1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE WESTERN DISTRICT OF WASHINGTON 8 9 SETH D. HARRIS, ACTING SECRETARY OF LABOR, UNITED STATES 10 CASE NO. 2:12-cv-0.1927-RSM DEPARTMENT OF LABOR,¹ 11 Plaintiff, **CONSENT JUDGMENT** v. 12 GOLDEN YEARS ENTERPRISES, INC., a 13 corporation; ELIZABETH C. ALAS, an 14 individual, Defendants 15 16 Plaintiff has filed her Complaint and Defendants have appeared and, without admitting 17 liability or the truth of any allegations in the Complaint, have agreed to the entry of this Order 18 and Judgment without contest. It is, therefore, upon motion of the Parties, and for cause shown: 19 Ι 20 **ORDERED**, that Defendants, their officers, agents, servants, employees and those 21 22 persons in active concert or participation with them be and hereby are permanently enjoined and 23 restrained from violating the provisions of § 15(a)(2) of the Fair Labor Standards Act of 1938, as 24 amended (29 U.S.C. 201 et seq.), hereinafter called "the Act," in the following manners: 25 26 ¹ Seth D. Harris was appointed as Acting Secretary of Labor on January 24, 2013. Pursuant to Fed. R. Civ. P. 25(d) 27 the caption has been changed to reflect the appointment. GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 1 OF 5 28 U.S. DEPARTMENT OF LABOR OFFICE OF THE SOLICITOR 300 Fifth Avenue, Suite 1120 Seattle, WA 98104 Telephone: (206) 757-6762

Facsimile: (206) 757-6761

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Defendants shall not, contrary to § 6 of the Act, employ any employees engaged in commerce, or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, at an hourly rate less than the federal minimum wage, and

Defendants shall not, contrary to § 7 of the Act, employ any employees engaged in commerce, or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty (40) hours unless the employee receives compensation for his/her employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he/she is employed, and

Defendants shall not, contrary to § 11 of the Act, fail to make, keep and preserve records of the wages, hours and other conditions and practices of employment maintained by them, as prescribed by the regulations duly promulgated under said § 11(c) at 29 C.F.R. Part 516.

II

IT IS FURTHER ORDERED that the Plaintiff recover from Defendants the total sum of \$279,229.30 inclusive of backwages and liquidated damages. The amount of \$139,614.65 shall be for gross overtime back wages as listed and allocated in the attached Exhibit A, plus **\$139,614.65** in liquidated damages.

Payment shall be by certified checks made payable in the alternative to the individual employee or U.S Department of Labor, Wage and Hour Division, and shall be mailed to each employee at his or her last known address within 30 days after this order is approved. All checks shall be accompanied by a letter identifying the payments as a result of the resolution of Solis v. Golden Years Enterprises, Inc., et al.

GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 2 OF 5

Copies of the front and back of the cancelled checks shall be provided to the Wage and Hour division no more than 65 calendar days after the check is issued accompanied by a letter identifying the case name as <u>Solis v. Golden Years Enterprises</u>, Inc., *et al.* and including the employer's tax identification number. Copies shall be sent to:

U.S. Department of Labor Wage Hour Division 300 Fifth Avenue, Suite 1130 Seattle, Washington 98104

In the event that any employee listed on Exhibit A cannot be located, or refuses to accept the payment, 65 calendar days after the payment is due, Defendants shall deliver to Plaintiff a certified check covering the total net due all such employees **payable to U.S. Department of Labor, Wage and Hour Division**, accompanied by a list of the employees for whom the checks represent backwage payment, their Social Security Numbers, the legal deductions made from the gross amounts due, and the employee's last known address.

Plaintiff shall distribute the monies paid by Defendants for employees Defendants could not locate to the employees identified or their estates if that is necessary. Any money not so paid within three years because of inability to locate said employees or because of their refusal to accept said proceeds shall be deposited forthwith with the Treasury of the United States pursuant to 28 U.S.C. § 2041.

