavern, Christopher Delmonico, and Niall O'Neill, and anyone acting on their behalf not to retaliate against, threaten to retaliate against, intimidate, or attempt to influence or in any way threaten employees for asserting their rights under the Fair Labor Standards Act or providing information to the Department of Labor.

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