

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

**JULIE A. SU**,<sup>1</sup> Acting Secretary of Labor, )  
United States Department of Labor, )

Plaintiff, )

v. ) Civil Action No. 23 CV 272

**TACOS EL CUÑADO ALPINE, LLC**, and )  
**JESSICA LOPEZ**, an individual, )

Defendants. )

**ORDER GRANTING UNOPPOSED MOTION TO APPROVE CONSENT JUDGMENT**

The parties having submitted a proposed consent judgment and memorandum of law in support and the Court having found said consent judgment is fair, reasonable, and in the public interest;

**IT IS ORDERED** the Secretary’s Unopposed Motion to Approve Consent Judgement is hereby **GRANTED**.

Dated: April 4, 2023

/s/ Robert J. Jonker  
**ROBERT J. JONKER**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> By operation of law, Julie A. Su is substituted *sub nom.* for former Secretary of Labor, Martin Walsh. See Fed. R. Civ. P. 25(d).

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

MARTIN J. WALSH, Secretary of Labor,	)	
United States Department of Labor,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	
TACOS EL CUÑADO ALPINE, LLC and ,	)	
JESSICA LOPEZ,	)	
	)	
Defendants.	)	

**CONSENT ORDER AND JUDGMENT**

Plaintiff, MARTIN J. WALSH, Secretary of Labor, United States Department of Labor, has filed a complaint under the Fair Labor Standards Act of 1938 as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), and Defendants TACOS EL CUÑADO ALPINE, LLC and JESSICA LOPEZ, individually, (collectively “Defendants”) have appeared by counsel, and waive formal service of process of the Summons and Complaint, waive their Answer and any defenses which they may have, and agree to the entry of this Consent Order and Judgment without contest.

Defendants admit and the Court finds Defendants are engaged in related activities performed through unified operation or common control for a common business purpose and are an “enterprise” under 29 U.S.C. § 203(r) of the FLSA.

Defendants admit and the Court finds Defendants are an enterprise engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(1)(A) of the FLSA.

*Jessica Lopez*

Defendants admit and the Court finds Defendants are employers as defined in 29 U.S.C. § 203(d) of the FLSA.

Upon motion of attorneys for the Secretary and Defendants and for cause shown, it is:

ORDERED, ADJUDGED, AND DECREED, pursuant to section 17 of the FLSA that Defendants, their officers, agents, servants, and all persons acting or claiming to act on their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 6, 7, 11(c), 15(a)(2), 15(a)(3), and 15(a)(5) of the FLSA, in any of the following manners:

1. Defendants shall not, contrary to 29 U.S.C. §§ 206 and 215(a)(2), pay to any of their employees who in any workweek are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the FLSA, wages at rates less than \$7.25 an hour, or any rate subsequently made applicable by amendment to the FLSA.
2. Defendants shall not, contrary to 29 U.S.C. §§ 207 and 215(a)(2), employ any of their employees including, but not limited to, any of their employees working at TACOS EL CUÑADO ALPLINE, LLC, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, in any workweek when they are engaged in commerce or employed in an enterprise engaged in commerce, within the meaning of the FLSA, for workweeks longer than forty hours, unless said employees receive compensation for their employment in

*Justicia Lopez*

excess of forty hours at a rate equivalent to one and one-half times the regular rate at which they are employed.

3. Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them including, but not limited to, any of their employees working at TACOS EL CUÑADO ALPLINE, LLC, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, as prescribed by the Regulations issued pursuant to 29 U.S.C. §§ 211(c) and 215(a)(5) and found at 29 C.F.R. Part 516. Defendants shall make such records available at all reasonable times to representatives of the Plaintiff.

4. Pursuant to 29 U.S.C. § 215(a)(3), Defendants shall not discharge or take any retaliatory action against any of their current or former employees because the current or former employee engages in any of the following activities:

- a. Discloses, or threatens to disclose, to a supervisor or to a public agency, any activity, policy, or practice of the Defendants or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA;
- b. Provides information to, or testifies before, any public agency or entity conducting an investigation, hearing or inquiry into any alleged violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA, by the Defendants or another employer with whom there is a business relationship;

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- c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA.

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 16(c) of the Act, in favor of the Secretary and against Defendants in the total amount of \$62,411.86.

5. The Secretary shall recover from Defendants the sum of \$31,205.93 in unpaid minimum wage and overtime compensation covering the period from August 13, 2020, to August 12, 2022, for Defendants' current and former employees whose names are listed in the attached Exhibit A, and the additional sum of \$31,205.93 in liquidated damages.

*Lump Sum Payment to Wage and Hour by Check or Digitally*

- a. At the time of Defendants' execution of this Consent Order and Judgment, Defendants shall deliver payment in the amount of \$62,411.86 by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77692637> or [www.pay.gov](http://www.pay.gov) and searching "WHD Back Wage Payment – Midwest Region".
- b. Defendants shall also furnish to the Secretary the full name, last-known address, last-known phone number, and social security number for each employee named in Exhibit A.
- c. Upon receipt of full payment from Defendants, representatives of the Secretary shall distribute such amounts, less appropriate deductions for federal income withholding taxes and the employee's share of the social security (F.I.C.A.) tax, to the employees or their legal representative as their interests may appear, in

*Jessica Lopez*

accordance with the provisions of section 16(c) of the FLSA. Defendants remain responsible for the employer's share of F.I.C.A. arising from or related to the back wages distributed by the Secretary.

- d. Neither Defendants nor anyone on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid under this Consent Order and Judgment. Any such amount shall be immediately paid to the Secretary for deposit as above, and Defendants shall have no further obligations with respect to such returned monies.
- e. Any monies not disbursed by the Department of Labor after three years from the date of payment by Employers, because of the inability to locate the proper persons or because of their refusal to accept payment, shall be deposited into the Treasury of the United States as miscellaneous receipts, pursuant to section 16(c) of the FLSA.
- f. The provisions of this Consent Order and Judgment shall not in any way affect any legal right of any individual not named on Exhibit A, nor shall the provisions in any way affect any legal right of any individual named on Exhibit A to file any action against Defendants for any violations alleged to have occurred outside the relevant period.
6. By entering into this Consent Order and Judgment, Plaintiff does not waive his right to conduct future investigations of Defendants under the provisions of the FLSA and to take appropriate enforcement action, including assessment of civil money penalties

*Justin Lopez*

pursuant to 29 U.S.C. § 216(e), with respect to any violations disclosed by such investigations.

It is FURTHER ORDERED that each party shall bear their own costs, fees and other expenses incurred by such party in connection with any stage of this proceeding, but not limited to, attorney fees which may be available under the Equal Access to Justice Act, as amended.

Dated this 5th day of April, 2023 .

/s/ Robert J. Jonker

United States District Judge

Entry of this judgment  
is hereby consented to:

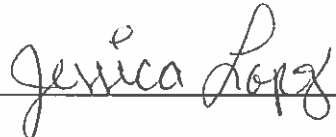
**For Defendants:**

Date 03/07/23

TACOS EL CUÑADO ALPINE, LLC

  
\_\_\_\_\_

Its President/Owner

  
\_\_\_\_\_

JESSICA LOPEZ, Individually

  
\_\_\_\_\_

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*Attorney for Defendants*

APPROVED:



**SEEMA NANDA**  
Solicitor of Labor

**CHRISTINE Z. HERI**  
Regional Solicitor



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*Attorneys for Plaintiff Martin J. Walsh,  
Secretary of Labor, United States Department  
of Labor*

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