

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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

:

: Civil Action No. 22-cv-2257

Plaintiff,

v.

:

:

ADVANTIX LOGISTICS CORP.,

:

Defendant.

**TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD NOT BE ISSUED**

Upon the declarations of Eduardo Oliveira, Susan Jacobs, and [REDACTED], and the Memorandum of Law in Support of the Plaintiff’s Ex Parte Motion for a Temporary Restraining Order, it is

ORDERED, that the above named Defendant show cause before a motion term of this Court, at Room 5C, Martin Luther King Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, on Weds. April 27, , 2022, at 3:00 p.m. o’clock .m., or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendant, its officers, employees, agents, and all persons acting or claiming to act in Defendant’s behalf and interest during the pendency of this action from:

1. Violating the provisions of section 15(a)(3) of the Fair Labor Standards Act (“Act”);
2. Terminating or threatening to terminate the employment, reducing hours or threatening to reduce hours, intimidating, coercing, threatening, or retaliating or discriminating against its employees in any other way, based on Advantix’s belief

that such employee has complained about pay or engaged in any other protected activity under the Act;

3. Terminating or threatening to terminate the employment, reducing hours or threatening to reduce hours, intimidating, coercing, threatening, or retaliating or discriminating against their current and former employees in any other way, based upon Advantix's belief that such employee has cooperated with the Department of Labor;
4. Obstructing the Secretary's investigation in any way;
5. Telling any workers not to cooperate with the Secretary's representatives; telling any workers to provide incomplete or false information to the Secretary's representatives; or questioning workers about their cooperation or communications with the Secretary's representatives;
6. Communicating with any employee regarding the Secretary's investigation without first informing the employee, in writing and in the employee's primary language, that employees may communicate with the Secretary and his representatives voluntarily and free from coercion, and that employees cannot be discriminated against or retaliated against for communicating with the Secretary's representatives; and
7. Terminating any employee without providing at least seven days notice to the Wage and Hour Division of the U.S. Department of Labor prior to any termination; and

IT IS FURTHER ORDERED that, sufficient reason having been shown therefor, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, the Defendant, its officers, employees, agents, and all persons acting or claiming to act in Defendant's behalf and interest are temporarily restrained and enjoined from:

1. Violating the provisions of section 15(a)(3) of the Act;
2. Terminating or threatening to terminate the employment, reducing hours or threatening to reduce hours, intimidating, coercing, threatening, or retaliating or discriminating against its employees in any other way, based on Defendants' belief that such employee has complained about pay or engaged in any other protected activity under the Act;
3. Terminating or threatening to terminate the employment, reducing hours or threatening to reduce hours, intimidating, coercing, threatening, or retaliating or discriminating against their current and former employees in any other way, based

upon Defendant's belief that such employee has cooperated with the Department of Labor;

4. Obstructing the Secretary's investigation in any way;
5. Telling any workers not to cooperate with the Secretary's representatives; telling any workers to provide incomplete or false information to the Secretary's representatives; or questioning workers about their cooperation or communications with the Secretary's representatives;
6. Communicating with any employee regarding the Secretary's investigation without first informing the employee, in writing and in the employee's primary language, that employees may communicate with the Secretary and his representatives voluntarily and free from coercion, and that employees cannot be discriminated against or retaliated against for communicating with the Secretary's representatives; and
7. Terminating any employee without providing at least seven days notice to the Wage and Hour Division of the U.S. Department of Labor prior to any termination; **and**

IT IS FURTHER ORDERED that, sufficient reason having been shown therefor, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, the Defendant, its officers, employees, agents, and all persons acting or claiming to act in Defendant's behalf and interest shall be required as follows, within seven days of the date of this Order to Show Cause:

1. Defendant shall allow representatives of the Secretary to read aloud in English, Spanish, and any other language as necessary to be understood by Defendant's employees, during employees' paid working hours, the following statement to all employees employed by Advantix, and in the presence of an Advantix supervisor or manager:

You are protected by the Fair Labor Standards Act and have the right to participate freely in the U.S. Department of Labor's investigation into your employer's pay practices. You have the right to speak freely with investigators, attorneys, or other officials from the Department of Labor. Your employer is prohibited from retaliating against you in any way, including by terminating you, reporting you to immigration, or threatening to do any of these things because you spoke with the Department of Labor.

The U.S. District Court for the District of New Jersey has ordered Advantix and anyone acting on its behalf to cease coercing, retaliating against, threatening to retaliate against, intimidating, or attempting to

influence or in any way threatening employees for providing information to the Department of Labor.

2. Defendant shall mail a hard copy of the above statement, in English, Spanish, and other language as necessary to be understood by defendant's employees, to all current and former employees at their last known addresses, along with contact information for representatives of the Secretary (to be provided by the Secretary's representatives).

IT IS FURTHER ORDERED that on or before Mon., April 25, 2022 at 4:00 p.m., Defendant may file and serve any papers in opposition to the Plaintiff's request for a preliminary injunction. On or before Tues., April 26, 2022 at 4:00 p.m., Plaintiff may file and serve any reply in support of Plaintiff's request for a preliminary injunction.

IT IS FURTHER ORDERED that personal service of a copy of this order, the annexed declarations and memorandum of law upon the Defendants or counsel on or before Thurs. April 21, 2022 3:00 p.m. o'clock in the _____ m. _____, 2022, shall be deemed good and sufficient services thereof.

DATED: April 19, 2022
Newark, New Jersey



HONORABLE
UNITED STATES DISTRICT JUDGE