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JS-6

16 Attorneys for Plaintiff, Edward C. Hugler,  
 17 Acting Secretary, United States Department of  
 18 Labor

19 UNITED STATES DISTRICT COURT  
 20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

<p>21 <b>EDWARD C. HUGLER</b>, Acting Secretary of          22 Labor, United States Department of Labor,          23          24 Plaintiff,          25          26 v.          27          28 <b>HIMANSHU BHATIA</b>, an individual,          Defendant.</p>	}	<p><b>Case No. 16-cv-01548-JVS-JCGx</b></p> <p><b>CONSENT JUDGMENT</b></p>
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Plaintiff EDWARD C. HUGLER, Acting Secretary of Labor, United States Department of Labor (the “Secretary”), and Defendant HIMANSHU BHATIA (“Mrs.

**CONSENT JUDGMENT & ORDER**

1 Bhatia”), an individual, have agreed to resolve all claims alleged in the Complaint pend-  
2 ing before the U.S. District Court, Central District of California, Case No. 8:16-cv-  
3 01548-JVS-JCG (“Complaint”), and hereby consent to the entry of this Consent Judg-  
4 ment as follows:

5 **I. STATEMENT BY THE PARTIES**

6 A. The Secretary has filed a Complaint alleging that Mrs. Bhatia violated Sections 6,  
7 11, and 15 of the Fair Labor Standards Act of 1938, as amended (the “FLSA”), 29  
8 U.S.C. §§ 206, 211, and 215.

9 B. Mrs. Bhatia filed an Answer to the Complaint asserting affirmative defenses and  
10 denying the allegations.

11 C. The parties agree that Mrs. Bhatia was Sheela Ningwal’s (“Ms. Ningwal”) sole  
12 employer between July 2012 - December 2014.

13 D. This Consent Judgment provides not less than full FLSA minimum wage recovery  
14 for all hours worked by Ms. Ningwal, as alleged in the Secretary’s Complaint, between  
15 July 2012 – December 2014.

16 E. This Consent Judgment resolves all claims in the Secretary’s Complaint and the  
17 Department of Labor’s investigation regarding Ms. Ningwal’s employment with Mrs.  
18 Bhatia.

19 F. The Secretary and Mrs. Bhatia waive Findings of Fact and Conclusions of Law.

20 G. Mrs. Bhatia admits that the Court has jurisdiction over the parties and subject mat-  
21 ter of this civil action and that venue lies in the United States District Court for the Cen-  
22 tral District of California.

23 H. Mrs. Bhatia agrees to the entry of this Consent Judgment.

24 I. Mrs. Bhatia acknowledges that she understands the provisions of this Consent  
25 Judgment.  
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1 J. Mrs. Bhatia admits that she was an employer within the meaning of FLSA Section  
2 3(d), 29 U.S.C. § 203(d), in relation to Ms. Ningwal, a former live-in domestic service  
3 worker of Mrs. Bhatia identified on the attached Exhibit A.

4 **II. JUDGMENT**

5 Therefore, upon motion of the attorneys for the Secretary, and for cause shown,

6 1. **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Mrs. Bhatia,  
7 is enjoined and restrained from violating Sections 6 (minimum wage), 11(c) (record-  
8 keeping), and 15(a)(3) (anti-discrimination), of the FLSA, 29 U.S.C. §§ 206, 211(c), and  
9 215 (a)(3).

10 2. **IT IS FURTHER ORDERED AND ADJUDGED** that Mrs. Bhatia shall pay to the  
11 Secretary the gross sum of \$54,348 as wages, agreed to by the Parties pursuant to a set-  
12 tlement and, therefore, found due pursuant to this Consent Judgment, plus the additional  
13 gross sum of \$54,348, as liquidated damages, pursuant to FLSA Section 16(c), 29 U.S.C.  
14 § 216(c), and gross sum \$26,304 as damages; and, further

15 **JUDGMENT IS HEREBY ENTERED** in the amount of \$135,000 against Mrs.  
16 Bhatia and in favor of the Secretary.

