

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULIE A. SU, Acting Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

5 STARS RESTAURANT GROUP, INC.
d/b/a SAMBA STEAK AND SUSHI; XZH,
INC. d/b/a CHINA GOURMET; SHI YUN
ZHANG; and RISHENG XU,

Defendants.

Civil Action No. 1:23-cv-12953-IT

CONSENT PRELIMINARY INJUNCTION AND ORDER

Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (the “Acting Secretary”), has filed a complaint under the Fair Labor Standards Act (“FLSA”) against Defendants 5 Stars Restaurant Group, Inc. d/b/a Samba Steak and Sushi (“Samba”), Shi Yun Zhang (“Zhang”), XZH, Inc. d/b/a China Gourmet, and Risheng Xu, which seeks injunctive relief. By agreement of the Acting Secretary and Defendants Samba and Zhang, the Court hereby issues a preliminary injunction under Rule 65 of the Federal Rules of Civil Procedure and Section 17 of the FLSA, 29 U.S.C. § 217:

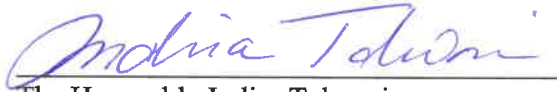
1. Enjoining and restraining Defendants Samba and Zhang, their officers, agents, servants, and employees, and those persons in active concert or participation with Samba and Zhang, from violating the provisions of Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), by retaliating, taking any adverse action, or threatening to take any adverse action against any current or former employee or their families because

that employee or former employee asserted their rights under the FLSA, including, but not limited to:

- a. Terminating any employees or reducing employees' wage rates or work hours without providing the Acting Secretary and the affected employees seven days' written notice as to the non-retaliatory business justification for the termination and/or reduction of wage rates or hours;
 - b. Demanding immigration-related documents or information from employees, including but not limited to social security cards or numbers, employment authorization documents, I-9 employment eligibility verification forms, permanent resident cards, Alien Registration Numbers (also known as "A-Numbers"), visas, passports, or driver's licenses; or
 - c. Instructing, or otherwise communicating to employees not to speak to representatives of the Acting Secretary or to provide false information to the Acting Secretary regarding their hours of work, pay, or terms and conditions of their employment;
2. Requiring Defendants Samba and Zhang, within three days of the entry of this Preliminary Injunction and Order, to permit a representative of the Acting Secretary to read aloud to all Samba and Zhang's employees, during employees' paid working hours, the statement attached to this Order as Exhibit A, informing the employees of their right to speak with representatives of the Acting Secretary and to file complaints regarding possible wage and hour violations, free from retaliation or threats of retaliation or intimidation by Samba, Zhang, or their agents; and

3. Requiring Defendants Samba and Zhang, within three days of the entry of this Preliminary Injunction and Order, to post, in a conspicuous place at their restaurant, a copy of the statement attached as Exhibit A in English, Spanish, and any other language that may be necessary for workers to effectively understand the statement, and shall provide each worker with a copy of the written statement in English, Spanish, and any other language that may be necessary for workers to effectively understand the statement, with their next wage payment.

IT IS SO ORDERED this 31st day of Jan., 2024.


The Honorable Indira Talwani
United States District Judge

The parties hereby consent to and move for the entry of this Preliminary Injunction and Order.

For the Acting Secretary:

Seema Nanda
Solicitor of Labor

Maia S. Fisher
Regional Solicitor

Mark A. Pedulla
Wage and Hour Counsel

/s/Benjamin R. Botts
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Date: January 30, 2024

**For 5 Stars Restaurant Group, d/b/a
Samba Steak and Sushi**

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Date: January 30, 2024

For Defendant Shi Yun Zhang:

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Date: January 30, 2024

EXHIBIT A

NOTICE TO ALL SAMBA EMPLOYEES

The United States District Court for the District of Massachusetts has ordered Samba Steak and Sushi and its owner to provide this notice to all employees.

The U.S. Department of Labor, or DOL, has filed a lawsuit against Samba for possible violations of a federal wage law called the Fair Labor Standards Act or FLSA.

YOUR RIGHT TO OVERTIME: Under the FLSA, most employees must be paid overtime, or time and a half their regular rate of pay for all hours over 40 in a week. For example, a worker who earns a regular rate of \$15 per hour should be paid at least \$22.50 for each hour worked over 40 in a week.

STANDING UP FOR YOUR RIGHTS: The FLSA also has protections if you stand up for your wage rights, for example, if you:

- Ask your supervisor or boss for the wages you are owed;
- Talk to the DOL or make a complaint to the DOL; or
- File a lawsuit about your wages.

RETALIATION IS AGAINST THE LAW: Your employer can't retaliate against you because you stand up for your FLSA rights. Some examples of retaliation include your employer taking the following types of actions because you stood up for your FLSA rights:

- Firing you;
- Cutting your hours or your pay;
- Hurting or threatening you;
- Threatening to report you to the police or immigration authorities, or demanding that you provide a social security card or work permit; or
- Telling you not to talk to, or what to say to, the DOL.

If you have questions about retaliation or your pay, or think your employer is violating the FLSA, call or send a text or WhatsApp message to DOL's Wage and Hour Division at **617-908-9127**. DOL will keep your information confidential to the maximum extent possible under the law.