

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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

Plaintiff,

v.

PADAMINAS NY BAKERY II, LLC and
PEDRO COELHO,

Defendants.

Civil Action No. 3:21-cv-01051-RNC

August 4, 2021

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 Padaminas NY Bakery II, LLC and Pedro Coelho (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 11(a) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 211(a) and 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. 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;
- c. 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;
- d. 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;
- e. 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; however, Defendants may provide a truthful and accurate employment-related reference to other employers;
- f. 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;

- g. 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;
 - h. Retaliate or discriminate against any employee or former employee 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
 - i. 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 notify all of Defendants' current employees on paid working time that employees and former employees have the right to engage in protected activity under the FLSA and that Defendants, their officers, agents, servants, and employees, and those persons in active concert or participation with Defendants, cannot retaliate against employees or former employees because they have engaged in such protected activity; and
3. Requiring Defendants to provide the written notice of rights under the FLSA, attached hereto as Exhibit A, to all of their employees in a language the employees

understand.

Dated: 8/5/2021

Robert N
Chatigny

Digitally signed by Robert
N Chatigny
Date: 2021.08.05
10:09:35 -04'00'

The Honorable Robert N. Chatigny
United States District Judge

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

For the Secretary:

Seema Nanda
Solicitor of Labor

Maia S. Fisher
Regional Solicitor

Christine T. Eskilson
Deputy Regional Solicitor

/s/ Mark A. Pedulla
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¹ In accordance with Section XI.D of the Electronic Filing Policies and Procedures for the United States District Court for the District of Connecticut, attorney Andrew P. Marks hereby gives consent to attorney Mark A. Pedulla to electronically file this document with attorney Marks's electronic signature.

EXHIBIT A

Notice of Employee Rights

You are protected by a federal law called the Fair Labor Standards Act. Under that law, you have the right to speak freely with investigators or other officials from the United States Department of Labor. It is illegal for anyone to retaliate or discriminate against you in any way, including by terminating your employment, inflicting physical harm or verbal abuse on you, threatening you with immigration consequences, disparaging you to other employers, or threatening or coercing you in any other way because you speak with or are about to speak with a representative of the United States Department of Labor. It is also unlawful for anyone to retaliate or discriminate against you because you cooperated in any way with a United States Department of Labor investigation or submitted a complaint about possible unlawful wage and hour practices. These protections apply to both current and former employees.

The United States District Court for Connecticut has ordered Padaminas NY Bakery II, LLC, Pedro Coelho, and anyone acting on their behalf, not to coerce, retaliate against, threaten to retaliate against, intimidate, harass, or attempt to influence or in any way threaten employees or former employees for providing information to or cooperating with the United States Department of Labor or submitting complaints about possible unlawful wage and hour practices.

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. 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 or have not received the wages you are owed.