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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

THOMAS E. PEREZ, SECRETARY OF LABOR,  
UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

SANDPOINT GAS N GO & LUBE CENTER,  
INC., an Idaho corporation; and SYDNEY M.  
OSKOUI, an individual,

Defendants.

Case No. 2:14-cv-357-BLW

ORDER RE:  
MOTION FOR DEFAULT JUDGMENT

12 Plaintiff Thomas E. Perez, Secretary of Labor, United States Department of Labor, has  
13 moved for a default judgment in this matter. See Fed. R. Civ. P. 55(b); Dist. Idaho Loc. Civ. R. 7.1.

14 This Court found in its Order dated December 3, 2014, that Defendants Sydney M. Oskoui  
15 and Sandpoint Gas n' Go & Lube Center failed to file a timely responsive pleading in this matter,  
16 and ordered the Clerk of the Court to enter default. (Dkt. 33, 34, 35) Upon review of the facts and  
17 argument in the record, because Defendant has failed to present either a meritorious defense or  
18 grounds for a finding of excusable neglect and for good cause shown:

19 1. Plaintiff's Motion for Default Judgment against Defendants Sandpoint Gas N Go &  
20 Lube Center, Inc., an Idaho corporation; and Sydney M. Oskoui, an individual; is GRANTED IN  
21 PART;

22 2. Final judgment shall be entered in favor of the Plaintiff against Defendants for  
23 violations of Section 11(c) of the Occupational Safety and Health Act ("OSH Act" or "the Act"), 29  
24 U.S.C. § 660(c), following the hearing in this matter on September 24, 2015;

25 3. As compensatory damages, Defendant shall pay \$979.25 to Daniel Kramer for lost  
26 wages and prejudgment interest thereon through June 30, 2015, plus postjudgment interest at the rate  
27 established by 28 U.S.C. § 1961 from June 30, 2015 through the date of payment in full;

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1           4.       Defendants, their officers, agents, servants, employees and all persons acting or  
2 claiming to act in their behalf and interest are permanently enjoined from violating the provisions of  
3 Section 11(c)(1) of the Act, 29 U.S.C. §660(c)(1);

4           5.       Defendants shall post a complete copy of this Order at the Sandpoint Gas n' Go and  
5 Lube Center as a notice stating to all concerned the following:

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7           Defendants Sydney M. Oskoui and Sandpoint Gas n' Go & Lube Center will not discharge or  
8 in any manner discriminate against employees because of filing a complaint with OSHA,  
9 giving a statement to an OSHA investigator, giving testimony in a proceeding before the  
10 Occupational Safety and Health Review Commission, making a complaint within the  
11 company about workplace safety or health, or otherwise engaging – whether real, perceived,  
12 or suspected – in any other activities protected by Section 11(c) of the Occupational Safety  
13 and Health Act.

14  
15           Any employee who believes that he or she has been discharged or otherwise discriminated  
16 against by Defendants in violation of Section 11(c) of the Occupational Safety and Health  
17 Act may make a complaint to the Boise Area Office of the Occupational Safety and Health  
18 Administration, at (208) 321-2960, alleging such retaliation.

19  
20           The Order shall be posted on each employee bulletin board where other labor and employment law  
21 notice posters are posted; or, if no such bulletin board exists, behind the front counter. Defendants  
22 shall post this Order and submit proof of such posting by filing a declaration with this Court within  
23 10 days of the date of final judgment in this matter stating that this Order has been posted, and  
24 attaching a photograph of the posted Order. This Order shall remain posted for ninety (90) days from  
25 the date of posting.

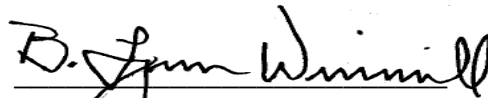
26           7.       Upon application by the Plaintiff, costs shall be taxed by the Clerk against Defendants  
27 in favor of the Plaintiff.

1           The September 24, 2015 hearing in this matter shall be limited to the presentation of  
2 evidence and argument on the Plaintiff's request for an award of punitive damages.

3           IT IS SO ORDERED.



DATED: September 16, 2015

  
B. Lynn Winmill  
Chief Judge  
United States District Court