

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Julie A. Su, Acting Secretary of Labor,<sup>1</sup>  
United States Department of Labor,

Civ. No. 22-1868 (PAM/DTS)

Plaintiff,

v.

**ORDER**

Getch, Inc., a Minnesota corporation, and  
Gregory B. Getchell,

Defendants.

---

This matter is before the Court on the parties' consent motion to approve a consent judgment that resolves this Fair Labor Standards Act matter. Having reviewed the parties' agreement, the Court concludes that it is fair, reasonable, adequate, and in the public interest.

Accordingly, **IT IS HEREBY ORDERED** that the Motion to Approve Consent Judgment (Docket No. 19) is **GRANTED** and the parties' consent judgment (Docket No. 19-1) is **APPROVED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 22, 2023

*s/Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge

---

<sup>1</sup> Acting Secretary Su is automatically substituted for former Secretary Martin Walsh under Fed. R. Civ. P. 25(d).

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

JULIE A. SU, <sup>1</sup> Acting Secretary of Labor,	)	
United States Department of Labor,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 22-cv-01868-PAM-DTS
	)	
GETCH, INC., a Minnesota corporation, and	)	
GREGORY B. GETCHELL, an individual,	)	
	)	
Defendants	)	
	)	

**CONSENT JUDGMENT**

Plaintiff, **JULIE A. SU**, Acting Secretary of Labor, United States Department of Labor (“Secretary”), having filed her Complaint and Defendants **GETCH, INC.**, a corporation, and **GREGORY B. GETCHELL**, an individual (collectively, “Defendants”), having been duly advised in the premises, agree to the entry of this Judgment without contest under the Fair Labor Standards Act of 1938, as Amended (29 U.S.C. § 201 *et seq.*) (hereinafter “the Act”).

Defendants hereby acknowledge that Defendant **GETCH, INC.** is an enterprise engaged in commerce or in the production of goods for commerce within the meaning of sections 3(r) and 3(s) of the Act.<sup>1</sup>

Defendants hereby acknowledge that **GREGORY B. GETCHELL**, individually, acted directly or indirectly in the interest of the corporate Defendant **GETCH, INC.**, and

---

<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).

thereby is an “employer” under section 3(d) of the Act. Defendants agree that **GREGORY GETCHELL** shall be individually responsible for the obligations contained in this Consent Judgment.

**NOW**, therefore, upon motion for the attorneys for the Secretary and Defendants, and for cause shown:

**JUDGMENT IS HEREBY ENTERED** against Defendants pursuant to sections 16(c) and 17 of the Act as follows.

**IT IS HEREBY ORDERED AND ADJUDGED**, pursuant to section 17 of the Act, that the Defendants, their officers, agents, servants, successors, employees, and all persons in active concert or participation with them be and hereby are, permanently enjoined and restrained from violating the provisions of the Act, in any of the following manners.

**I**

A. 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 Getch, Inc., 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 Act, for workweeks longer than forty hours, unless said employees receive compensation for their employment in excess of

forty hours at a rate not less than one and one-half times the regular rates at which they are employed.

## II

A. Defendants shall not, contrary to 29 U.S.C. §§ 211(c) and 215(a)(5), fail to make, keep, or preserve 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 Getch, Inc., 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, and from time to time amended, pursuant to 29 U.S.C. § 211(c) and found at 29 C.F.R. Part 516.

Defendants shall make such records available at all reasonable times to representatives of the Secretary.

B. Defendants shall maintain accurate time records showing the actual number of hours worked by each employee each workday and the total hours worked each workweek. Defendants shall keep and maintain these time records pursuant to the requirements of 29 C.F.R. § 516.

C. Defendants shall keep and maintain accurate pay records reflecting the regular rate and the total remuneration each employee receives each pay period. Defendants shall keep and maintain these time records pursuant to the requirements of 29 C.F.R. § 516.

### III

Pursuant to 29 U.S.C. § 215(a)(3), Defendants shall not discharge or take any retaliatory action against any of their employees, whether or not directly employed by Defendants, because the 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 Act, or a rule or regulation promulgated pursuant to the Act;
- b. Provides information to, or testifies before, any public agency or entity conducting an investigation, hearing or inquiry into any alleged violation of the Act, or a rule or regulation promulgated pursuant to the Act, by the Defendants or another employer with whom there is a business relationship;
- c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of the Act, or a rule or regulation promulgated pursuant to the Act.

### IV

**FURTHER, JUDGMENT IS HEREBY ENTERED**, pursuant to section 29 U.S.C. § 216(c), in favor of the Secretary and against Defendants in the total amount of **\$121,000.00**.

A. The Secretary shall recover from Defendants the sum of **\$60,500.00**, which represents the unpaid overtime compensation hereby found to be due, for the period

October 9, 2019, to October 6, 2021, to the present and former employees named in Exhibit A, attached hereto and made a part hereof, in the amounts set forth therein.

B. The Secretary shall further recover from Defendants the sum of **\$60,500.00** in liquidated damages hereby found to be due, for the period October 9, 2019, to October 6, 2021, to the present and former employees named in Exhibit A in the amounts set forth therein.

V

The monetary provisions of this judgment shall be deemed satisfied, upon Defendants' delivery to the Secretary's representative of the following at the time of Defendants' execution of this Consent Judgement:

(1) A schedule in duplicate showing the full name, last-known address, and social security number for each employee named in Exhibit A.

(2) One payment in the amount of \$121,000.00 representing the amount of back wages and liquidated damages owed to the employees in Exhibit A, made 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."

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 accordance with the provisions

of section 16(c) of the Act. Any amounts of unpaid compensation and liquidated damages not so paid within a period of three (3) years from the date of receipt thereof shall, pursuant to section 16(c) of the Act, be covered into the Treasury of the United States as miscellaneous receipts. Defendants remain responsible for paying their share of F.I.C.A. arising from or related to the back wages distributed by the Secretary and their share of any applicable taxes to the appropriate State and Federal revenue authorities.

## VI

Defendants shall not request, solicit, suggest, or coerce, directly, or indirectly, any current or former employee to return or to offer to return to the Defendants or to someone else for the Defendants, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Consent Judgment or the Act; nor shall Defendants accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this Consent Judgment or the Act; nor shall Defendants discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received or retained money due to him from the Defendants under the provisions of this Consent Judgment or the Act.

## VII

The provisions of this Consent 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.

By entering into this Consent Order and Judgment, the Secretary does not waive her right to conduct future investigations of Defendants under the provisions of the Act and to take appropriate enforcement action, including assessment of civil money penalties pursuant to 29 U.S.C. § 216(e), with respect to any violations disclosed by such investigations.

### VIII

**FURTHER**, it is agreed by the parties herein and hereby **ORDERED** that each party bears its own fees and other expenses incurred by such party in connection with any stage of this proceeding to date with no costs, including, but not limited to, any and all costs referenced under the Equal Access to Justice Act, as Amended.

### IX

**FURTHER**, this Court shall retain jurisdiction of this matter to enforce the terms of this final judgment pursuant to Federal Rule of Civil Procedure 54.

**SO ORDERED.**

**DATED** \_\_\_\_\_

---

Hon. Paul A. Magnuson  
United States District Court Judge





The parties hereby consent to the entry of this Consent Judgment:

GETCH, INC.,

by: 

its 

  
GREGORY B. GETCHELL



GREGORY L. PETERS (#0289401)

CORIE J. ANDERSON (#0349197)

Peters, Revnew, Kappenman & Anderson, P.A.

7300 Metro Blvd, Suite 500

Minneapolis, MN 55439

Tel: (952) 896-1700

gpeters@prkalaw.com

cjanderson@prkalaw.com

*Attorneys for Defendants*

SEEMA NANDA

Solicitor of Labor

CHRISTINE Z. HERI

Regional Solicitor



BENJAMIN R. SALK

Trial Attorney

U.S. Department of Labor

Office of the Solicitor

230 South Dearborn Street, Rm. 844

Chicago, Illinois 60604

Tel: (312) 353-2354

salk.benjamin.r@dol.gov

*Attorneys for Plaintiff Julie A. Su, Acting  
Secretary of Labor, United States  
Department of Labor*