

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

SETH D. HARRIS, Acting Secretary of Labor, :
United States Department of Labor, :

Plaintiff, :
v. :
BOB 1232 JERICO CORP., :
a Corporation :
d.b.a. DIX HILLS BRUSHLESS CAR WASH; and :
ROBERT MONTGOMERY, Individually :
and as President :

Defendants :

Civil Action File
No. 13-CV-3210
SUPPLEMENTAL
CONSENT
JUDGMENT
SJF, WDW

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y
★ JUL 30 2015 ★
LONG ISLAND OFFICE

WHEREAS a Consent Judgment was entered in the above captioned matter on June 12, 2013 regarding the defendants' violations of the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 et. seq.); and

WHEREAS, Defendants made fourteen payments totaling \$7,000.00; and

WHEREAS, the parties wish to revise the payment schedule of the backwage compensation and civil money penalties.

It is therefore:

I. ORDERED, ADJUDGED, AND DECREED by the Court that, Defendants BOB 1232 JERICO CORP. ROBERT MONTGOMERY, individually and as President, shall pay the balance due of \$41,073.16. Payment of this amount will be made in the total amount by September 15, 2016 which is in accordance with the amounts due and dates set forth in Exhibit A.

All payments shall be in separate cashier or certified checks made payable to "**Wage and Hour Division - Labor**" with "**Case No. 1645301**" written on the face of each check.

The checks shall be sent to:

**U.S. Department of Labor/Wage & Hour Division
The Curtis Center, Suite 850, West
170 S. Independence Mall West
Philadelphia, PA 19106-3317**

II. On or before the dates indicated on Exhibit A, defendants shall send a copy of each of the checks to:

**U.S. Department of Labor/Wage & Hour Division
1400 Old Country Road, Suite 410
Westbury, New York 11590-5119
Attn: Francisco Marchan, Assistant Director**

III. Neither defendants nor anyone acting on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid as back wages under this Judgment.

IV. The plaintiff shall deliver the proceeds of each check less any legal deductions to the employees named on Exhibit A in the Consent Judgment entered on June 12, 2013. Any sums not distributed to the employees or to their personal representatives, because of inability to locate the proper persons or because of such persons' refusal to accept such sums, shall be deposited with the Treasurer of the United States pursuant to 28 U.S.C. §2041 and §2042.

V. If the defendants fail to make an installment payment on Exhibit A without making up the arrearage within two weeks after written notice to defendants, the entire balance shall become due and payable immediately.

VI. If prior to **September 15, 2016** Defendants are able to sell the business known as "**BOB 1232 JERICHO CORP.**" a business located at 271 Smithtown Blvd., Nesconset, NY 11767, in Suffolk County, NY, Defendants shall apply available proceeds from that sale to the balance due as provided in Exhibit A.

VII. If Defendants prepay the balance due prior to **September 15, 2016**, Plaintiff shall deduct any remaining interest payments due.

VIII. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED:

DATED: 7/30/15
Central Islip, NY

s/ Sandra J. Feuerstein


UNITED STATES DISTRICT JUDGE

Defendants have appeared by counsel and Consent to the entry of this Judgment.

BOB 1232 JERICHO CORP.

BY:


ROBERT MONTGOMERY, individually and as President


Mark J. Friedman, Esq.
66 Split Rock Road
Syosset, NY 11791

Attorney for Defendants

STATE OF NEW YORK)
)
) *Nassau* : SS:
)
COUNTY OF ~~SUFFOLK~~)

On the *7th* day of ~~June~~ *July* 2015 before me personally appeared ROBERT MONTGOMERY to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

Sophia A. Ferris
Notary Public - State of New York
NO. 01PES188280
Qualified in Suffolk County
Commission Expires January 12, 20 17

Sophia A. Ferris

NOTARY PUBLIC

EXHIBIT A

DIX HILLS BRUSHLESS CAR WASH

Case No. 1645301

Date Due	Amount	Interest	Total
03/15/2015	\$500.00	0	\$500.00
04/15/2015	\$2,136.05	\$28.66	\$2,164.71
05/15/2015	\$2,137.83	\$26.88	\$2,164.71
06/15/2015	\$2,139.61	\$25.10	\$2,164.71
07/15/2015	\$2,141.40	\$23.31	\$2,164.71
08/15/2015	\$2,143.18	\$21.53	\$2,164.71
09/15/2015	\$2,144.97	\$19.74	\$2,164.71
10/15/2015	\$2,146.75	\$17.96	\$2,164.71
11/15/2015	\$2,148.54	\$16.17	\$2,164.71
12/15/2015	\$2,150.33	\$14.38	\$2,164.71
01/15/2016	\$2,152.12	\$12.59	\$2,164.71
02/15/2016	\$2,153.92	\$10.79	\$2,164.71
03/15/2016	\$2,155.71	\$9.00	\$2,164.71
04/15/2016	\$2,157.51	\$7.20	\$2,164.71
05/15/2016	\$2,159.31	\$5.40	\$2,164.71
06/15/2016	\$2,161.11	\$3.60	\$2,164.71
07/15/2016	\$2,162.97	\$1.80	\$2,164.77
Back Wage Subtotal	\$34,891.31	\$244.11	\$35,135.42
08/15/2016	\$2,872.05	\$83.21	\$2,955.26
09/15/2016	\$2,979.95	\$2.53	\$2,982.48
CMP Subtotal	\$5,852.00	\$85.74	\$5,937.74
TOTALS	\$40,743.31	\$329.85	\$41,073.16

EXHIBIT A