

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CAROL VISCOMI,
PATRICIA HATCH, and
SUSAN KENNEDY, individually and on
behalf of all others similarly situated,
Plaintiffs,**

v.

**CLUBHOUSE DINER,
CLUBHOUSE BENSLEM HOLDING,
INC.,
CLUBHOUSE BENSLEM, LLC,
ESAM SALAH, and
MEYLINDA ARDHYANI,
Defendants.**

CIVIL ACTION

NO. 13-4720

ORDER

AND NOW, this 1st day of February, 2019, upon consideration of Plaintiffs' Motion To Compel and for Sanctions (Document No. 80, filed October 4, 2018), Defendants' Response to Plaintiffs' Motion To Compel and for Sanctions (Document No. 82, filed November 13, 2018), and Plaintiffs' Reply in Support of Their Motion To Compel and for Sanctions (Document No. 83, filed November 15, 2018), following telephone conferences with the parties, through counsel, on December 4, 2018 and January 17, 2019, for the reasons stated in the accompanying Memorandum dated February 1, 2019, **IT IS ORDERED** as follows:

1. That part of plaintiffs' Motion requesting that the Court (1) enter a default judgment in favor of plaintiffs, (2) strike defendants' affirmative defenses, and (3) determine as a matter of fact that defendants operated an illegal tip pool is **DENIED** on the present state of the record.

2. That part of defendants' Motion requesting that the Court find defendant Esam Salah in contempt of court for failure to respond to appropriate questions related to his cash

payroll practices at his September 25, 2018 deposition as ordered by the Court is **GRANTED**.

Salah shall submit to another deposition on or before March 1, 2019 and provide responsive answers, or assert any appropriate Fifth Amendment privilege claim, to all appropriate questions related to defendants' cash payroll practices during the class period.

3. That part of defendants' Motion requesting that the Court direct Salah to pay plaintiffs' attorney's fees incurred in connection with the preparation of the motion for sanctions is **GRANTED**. Plaintiffs shall provide the Court with an application for such attorney's fees, detailing hours spent and work performed, on or before February 15, 2019.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.