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IT IS FURTHER ORDERED that the rights of any of the Defendants' employees or exemployees not specifically mentioned in Exhibit A to this Judgment, to back wages under the Act, are neither affected nor extinguished by this Judgment and neither party to the action

GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 3 OF 5

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intends or contemplates that the Judgment entered in this action will affect such rights if any. IVIT IS FURTHER ORDERED that each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding. DATED this 26th day of April 2013. RICARDO S. MARTINEZ UNITED STATES DISTRICT JUDGE /// /// /// /// /// GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 4 OF 5 U.S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR
300 Fifth Avenue, Suite 1120
Seattle, WA 98104
Telephone: (206) 757-6762
Facsimile: (206) 757-6761

1	Presented by:	Entry of this Judgment is hereby Consented
2	UNITED STATES DEPARTMENT OF LABOR	to:
34567	M. Patricia Smith Solicitor of Labor Janet M. Herold Regional Solicitor	Elizabeth C. Alas, individually and as an authorized representative of Golden Years Enterprises, Inc.
8	Bruce L. Brown Associate Regional Solicitor	Dated:
9 10	Jeremiah Miller Trial Attorney	
11 12 13 14 15	By Jeremiah Miller, Trial Attorney U.S. Dept. of Labor 300 Fifth Avenue, Suite 1120 Seattle, WA 98104	
16 17	Dated:	
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28	GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGM	IENT PAGE 5 OF 5

U.S. DEPARTMENT OF LABOR OFFICE OF THE SOLICITOR 300 Fifth Avenue, Suite 1120 Seattle, WA 98104 Telephone: (206) 757-6762 Facsimile: (206) 757-6761

EXHIBIT A

EMPLOYEE	BACKWAGES	LIQUIDATED DAMAGES	GROSS AMOUNT DUE	PERIOD COVERED
Eleni Aldera	\$1,090.56	\$1,090.56	\$2,181.12	8/6/2011 to 12/3/2011
Queenie Bactad	\$2,217.76	\$2,217.76	\$4,435.52	12/2/2009 to 8/4/2010
Aristotle Bobila	\$2,816.60	\$2,816.60	\$5,633.20	2/5/2011 to 8/6/2011
Fidel Bohol	\$1,345.23	\$1,345.23	\$2,690.46	10/1//2011 to 12/3/2011
Junario Campo	\$9,246.02	\$9,246.02	\$18,492.04	12/2/2009 to 11/30/2011
Darlene Comiso	\$4,889.75	\$4,889.75	\$9,779.50	12/2/2009 to 3/2/2011
Marcelina Daligdig	\$1,649.51	\$1,649.51	\$3,299.02	6/4/2011 to 10/1/2011
Dora Dugenia	\$4,074.27	\$4,074.27	\$8,148.54	12/2/2009 to 11/30/2011
Yolanda Esquerra	\$2,814.56	\$2,814.56	\$5,629.12	12/5/2009 to 7/31//2011
Ronald Esteban	\$11,372.95	\$11,372.95	\$22,745.90	12/5/2009 to 9/3/2011
Georgia Esteron	\$3,516.96	\$3,516.96	\$7,033.92	4/3/2010 to 1/1/2011
Dave Estrella	\$11,515.44	\$11,515.44	\$23,030.88	1/6/2010 to 11/30/2011
Delfin Fajardo	\$303.41	\$303.41	\$606.82	11/5/2011 to 12/3/2011
Felicidad Limon	\$9,742.58	\$9,742.58	\$19,485.16	12/5/2009 to 4/2/2011
Janet Magalang	\$7,058.83	\$7,058.83	\$14,117.66	1/2/2010 to 12/3/2011
Gendveva Paras	\$756.39	\$756.39	\$1,512.78	8/6/2011 to 10/1/2011
Dolores Parinas	\$7,564.45	\$7,564.45	\$15,128.90	12/5/2009 to 1/1/2011
Elvira Raz	\$4,601.27	\$4,601.27	\$9,202.54	12/2/2009 to 1/5/2011
Impelita Raz	\$7,008.52	\$7,008.52	\$14,017.04	12/5/2009 to 1/1/2011

EMPLOYEE	BACKWAGES	LIQUIDATED DAMAGES	GROSS AMOUNT DUE	PERIOD COVERED
Juan Raz	\$7,000.75	\$7,000.75	\$14,001.50	12/5/2009 to 1/1/2011
Melissa Saflor	\$135.23	\$135.23	\$270.46	11/2/2011 to 11/30/2011
Efren Suarez	\$12,582.24	\$12,582.24	\$25,164.48	12/2/2009 to 8/31/2011
Mary Jane Tantoo	\$1,961.40	\$1,961.40	\$3,922.80	4/6/2011 to 11/30/2011
Maria Victoria Thomson	\$14,861.27	\$14,861.27	\$29,722.54	12/2/2009 to 11/30/2011
Arnold Vargas	\$6,822.46	\$6,822.46	\$13,644.92	12/5/2009 to 1/1/2011
Irene Villanueva	\$1,028.25	\$1,028.25	\$2,056.50	4/2/2011 to 8/6/2011
Erlina Vintayen	\$1,637.99	\$1,637.99	\$3,275.98	2/6/2010 to 7/31/2010
Total	\$139,614.65	\$139,614.65	\$279,229.30	