

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 THOMAS E. PEREZ,  
4 Plaintiff,

5 v.

6 SEAFOOD PEDDLER OF SAN RAFAEL,  
7 INC., et al.,

8 Defendants.

Case No. [12-cv-00116-WHO](#)

**ORDER TEMPORARILY  
RESTRAINING DEFENDANTS**

Re: Dkt. No. 446

9 Christina Williams, a former employee of defendant Seafood Peddler of San Rafael,  
10 testified at the trial in this matter today, under subpoena from the Secretary of Labor. According  
11 to the Secretary, immediately after she finished testifying, Ms. Williams headed to work at  
12 Seafood Peddler of Sausalito (an entity which is not a defendant in this action, but is owned or  
13 controlled in part by defendants in this action). When she arrived at Seafood Peddler Sausalito,  
14 Ms. Williams was fired by defendant Alphonse Silvestri. The Secretary argues that Ms. Williams'  
15 firing was in retaliation for her testimony in Court, based on comments made to Ms. Williams by  
16 Silvestri and his wife at the time Williams was fired. Docket No. 447, 447-1.

17 Plaintiff Secretary of Labor seeks a Temporary Restraining Order to prevent defendants  
18 from:

- 19 (i) terminating or threatening to terminate or retaliating or discriminating against  
20 Christina Williams or any other of Defendants' employees in any other way,  
21 because the employee has testified or will testify in this FLSA trial;
- 22 (ii) Enjoining Defendants from telling Christina Williams or anyone who works for  
23 them not to testify or to provide false information to this Court or the Secretary or  
24 otherwise coercing employees to make false statements regarding the terms and  
25 conditions of their employment at Seafood Peddler of San Rafael, Inc.; and
- 26 (iii) Enjoining Defendants from obstructing this trial in any way.

27 Docket No. 446.

28 The Secretary also seeks immediate reinstatement of Christina Williams, who was until

1 today employed as a server and bartender at Seafood Peddler of Sausalito; and back wages for the  
2 time that Christina Williams would have worked today at Seafood Peddler of Sausalito.

3 Based on the evidence submitted, in light of the significant risk retaliation may have on  
4 this trial, and finding it justified by extraordinary circumstances, I ORDER as follows:

5 Defendants Alphonse Silvestri, Richard Mayfield, and Fidel Chacon are hereby  
6 TEMPORARILY ENJOINED from:

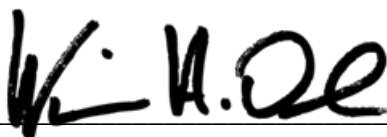
- 7 (i) terminating or threatening to terminate or retaliating or discriminating against any  
8 current or former employee of Seafood Peddler Sausalito or Seafood Peddler San  
9 Rafael because the employee has testified or might testify in this FLSA trial;
- 10 (ii) from telling any current or former employee of Seafood Peddler Sausalito or  
11 Seafood Peddler San Rafael not to testify or to provide false information to this  
12 Court or the Secretary, or otherwise coercing employees to make false statements  
13 regarding the terms and conditions of their employment at Seafood Peddler of San  
14 Rafael, Inc.

15 Defendants shall file a brief responding to the request for a TRO and to the allegations  
16 raised in the Secretary's motions by **8:00 a.m. Monday September 8, 2014**. Defendants shall  
17 provide the Court declarations from Manuel Camacho and Alphonse Silvestri regarding their  
18 interactions with Christina Williams on Friday September 5, 2014, and explain why the TRO  
19 should not continue in force.

20 The Secretary shall file a supplemental brief by **8:00 a.m. Monday September 8, 2014**,  
21 regarding my power or authority to both reinstate Ms. Williams and order back pay under the Fair  
22 Labor Standards Act or other applicable statute. The Motion for a Temporary Restraining Order  
23 shall be heard at **2:00 p.m. on Monday September 8, 2014 in Courtroom 12**.

24 **IT IS SO ORDERED.**

25 Dated: September 5, 2014

26 

27 WILLIAM H. ORRICK  
28 United States District Judge