

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THOMAS E. PEREZ, Successor to :
HILDA L. SOLIS, Secretary of Labor, :
United States Department of Labor, :
 :
Plaintiff, :
 :
v. :
 :
CASCOM, INC., and JULIA J. GRESS, :
 :
Defendant. :
 :
 :

Case Number 3:09-cv-257
Judge Thomas M. Rose

JUDGMENT

Pursuant to the Court’s Findings of Fact and Conclusions of Law, and upon motion of the Plaintiff, Judgment is entered as follows:

It is hereby ORDERED, ADJUDGED, AND DECREED that Defendants, their agents, servants, employees and those in active concert with them, are permanently enjoined and restrained from violating the provisions of §15(a)(2) and §15(a)(5) of the Fair Labor Standards Act of 1938, hereinafter referred to as the Act, in any of the following manners:

- (1) Defendants shall not, contrary to Section 7 of the Act, employ any of their employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, for workweeks longer than forty (40) hours, unless the

employee receives compensation for his employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he is employed.

(2) Defendants shall not fail to make, keep and preserve records of their employees, and of the wages, hour and other conditions and practices of employment maintained by them, as prescribed by the regulations of the Administrator or the Secretary of Labor issued, and from time to time amended, pursuant to Section 11(c) of the Act, and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

It is FURTHER ORDERED that the Plaintiff recover from Defendants the total sum of \$1,474,266.00 for which execution may issue, to be distributed to Defendants' employees listed in the Exhibit "A" attached hereto in the amounts set forth following each employee's name.

Defendants shall make payment to the Plaintiff for disbursement as prescribed by law. Any money not so distributed by the Plaintiff within a reasonable time because of Plaintiff's failure to locate the proper person or because of such person's refusal to accept such money shall be covered into the Treasury of the United States as miscellaneous receipts. The failure of the Defendants to make payment as provided herein shall result in the total sum of \$1,474,266.00 as set forth above, being subject to the assessment of such interest and costs as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134) published by the Secretary of the Treasury in the Federal Register. It is further ORDERED, ADJUDGED, AND DECREED that the Exhibit "A" attachment to this judgment be, and hereby is incorporated in and made a part of this Judgment.

Defendants shall not request, solicit, suggest, or coerce, directly or indirectly, any employee to return or offer to return to the Defendants or to someone else for the

Defendants, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Judgment or the Act; nor shall Defendants accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this judgment or the Act except to the extent such funds are deposited in an employee's 401(k) account; nor shall Defendants discharge or in any manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received money due to him from the Defendants under the provisions of this judgment.

It is further ORDERED, ADJUDGED AND DECREED that the costs of this action are assessed to the Defendants.

Dated: September 30, 2013.

s/Thomas M. Rose
U.S. DISTRICT COURT JUDGE