

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

PS TREE SERVICE, INC. and RONAN A.
DE SOUZA,

Defendants.

Civil Action No. 1:21-cv-11179-NMG

CONSENT PRELIMINARY INJUNCTION AND ORDER

Pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (the “FLSA” or “Act”), Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary”) has sought a temporary restraining order and preliminary injunction against Defendants PS Tree Service, Inc. and Ronan A. De Souza (collectively, “Defendants”). (ECF No. 2). 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:

1. Enjoining and restraining Defendants, their officers, agents, servants, and employees, and those persons in active concert or participation with Defendants, from violating the provisions of Sections 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, or otherwise obstructing the Secretary’s investigation of Defendants under the FLSA. Among other prohibited acts of retaliation and obstruction, Defendants shall not:

- a. Terminate or threaten to terminate any employee because the employee engaged in or is about to engage in protected activity under the FLSA;
- b. Threaten any employee or former employee or their family, verbally or in writing, because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- c. Inflict physical harm or verbal abuse on any employee or former employee or their family because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- d. Report or threaten to report any employee or former employee to immigration authorities because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- e. Threaten to have any employee or former employee deported because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- f. Use against any employee or former employee the employee or former employee's immigration status, citizenship, work authorization status, or lack of government documents (including a driver's license) because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- g. Disparage or threaten to disparage any employee or former employee to other employers because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;

- h. **Blacklist any employee or former employee, such as by interfering with that employee or former employee’s ability to obtain other employment, because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;**
 - i. **Make any employee’s working conditions less favorable, including by reducing any employee’s hours of work or pay, because the employee engaged in or is about to engage in protected activity under the FLSA;**
 - j. **Retaliate or discriminate against any employee or former employee or their family in violation of the FLSA in any other way because the employee or former employee engaged in or is about to engage in protected activity under the FLSA; and**
 - k. **Instruct any employee or former employee not to speak to, or to provide false information to, the United States Department of Labor, or otherwise influence any employee or former 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 permit a representative of the Secretary to read aloud to all Defendants’ employees, during employees’ paid working hours, the statement attached as Exhibit A, informing the employees of their right to speak with representatives of the Secretary and to file complaints regarding possible wage and hour violations, free from retaliation or threats of retaliation or intimidation by Defendants or their agents; and**

3. Requiring Defendants to post at each worksite a copy of the statement attached as Exhibit A in English, Portuguese, Spanish, and any other language that may be necessary for workers to effectively understand the statement, and provide each worker with a copy of the written statement in English, Portuguese, Spanish, and any other language that may be necessary for workers to effectively understand the statement, with their next paycheck.

This Order shall not be deemed an admission by Defendants of any fact alleged by the Secretary in this case.

Dated: 08/09/2021

Nathaniel M. Gorton
The Honorable Nathaniel M. Gorton
United States District Judge

The parties hereby consent to and move for the entry of this preliminary injunction.

For the Secretary:

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Solicitor of Labor

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Regional Solicitor

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