

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SETH D. HARRIS, ACTING SECRETARY)
OF LABOR, UNITED STATES)
DEPARTMENT OF LABOR,¹)
Plaintiff,)
v.)
GOLDEN YEARS ENTERPRISES, INC., a)
corporation; ELIZABETH C. ALAS, an)
individual,)
Defendants)

CASE NO. 2:12-cv-0.1927-RSM
CONSENT JUDGMENT

Plaintiff has filed her Complaint and Defendants have appeared and, without admitting liability or the truth of any allegations in the Complaint, have agreed to the entry of this Order and Judgment without contest. It is, therefore, upon motion of the Parties, and for cause shown:

I

ORDERED, that Defendants, their officers, agents, servants, employees and those persons in active concert or participation with them be and hereby are permanently enjoined and restrained from violating the provisions of § 15(a)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 *et seq.*), hereinafter called “the Act,” in the following manners:

¹ Seth D. Harris was appointed as Acting Secretary of Labor on January 24, 2013. Pursuant to Fed. R. Civ. P. 25(d) the caption has been changed to reflect the appointment.

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

5
6 **U.S. Department of Labor**
7 **Wage Hour Division**
8 **300 Fifth Avenue, