

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<hr/>)	
MARTIN J. WALSH, Secretary of Labor,)	
United States Department of Labor,)	
)	
	Plaintiff,)	
)	Civil Action No.
v.)	21-10585-FDS
)	
CAPONE BROS., INC. and CHARLES L.)	
CAPONE,)	
)	
	Defendants.)	
<hr/>)	

ORDER ON PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

SAYLOR, C.J.

On April 8, 2021, plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor, filed this action against defendants Capone Bros., Inc. and Charles L. Capone. The complaint alleges that defendants violated the Fair Labor Standards Act by retaliating against employees after they engaged in protected activity. Plaintiff has moved for a preliminary injunction.

After a hearing, and for reasons stated on the record, the Court finds that plaintiff has demonstrated (1) a likelihood of success on the merits, (2) a likelihood of irreparable harm absent interim relief, (3) that the balance of equities weighs in its favor, and (4) that a preliminary injunction is in the public interest. *See Voice of the Arab World, Inc. v. MDTV Med. News Now, Inc.*, 645 F.3d 26, 32 (1st Cir. 2011) (citing *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)).

Accordingly, pursuant to Fed. R. Civ. P. 65(a), plaintiff's motion for a preliminary injunction is GRANTED in part. It is hereby ORDERED as follows:

1. Defendants Capone Bros., Inc. and Charles L. Capone, as well as any officers, agents, servants, employees, or persons acting or participating in concert with them, are preliminarily enjoined from violating the provisions of Section 15(a)(3) of the Fair Labor Standards Act, 29 U.S.C. § 215(a)(3), by retaliating or discriminating against any current or former employee for filing any complaint or instituting or causing to be instituted any proceeding under or related to the FLSA, or testifying or being about to testify in any such proceeding; and
2. Defendants shall post at each worksite in a prominent place a copy of the statement attached to this Order as Exhibit A and provide each worker with a written copy of the statement no later than two weeks after the date of this Order.

So Ordered.

Dated: April 22, 2021

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court