

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARTIN J. WALSH,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

SALVATORE'S CORP. d/b/a COPPOLA'S
EAST, SALVATORE COPPOLA and SAM
KASER,

Defendants.

Civil Action No.: 1:22-cv-00961-ER-JLC

DEFAULT JUDGMENT

WHEREAS, Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (the "Secretary") filed a Complaint on February 3, 2022, alleging that Defendants Salvatore's Corp. d/b/a Coppola's East, Salvatore Coppola, and Sam Kaser (together, "Defendants") willfully violated the minimum wage, overtime, recordkeeping, investigation, and anti-retaliation provisions of the Fair Labor Standards Act of 1938, as amended 29 U.S.C. § 201, *et seq.* (the "FLSA");

WHEREAS, the Clerk of the Court entered default against Defendants on July 21, 2022 for failure to file an answer or otherwise move with respect to the complaint;

WHEREAS, the Secretary filed a proposed order to show cause why default judgment should not be issued against Defendants on December 14, 2022;

WHEREAS, the Secretary served Defendants with the proposed order to show cause why default judgment should not be issued against Defendants and supporting papers on December 14, 2022;

WHEREAS, the Secretary served Defendants with the Court's order to show cause why default judgment should not be issued against Defendants on December 20, 2022; and

WHEREAS, this Court has fully considered the arguments and authorities submitted by the Secretary,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

I.

The Secretary's application for default judgment is GRANTED.

II.

Judgment shall be entered for the Secretary and against Defendants pursuant to Local Civil Rule 55.2(b) and Rule 55(b) of the Federal Rules of Civil Procedure.

III.

Defendants willfully violated the FLSA's minimum wage, overtime, recordkeeping, Investigation, and anti-retaliation provisions, 29 U.S.C. §§ 206(a), 207(a), 211(c), 215(a)(2), and 215(a)(3).

IV.

Defendants are liable to the Secretary for back wages and liquidated damages pursuant to sections 16(c) and 17 of the FLSA, 29 U.S.C. §§ 216(c) and 217, in the amount of \$138,029.36 in back wages and an equal amount of \$138,029.36 in liquidated damages, for a total of \$276,058.72, plus post-judgment interest.

V.

Defendants are liable to the Secretary for compensatory damages in the amount of \$45,000 and punitive damages in the amount of \$45,000 pursuant to section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3).

IV.

Defendants, their officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with them are permanently restrained and enjoined from violating sections 6, 7, 11, and 15 of the FLSA, 29 U.S.C. §§ 206, 207, 211, 215.

V.

The Court retains jurisdiction over any matter pertaining to this Judgment.

IT IS SO ORDERED.

DATED: January 18, 2023
New York, New York



HON. EDGARDO RAMOS
United States District Judge