

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

R. ALEXANDER ACOSTA, SECRETARY OF LABOR,
United States Department of Labor,

Plaintiff,

v.

Civil Action No. 4:17-cv-40070

TAVCO AUBURN ST, INC.,
TAVCO CHANDLER ST, INC.,
TAVCO GRAFTON/WORCESTER, INC.,
TAVCO LINCOLN ST, INC.,
TAVCO MAIN ST., INC.,
TAVCO GRAFTON/SHREWSBURY, INC., and
TIRUPATHI CHANDRAPU

Defendants.

CONSENT JUDGMENT

Plaintiff has filed a complaint and the Defendants, without admitting or denying liability, have appeared, received a copy thereof, and waived service of process. The Court finding that it has jurisdiction to enter this Consent Judgment and Order, and Plaintiff and Defendants agreeing to its terms,

It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendants, their agents, servants, employees, and all persons acting or claiming to act in their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of the Fair Labor Standards Act, as amended (29 USC 201 *et seq.*), hereinafter referred to as "the Act", in any of the following manners:

Defendants shall not, contrary to sections 6 and 15(a)(2) of the Act, 29 U.S.C. § 206 and 215(a)(2) pay any employees who, in any workweek, are employed in commerce, or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, wages at rates less than the applicable minimum wage.

Defendants shall not, contrary to sections 7 and 15(a)(2) of the Act, , 29 U.S.C. § 207 and 215(a)(2), employ any employees who in any workweek are engaged in commerce or in the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he is employed.

Defendants shall not, contrary to section 15(a)(3) of this Act, discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding.

Defendants shall not fail to make, keep, and preserve records of employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the regulations issued, and from time to time amended, pursuant to section 11(c) of the Act, 29 U.S.C. § 211(c), and found in Title 29, Part 516 of the Code of Federal Regulations.

It is further ORDERED, ADJUDGED and DECREED that the Defendants are enjoined and restrained from withholding the payment of \$292,016 in gross back wages and are jointly and severally liable for the payment of \$292,016 in liquidated damages to 73 current or former

employees of the Defendants whom Plaintiff and Defendants have agreed were entitled to overtime compensation for some period of time between July 1, 2013 to July 31, 2016, in such amounts listed on the attached Exhibit A, which is incorporated in and made a part hereof. The private rights, under the Act, of any current or former employee not named on Exhibit A, or for periods not stated herein, shall not be terminated or otherwise affected by this proceeding.

Each Defendant is jointly and severally liable for all the amounts listed on Exhibit A.

Defendants represent that, to the best of their knowledge and following diligent review and inquiry, they have been in compliance with the Act since July 31, 2016. In resolving the amount of back wages and liquidated damages in this judgment, the plaintiff has relied on this representation, and accordingly, the back wage and liquidated damages provisions of this judgment shall have no effect upon any back wages and liquidated damages which may have accrued since that date.

The provisions of this judgment shall be deemed satisfied when on or before June 30, 2017, each Defendant delivers to Plaintiff (to be mailed to U. S. Department of Labor, Wage & Hour Division, Northeast Region, The Curtis Center, Ste. 850 West, 170 S. Independence Mall West, Philadelphia, PA 19106-3317, Attention: Mary Doughty, with a copy to the U.S. Department of Labor at the Taunton Area Office, 104 Deane St, Room 201, Taunton, MA 02780, Attention: Carl Loria, certified checks in the gross amounts due \$292,016 in back wages, from which deductions for the Defendants' employees share of social security and federal withholding taxes will be made by the United States Department of Labor and \$292,016 in liquidated damages, which are not subject to deductions), made payable to "Wage and Hour Division - Labor" written on the face of the checks. In addition, case numbers as follows shall be included on the checks:

Tavco Chandler St, Inc. DBA Golden Pizza Case ID: 1798018

Tavco Grafton/Shrewsbury, Inc. CASE ID: 1785598

Tavco Main St, Inc. CASE ID: 1798016

Tavco Lincoln, Inc. CASE ID: 1798019

Tavco Grafton/Worcester, Inc. CASE ID: 1798020

Tavco Auburn, Inc. CASE ID: 1798014

Defendants, jointly and severally, shall further pay the employers' share of social security and withholding taxes to the appropriate authorities for the back wages paid pursuant to this judgment after presentation of the United States Department of Labor's summary of employee payments made.

On or before ten (10) days from the entry of this judgment, Defendants shall deliver jointly and severally to the United States Department of Labor at the Taunton Area Office of the Wage and Hour Division at the Taunton, MA address set forth above, a statement showing the following: employers' Federal ID number(s), the name of each employee listed in Exhibit A, and each employee's current address and social security number (to the extent known by Defendants).

When recovered wages and/or liquidated damages have not been claimed by an employee within three (3) years, because of inability to locate the employee or because of the employee's refusal to accept such sums, Plaintiff shall deposit the wages and/or liquidated damages into the United States Treasury as miscellaneous receipts pursuant to 29 U.S.C. § 216(c).

Defendants shall not, under any circumstances, solicit repayment of any amount paid to any employee in connection with this judgment. In the event any such amount is received from

any employee, Defendants shall immediately remit such amount to the United States Department of Labor at the Philadelphia, PA address set forth above.

It is further ORDERED, ADJUDGED and DECREED that each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Dated: June 20, 2017

[Signature]
United States District Judge

Magistrate



Dated: _____

Defendants hereby consent to entry of this judgment:

Tavco Auburn St, Inc.

By: [Signature]
Tirupathi Chandrapu

Dated 5/17/2017

Tavco Chandler St, Inc.

By: [Signature]
Tirupathi Chandrapu

Plaintiff hereby moves for entry of this judgment:

Nicholas C. Geale
Acting Solicitor of Labor

Michael D. Felsen
Regional Solicitor

Merle D. Hyman / by JG with consent

Merle D. Hyman

Wage and Hour Counsel

U.S. Department of Labor
Office of the Solicitor
John F. Kennedy Federal Building, Room E-375
Boston, MA 02203

Dated 5/17/2017

Telephone: (617) 565-2500
Facsimile: (617) 565-2142
E-mail: hyman.merle@dol.gov

Tavco Grafton/Worcester, Inc.

Dated 5/18/2017

By: Reilly
Tirupathi Chandrapu

Dated 5/17/2017

Tavco Lincoln St, Inc.

By: Reilly
Tirupathi Chandrapu

Dated 5/17/2017

Tavco Main St, Inc.

By: Reilly
Tirupathi Chandrapu

Dated 5/17/2017

Tavco Grafton/Shrewsbury, Inc.

By: Reilly
Tirupathi Chandrapu

Dated 5/17/2017

For the corporate Defendants:


George W. Price (BBO # 645174)
Stephanie Smith (BBO # 660572)
Caener & Edwards, LLP
303 Congress St
Boston, MA 02210
Tel: 617-426-5900

Dated 5/17/2017


TIRUPATHI CHANDRAPU, individually

Dated 5/17/2017