

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>JULIE A. SU,</b>	)
Acting Secretary of Labor,	)
United States Department of Labor,	)
	)
Petitioner,	)
	)
v.	)
	)
<b>ZMZM SWEETS, INC. and</b>	)
<b>MOHAMMAD ABUMOGHLI</b>	)
	)
Respondents.	)

Misc. Case No.: 1:23-cv-14692

Judge: Magistrate Judge:

**ACTING SECRETARY OF LABOR’S PETITION FOR  
ENFORCEMENT OF ADMINISTRATIVE SUBPOENA *DUCES TECUM***

Petitioner **JULIE A. SU**, Acting Secretary of Labor, United States Department of Labor, (“Acting Secretary”) by and through her counsel, pursuant to Section 9 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, *et. seq.*, (“FLSA” or “Act”), applies to this Court for an Order requiring Respondent(s) **ZMZM SWEETS, INC.** (“ZMZM Sweets”) and **MOHAMMAD ABUMOGHLI**, individually (collectively “Respondents”) to comply with the Subpoena *Duces Tecum* issued by the Regional Administrator, Wage and Hour Division, United States Department of Labor, (“DOL”), and duly served upon Respondents, and an order tolling the statute of limitations.

**I**

Jurisdiction to issue the Order is conferred upon this Court by Section 9 of the Act, 29 U.S.C. § 209, and by Sections 9 and 10 of the Federal Trade Commission Act of 1914, as amended (15 U.S.C. §§ 49, 50) (“FTC Act”).

## II

Section 11 of the FLSA authorizes the Acting Secretary to investigate and gather data regarding “conditions and practices of employment in any industry subject to this Act . . . as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of the provisions of this Act.” 29 U.S.C. § 211. Section 9 of the FLSA further provides that sections 9 and 10 of the FTC Act (15 U.S.C. §§ 49, 50), relating to the production of documents, *inter alia*, are applicable to the Acting Secretary for purposes of investigations under the FLSA. 29 U.S.C. § 209. Section 9 of the FTC Act provides authorized agents shall have access to documentary evidence of “any person, partnership, or corporation being investigated or proceeded against; and the Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation.” 15 U.S.C. § 49.

## III

A. Michael Lazzeri is the Regional Administrator of the Wage and Hour Division, United States Department of Labor, who, among others, has been delegated the authority by the Acting Secretary to issue administrative subpoenas under the Act (“Regional Administrator Lazzeri”).

B. Thomas A. Gauza is the Assistant District Director of the Chicago District Office of the Wage and Hour Division, United States Department of Labor (“Assistant District Director Gauza”).

## IV

A. Respondent ZMZM Sweets, at all times referred to herein, is and was an Illinois corporation with an office and principal place of business located at 105551 S. Harlem Ave.,

Chicago Ridge, IL 60415, within the jurisdiction of this Court.

B. Respondent Mohammad Abumoghli (“Abumoghli”), at all times referred to herein, is and was an individual identified as the current owner of Respondent ZMZM Sweets, currently resides in Chicago, Illinois.

## V

In order to conduct a thorough investigation into the wages, hours and other conditions and practices of employment, pursuant to section 11 of the FLSA, Wage and Hour investigators regularly review, copy and/or transcribe information from employers’ records including, but not limited to, payroll records and records of hours worked, question and interview employees, and collect and review other relevant data relating to compliance by employers under the Act.

## VI

On June 1, 2023, pursuant to the power vested in him as Regional Administrator of the Wage and Hour Division, United States Department of Labor, Michael Lazzeri signed and issued an administrative Subpoena *Duces Tecum* (“Subpoena”) requiring Respondents to appear before Assistant District Director Gauza at the Chicago District Office, at 10:00 a.m. on June 8, 2023, to testify and produce designated books, records, and documents, listed on Attachment A to the Subpoena, concerning matters within the scope of an investigation being conducted pursuant to the FLSA, 29 U.S.C. § 211. A copy of the Subpoena *Duces Tecum* is attached hereto and incorporated herein by reference as Exhibit A. The Subpoena was addressed to both Respondents ZMZM Sweets and Mohamed Abumoghli, and both are responsible for providing all responsive documents. Therefore, the Acting Secretary is entitled to enforcement of the Subpoena against both Respondents.

