

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

HILDA SOLIS, SECRETARY OF LABOR,)
UNITED STATES DEPARTMENT OF LABOR,)
)
Plaintiff,)

CIVIL ACTION NO.
09-cv-01286-REB-BNB

v.)

MILE HI METRO MAINTENANCE, INC.,)
d/b/a MILE HI SERVICES)
or MILE HI AERATION, and FLORIAN B.)
McCANN, individually,)
)
Defendants.)

**INJUNCTION AGAINST DEFENDANTS MILE HI METRO MAINTENANCE, INC.,
d/b/a/ MILE HI SERVICES or MILE HI AERATION,
and FLORIAN B. McCANN, individually**

Plaintiff having filed her complaint, and Defendants Mile Hi Metro Maintenance, Inc., d/b/a Mile Hi Services or Mile Hi Aeration, and Florian B. McCann having agreed to the entry of this Injunction without contest:

It is, therefore, upon motion of counsel for the Plaintiff, and for cause shown:

ORDERED, ADJUDGED, and DECREED that Defendants Mile Hi Metro Maintenance, Inc., d/b/a Mile Hi Services or Mile Hi Aeration, and Florian B. McCann, be, and hereby are, permanently enjoined and restrained from violating the provisions of sections 6, 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.), hereinafter the Act, in any of the following manners:

Defendants, jointly or severally, shall not, contrary to sections 6 and 15(a)(2) of the FLSA, fail to pay to their employees engaged in commerce or the production of goods for commerce or in an enterprise engaged in commerce or the production of goods for commerce,

within the meaning of the FLSA, wages at rates not less than \$7.25 an hour, or any rate subsequently made applicable by amendment to the FLSA, for every hour worked by Defendants' employees.

Defendants, jointly or severally, shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any employees in commerce or in the production of goods for commerce, or an enterprise engaged in commerce or in the production of goods for commerce, for workweeks longer than 40 hours without compensating such employees for his or her employment in excess of 40 hours per workweek at a rate not less than one and one half times the regular rate at which he or she is employed.

Defendants, jointly or severally, shall not, contrary to sections 11(c) and 15(a)(5) of the FLSA, fail to make, keep, and preserve adequate and accurate records of its employees, and of the wages, hours, and other conditions and practices of employment maintained by Defendants as prescribed by the regulations issued and from time to time amended pursuant to section 11(c) of the FLSA (29 C.F.R. Part 516). Defendants shall make such records available at all reasonable times to representatives of the Plaintiff.

This Court shall retain jurisdiction over this action and the parties hereto as may be necessary to enforce the provisions of the Injunction.

Each party shall bear his, her, or its own attorney's fees, costs and other expenses incurred by such party to date in connection with any stage of the above-referenced proceeding including, but not limited to, attorney's fees, costs and other expenses which may be available under the Equal Access to Justice Act, as amended.

The Court directs the entry of this Injunction as a final Order.

IT IS SO ORDERED.

s/ Robert E. Blackburn

Robert E. Blackburn, United States District Court Judge
United States District Court

DATE: June 17, 2010

Entry of this Judgment
is hereby consented to:

Mile Hi Metro Maintenance, Inc., d/b/a
Mile Hi Services or Mile Hi Aeration

By: /s Florian B. McCann
Florian B. McCann, owner*

FLORIAN B. McCANN, an individual

By: /s Florian B. McCann
Florian B. McCann*

/s William R. Suhre
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Attorney for Mile Hi Metro Maintenance, Inc., d/b/a Mile Hi Services or Mile Hi Aeration (Mile Hi), and Florian B. McCann

APPROVED

M. Patricia Smith
Solicitor of Labor

* Defendants' original signatures on the Injunction is on file with Plaintiff.

Michael A. Stabler
Regional Solicitor

John Rainwater
Associate Regional Solicitor

/s Lydia Tzagoloff
Lydia Tzagoloff
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/s Kim Rogers
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UNITED STATES DEPARTMENT OF LABOR