

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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

Plaintiff,

v.

ADVANTIX LOGISTICS CORP.,

Defendant.

:

: Civil Action No.

: 22-cv-2257 (SDW, JSA)

:

CONSENT JUDGMENT

:

1. Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Plaintiff” or “the Secretary”) filed his complaint on April 18, 2022 and his first amended complaint on July 12, 2022 and Defendant Advantix Logistics Corp. (“Defendant”) appeared by counsel and agree to the entry of this Judgment without contest in full settlement of the claims which have been made or asserted in the Secretary’s First Amended Complaint.

2. The Secretary alleges that, in February 2022, Defendant retaliated against Isaias Lopez in violation of section 15(a)(3) of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the “Act” or “FLSA”) by terminating his employment after Mr. Lopez engaged in protected activity by complaining to his supervisor that he was not receiving the pay that he was entitled to under the FLSA.

3. Further, the Secretary alleges that Defendant obstructed and/or interfered with the Secretary’s open investigation into its compliance with the FLSA in violation of section 11(a) of the Act by directing employees not to cooperate with Department of Labor investigators.

4. Defendant submits to the jurisdiction of this Court over it and over the subject

matter of this action. Defendant admits that this Court has the authority to enter and enforce this Order and that this Court is the most appropriate venue for any enforcement action which may be required as a result of this Order. Defendant makes no other admissions.

5. Defendant acknowledges that it has notice of, has read, and understands the provisions of this Consent Judgment, acknowledge its responsibilities pursuant to this Consent Judgment and that it may be subject to sanctions in contempt of this Court and may be subject to punitive damages if it fails to comply with the provisions of this Consent Judgment.

6. It is, therefore, upon motion of the attorneys for Plaintiff and for cause shown, ORDERED that Defendant, its officers, employees, agents, and all persons acting or claiming to act in Defendant's behalf and interest, be, and hereby are, permanently enjoined and restrained from violating the provisions of sections 11(a) and 15(a)(3) of the Act in any of the following manners:

- a. 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 Defendant's belief that such employee has complained about pay or engaged in any other protected activity under the Act;
- b. 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;
- c. Obstructing any Secretary's investigation into its compliance with the Act in any way;

d. Telling any worker not to cooperate with the Secretary's representatives; telling any worker to provide incomplete or false information to the Secretary's representatives; or questioning workers about their cooperation or communications with the Secretary's representatives; and

e. 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.

7. It is further ORDERED that Defendants shall pay a total of \$65,000 in damages to Isaias Lopez. Payment of the damages shall be made by Defendant within fourteen (14) days from the date of entry of this Consent Judgment by credit card, debit card, or bank account (ACH) transfer by going to www.pay.gov, searching for "Labor (DOL): Wage and Hour Division (WHD)", selecting "WHD Back Wage Payment Form – Northeast Region" and completing the following steps:

Select "Continue to the Form" and complete the required fields:

(1) The "BW Case Number" is 1972809.

(2) The "Date of Assessment" is the date of entry of this Order.

The Plaintiff shall distribute the payment of the damages to Isaias Lopez. Any sums not distributed within a period of three years to Isaias Lopez or to his personal representatives because of inability to locate the proper persons or because of such person's refusal to accept such sums, shall be covered into the Treasury of the United States as miscellaneous receipts.

8. Neither Defendant nor anyone on its behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid as damages under this Consent Judgment.

9. This Consent Judgment shall cover all claims made in the Secretary's First Amended Complaint. However, neither the commencement of this action nor the provisions of this Consent Judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of Defendant other than Isaias Lopez, be they current or former employees, to file any action against Defendant alleging violations of section 15(a)(3) of the Act under section 16(b) of the Act, or likewise for Isaias Lopez to file any action against Defendant alleging violations of section 15(a)(3) of the Act under section 16(b) of the Act for violations alleged to have occurred after the date of entry of this Consent Judgment.

10. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

11. The Court retains jurisdiction over this matter for the purposes of enforcing this Consent Judgment.

DATED: November 3, 2022

Newark, NJ

SO ORDERED:



HONORABLE SUSAN D. WIGENTON
UNITED STATES DISTRICT JUDGE

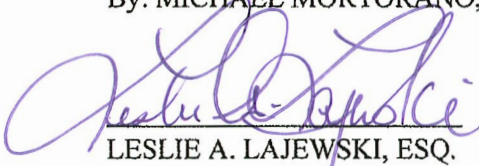
Defendant appeared by the undersigned counsel and hereby consent to the entry of this Judgment.

BY:



ADVANTIX LOGISTICS CORP.

By: MICHAEL MORTORANO, President



LESLIE A. LAJEWSKI, ESQ.

Ogletree Deakins

10 Madison Avenue, Suite 400

Morristown, NJ 07960

Attorney for Defendant

STATE OF NEW JERSEY)

:SS:

COUNTY OF *Bergen*)

On the 25 day of October 2022 before me came MICHAEL MORTORANO, to me known, who, being by me duly sworn, did depose and say that he is a duly authorized officer of ADVANTIX LOGISTICS CORP., described in and which executed the foregoing instrument, that he signed his name thereto by like order.

Josephine Bonfrisco
NOTARY PUBLIC