## VII

On June 1, 2023, the Subpoena was served upon Respondents by hand delivering a duplicate original of the Subpoena to Abraham Abumoghli, the manager of ZMZM Sweets and the brother of Respondent Abumoghli, at 105551 S. Harlem Ave., Chicago Ridge, IL 60415. A copy of the signed Return of Service is attached hereto and incorporated herein by reference as Exhibit B.

## VIII

Prior to the issuance of the Subpoena, the DOL engaged in a number of attempts to obtain the records from Respondents. The DOL's attempts to secure the documents by other means is reflected in the various requests, conversations, and correspondence exchanged between the DOL and Respondents between April and June 2023. (*See Declaration of Wage and Hour Investigator Piotr Kisielinski in Support of the Acting Secretary of Labor's Petition to Enforce Administrative Subpoena Duces Tecum*, attached hereto and incorporated herein by reference as Exhibit C.) As a result of the failure of Respondents to produce the documents requested, the Subpoena was issued and served on Respondents as provided herein. (*See Ex. C*).

## IX

After the issuance of the Subpoena, the DOL again engaged in a number of attempts to obtain the records from Respondents beginning on July 25, 2023, and continuing through August 17, 2023. Respondents have failed to comply fully with the Subpoena and their failure to produce each of the specified books, records, and documents, as required by the Subpoena, has impeded and continues to impede the Acting Secretary's lawful investigation under the provisions of section 11 of the FLSA. On July 25, 2023, the undersigned attorney sent a final good faith letter to Respondent Abumoghli seeking Respondents' voluntary compliance and provided a deadline date of August 7, 2023. A copy of the July 25, 2023, letter is attached hereto and

incorporated herein by reference as Exhibit E. Undersigned counsel received an email from Respondent Abumoghli on August 3, 2023 seeking to comply with the subpoena and was provided a further deadline of August 11, 2023 to comply. A copy of Respondent Abumoghli's email is attached hereto and incorporated herein by reference as Exhibit F. As of the date of this petition, no documents identified in the Subpoena have been provided by Respondents.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Acting Secretary respectfully requests this Court:

- A. Issue an Order requiring Respondents to fully comply with the DOL's Subpoena *Duces Tecum* within 10 days of being served with the Order or show cause, if any, for their failure to comply with and obey the Acting Secretary's Subpoena *Duces Tecum*;
- B. Issue an Order requiring the U.S. Marshals Service to effect service of the Court's Order upon Respondents;
- C. Issue an Order tolling the statute of limitations from June 8, 2023, the date Respondents first failed to comply with the Acting Secretary's Subpoena *Duces Tecum*, until such date as the Acting Secretary informs the Court that Respondents have complied in full;
- D. Issue an Order directing Respondents to pay all costs and expenses incurred by the Acting Secretary in this matter; and
- E. For such other just and further relief as may be necessary and appropriate.

Respectfully submitted,

**SEEMA NANDA**  
Solicitor of Labor

**CHRISTINE Z. HERI**  
Regional Solicitor

P.O. Address:

Office of the Solicitor  
U.S. Department of Labor  
230 S. Dearborn St., Room 844  
Chicago, IL 60604  
Telephone No.: 312/353-0239  
Fax No.: 312/353-5698  
E-mail: [sharma.maulik@dol.gov](mailto:sharma.maulik@dol.gov)

s/Maulik Sharma  
**MAULIK SHARMA**  
Trial Attorney  
Attorneys for **Julie A. Su**  
Acting Secretary of Labor  
U.S. Department of Labor  
Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Petition to Enforce Administrative Subpoena*, and accompanying exhibits, of the Acting Secretary of Labor were served upon all parties in the above entitled and numbered cause by electronic mail and by depositing the same via US Mail and Certified Mail, return receipt requested, in an envelope addressed to Respondents' last known residential and business addresses:

ZMZM Sweets, Inc.  
10511 S. Harlem Ave  
Chicago Ridge, IL 60415

Mohammad Abumoghli  
10511 S. Harlem Ave  
Chicago Ridge, IL 60415

Mohammad Abumoghli  
1516 Touhy Avenue  
Apt. 3A  
Chicago, IL 60626  
Abu\_moghli@hotmail.com

Certified this 10th day of October, 2023.

s/Maulik Sharma  
**MAULIK SHARMA**