

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. PEREZ, Secretary of
 Labor, United States Department of
 Labor,

No. C 15-01026 WHA

Plaintiff,

v.

**ORDER RE TEMPORARY
 RESTRAINING ORDER**

NATIONAL CONSOLIDATED
 COURIERS, INC., a corporation, and
 TANWEER AHMED, an individual

Defendants.

In this action filed by the United States Secretary of Labor, petitioning to enforce administrative subpoenas, the Secretary has moved for an ex parte temporary restraining order seeking the following relief:

(a) a temporary restraining order, restraining and enjoining defendants as follows:

(i) from further destruction or alteration of any evidence that may relate to the Secretary's investigation;

(ii) from failing and refusing to produce the documents sought by the administrative subpoenas;

(iii) from violating the FLSA by interfering with the Secretary's investigation through destruction of evidence, false testimony, and intimidation of witnesses;

(iv) from violating the FLSA by retaliating against the employees of NCCI and their rights under the FLSA to recover of wages potentially owed them, as well as intimidating witnesses and directing them to provide false testimony;

(v) from refusing to pay for the services of a third-party forensic specialist to attempt to retrieve deleted and destroyed evidence;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(vi) from refusing to allow the Secretary to secure any and all equipment that may contain electronically stored data (including computers, cell phones, etc.); and

(vii) from failing and refusing to produce the documents sought by the administrative subpoenas; and

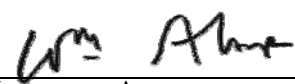
(b) an order authorizing the United States Marshal Service to enter (using reasonable force) NCCI's facilities in San Leandro, San Jose, and Sacramento, California, and seize all computers, backup drives and backup electronic media at these facilities.

Plaintiff must promptly and properly serve defendants with the application, petition, and all supporting documents **TODAY**. Defendants shall respond to the application for a temporary restraining order by **FIVE P.M. ON MARCH 6, 2015**. A hearing is hereby set for **EIGHT A.M. ON MARCH 11, 2015**.

To preserve the status quo, defendants are prohibited from destroying or altering any evidence or intimidating any witnesses that are potentially responsive to the Secretary of Labor's investigation.

IT IS SO ORDERED.

Dated: March 5, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE