

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 07 2017 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

R. ALEXANDER ACOSTA, Secretary of Labor, :
United States Department of Labor, :

Plaintiff, :

v. :

: **PRELIMINARY INJUNCTION BY**
: **STIPULATION**

NEUROLOGICAL CARE P.C., SOFIA :
AMOASHIY, Individually, and MICHAEL :
AMOASHIY, Individually, :

Civil Action No.
17-cv-03931

Defendants. :

PRELIMINARY INJUNCTION BY STIPULATION

Pursuant to Rule 65 of the Federal Rules of Civil procedure, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel to the parties in the above-captioned action, that Defendants NEUROLOGICAL CARE P.C., SOFIA AMOASHIY, and MICHAEL AMOASHIY are enjoined during the pendency of this litigation as follows:

1. Defendants and their agents are enjoined from retaliating or discriminating in any way against any current or former employee of Neurological Care in violation of 29 U.S.C. § 215(a)(3);
2. Defendants and their agents are enjoined from interrogating, inquiring about or asking any employees or former employees in this case about the employees' potential or actual communications with the Secretary or other agents of the Department of Labor. To the extent that any current or former employee affirmatively seeks to discuss such information with Defendants or their agents, Defendants shall first inform the employee, in writing with written translation into that employee's primary language, about the nature and existence of this suit, that such communications are voluntary and that employees cannot be discriminated or retaliated against in any way;

3. Defendants and their agents are enjoined from withholding wages, terminating or threatening to terminate any employee, demoting or threatening to demote any employee, or retaliating or discriminating against their employees in any other way, based upon Defendants' belief that such employee has cooperated with the Department of Labor or has engaged in any other protected activity under the Fair Labor Standards Act;
4. Defendants and their agents are enjoined from communicating with any employee between the date of this Order and the trial in this action for the purposes of investigating plaintiff's claims, preparing a Defense, gathering evidence or executing declaration, without first informing the employee, in writing with written translation into that employee's primary language, about the nature and existence of this suit, that such communications are voluntary and that employees cannot be discriminated or retaliated against in any way;
5. Defendants shall allow representatives of the Secretary to read aloud in English during employees' paid working hours and in the presence of Michael or Sofia Amoashiy, the following statement to all employees employed at Neurological Care:

You are protected by the Fair Labor Standards Act and have the right to participate freely in the U.S. Department of Labor's investigation and litigation. You have the right to speak freely with investigators, attorneys, or other officials from the Department of Labor. It is illegal for your employer to fire you, demote you, withhold wages, reduce your wages or your hours, threaten to call immigration authorities, or otherwise discriminate against you for speaking to the Department of Labor or testifying as a witness in this matter. All employees have the right to be lawfully paid for the work they perform, regardless of race, ethnicity, or immigration status.

6. Defendants shall post a Notice of the above statement, and contact information for representatives of the Secretary, in a conspicuous location at both of Neurological Care's offices; and

7. Prior to terminating any employee for any reason, Defendants shall provide a written notice to the Wage and Hour division of the U.S. Department of Labor at least seven days prior to any termination.

Jointly Submitted,

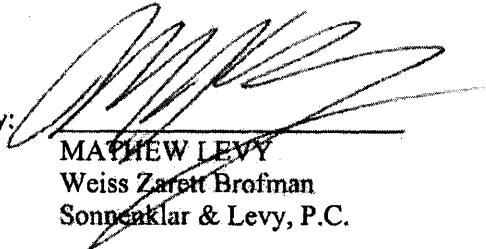
Dated: July 6, 2017

Dated: July 6, 2017
New York, New York

NICHOLAS C. GEALE
Acting Solicitor of Labor


JEFFREY S. ROGOFF
Regional Solicitor

By:


MATTHEW LEVY
Weiss Zarett Brofman
Sonnensklar & Levy, P.C.

Attorney for Defendants

By:


ELENA S. GOLDSTEIN
Senior Trial Attorney

DANIEL HENNEFELD
Senior Trial Attorney
U.S. DEPARTMENT OF LABOR
Attorneys for Plaintiff

SO ORDERED:

DATED:

July 6, 2017
Brooklyn, New York

/s/ Carol Bagley Amon
UNITED STATES DISTRICT JUDGE