

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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

Plaintiff,

v.

FAKHOURI, INC., d/b/a SOUND BITES  
CAFÉ, and YASSER MIRZA,

Defendants.

Civil Action No. 1:22-cv-10694-PBS

CONSENT JUDGMENT AND ORDER

Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary”) has filed a Complaint in this matter, and Defendants Fakhouri, Inc. d/b/a Sound Bites Restaurant (“Sound Bites”) and Yasser Mirza (“Mirza”) have received a copy of that Complaint, waived service of process, and answered the Complaint. The Court finds that it has jurisdiction to enter this Consent Judgment and Order (the “Consent Judgment”), and Plaintiff and Defendants agree to its terms.

It is therefore, ORDERED, ADJUDGED, and DECREED that:

1. Defendants Sound Bites and Mirza, and their successors, assigns, agents, servants, employees, and all persons in active concert or participation with them, or acting in their interest and behalf be, and they hereby are, permanently enjoined and restrained from violating Section 15(a)(3) of the Fair Labor Standards Act of 1938 (the “FLSA” or “Act”), 29 U.S.C. § 215(a)(3), and shall not:
  - a. 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 under the FLSA;

- b. Demand, accept, or keep any amount paid or payable to any current or former employee under this Consent Judgment, or in any manner attempt to recover any amounts paid to any current or former employee in connection with this Consent Judgment or or any investigation or legal proceeding brought by the United States Department of Labor under the FLSA;
- c. Take adverse action against any employee or former employee, or tell any employee or former employee that they will suffer any adverse action, because the employee or former employee has engaged in or is about to engage in activity protected by the FLSA, including because the employee or former employee has provided information to or is about to provide information to the United States Department of Labor in any investigation conducted or legal proceeding brought by the United States Department of Labor under the FLSA;
- d. Take adverse action against any employee or former employee, or tell any employee or former employee that they will suffer any adverse action, because the employee or former employee asserts or is about to assert rights under the Act or this Consent Judgment.

2. In connection with the Secretary's allegations that Defendants Sound Bites and Mirza took unlawful retaliatory action against current and former employees at Sound Bites, Defendants shall pay to the Secretary a total of \$15,000.00 in punitive damages for distribution to the affected employees and former employees in this case. This total amount of punitive

damages shall be paid to the Secretary in 15 weekly installments of \$1,000.00, beginning on the seventh day after the parties' execution of this Consent Judgment and continuing every seventh day thereafter until the entire amount of \$15,000.00 is paid. Defendants may make each weekly payment of the amounts due under the Consent Judgment online by ACH transfer, credit card, debit card, or digital wallet by going to <https://pay.gov/public/form/start/77689032> or by going to <http://www.pay.gov> and searching for WHDBWNE. The Employers also have the option to provide to the Secretary certified checks, bank checks, or money orders made payable to "Wage and Hour Division—Labor," which shall be mailed to:

U.S. Department of Labor  
Wage and Hour Division  
Northeast Region  
1835 Market Street  
19<sup>th</sup> Floor  
Philadelphia, PA 19103-2968  
Attention: Jessica Prado

Checks or money orders shall have Case No. 1941598 written on the face of the check or money order.

3. In the event Defendants fail to make payment within ten days of any payment being due under this Consent Judgment, Defendants consent to the entry of a Writ of Execution, pursuant to Rule 69 of the Federal Rules of Civil Procedure, to enforce the monetary terms of this Consent Judgment. Such a writ of execution shall be limited to the pending balance of the Defendants' monetary obligations under this Consent Judgment at the time such writ is issued. The Secretary may represent in filing for such a writ that Defendants consent to its issuance. Upon request from the Secretary, Defendants agree to furnish a complete and accurate list of their real, personal, and business property with an estimated value of \$2,000.00 or more and the locations of such property for purposes of the Secretary seeking a Writ of Execution in

accordance with this Paragraph of the Consent Judgment.

4. Defendants represent that, to the best of their knowledge and following diligent review and inquiry, Defendants are in compliance with Section 15(a)(3) of the Act, 29 U.S.C. § 215(a)(3) as interpreted by the Secretary. In entering this Consent Judgment, the Secretary has relied on the truth of this representation.

5. Defendants shall comply with any United States Department of Labor investigation under Section 11(a) of the FLSA, 29 U.S.C. § 211(a).

6. Nothing in this Consent Judgment precludes the Secretary from using information discovered in the investigation that led to the Complaint in this matter in any future investigation, enforcement action, or legal action. Defendants retain all rights to dispute any such information and to object to its introduction in any subsequent proceeding. In particular, Defendants understand and acknowledge that the Secretary retains outstanding claims against Defendants for alleged violations of the minimum wage, overtime, and recordkeeping provisions of the FLSA that are not resolved or in any way affected by this Consent Judgment.

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

SO ORDERED, this 12 day of December, 2022



The Honorable Patti B. Saris  
United States District Judge  
District of Massachusetts