17 3. The provisions of paragraph 4 of this Consent Judgment will be deemed satisfied  
18 when, within fifteen (15) calendar days of the entry by the Court of this Consent Judg-  
19 ment, Mrs. Bhatia delivers to the Wage and Hour Division, 550 West "C" Street, Suite  
20 990, San Diego, CA 92101, Attention: Evelyn Sanchez, Assistant District Director, the  
21 following:

22 a. A cashier's check or money order in the amount of \$54,348, payable to  
23 "Sheela Ningwal or Wage and Hour-DOL," with "Wages-Bhatia" noted on the sub-  
24 ject line;

25 b. A cashier's check or money order in the amount of \$54,348, payable to  
26 "Sheela Ningwal or Wage and Hour-DOL," with "Liquidated Damages-Bhatia" not-  
27 ed on the subject line;  
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1 c. A cashier's check or money order in the amount of \$26,304, payable to  
2 "Sheela Ningwal or Wage and Hour-DOL" with "Damages-Bhatia" noted on the sub-  
3 ject line;

4 4. In the event of any default in the timely making of any payment due under this  
5 Consent Judgment, the full amount which then remains unpaid, plus interest at the rate  
6 of 10% per year, on the outstanding amount, will be due and payable. A default will be  
7 deemed to occur if Mrs. Bhatia is more than 5 working days late in making the payments  
8 due under this Judgment.

9 5. The Secretary shall distribute the remittances due under this Consent Judgment  
10 to Mrs. Ningwal, or her estate, in the Secretary's discretion, and any money not so paid  
11 within a period of 3 years from the date of its receipt, because of an inability to locate  
12 the proper person or because of her refusal to accept it, shall then be deposited in the  
13 Treasury of the United States, as miscellaneous receipts, pursuant to 29 U.S.C. § 216(c).

14 6. The filing, pursuit, and/or resolution of this proceeding with the filing of this Con-  
15 sent Judgment shall not act as or be asserted as a bar to any action under Section 16(b) of  
16 the FLSA, 29 U.S.C. § 216(b), as to any employee not named on the attached Exhibit A,  
17 nor as to any period not referenced therein.

18 7. Each party shall bear all fees and other expenses (including court costs) and at-  
19 torneys' fees that might be available under the Equal Access to Justice Act incurred by  
20 such party in connection with any stage of this proceeding.

21 8. Nothing in this Consent Judgment & Order is binding on any governmental  
22 agency other than the United States Department of Labor, Wage and Hour Division.

23 9. Neither this action nor the resolution of this action through this Consent Judg-  
24 ment in any way affects any claims by Ms. Ningwal not alleged in the Complaint, in-  
25 cluding their statute of limitations.

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**CONSENT JUDGMENT & ORDER**



1 Dated: April 10, 2017

NICHOLAS C. GEALE  
Acting Solicitor of Labor  
JANET M. HEROLD  
Regional Solicitor  
SUSAN SELETSKY  
Chief FLSA Counsel

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6 By:   
7 DEMIAN CAMACHO  
8 Trial Attorney  
9 Attorneys for Plaintiff, U.S. Secretary of Labor  
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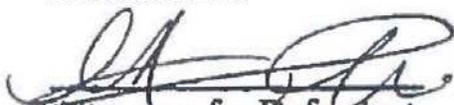
11 Dated: April 10, 2017

R.BRIAN DIXON  
CONNIE L. MICHAELS  
LITTLER MENDELSON

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13  
14   
15 Attorneys for Defendant

16 Dated: April 10, 2017

MOHAMMAD KHAN  
CHUGH LLP

17  
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19   
Attorneys for Defendant

20 Dated: April 10, 2017

HIMANSHU BHATIA

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23 Defendant  
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**EXHIBIT A**

1. Sheela Ningwal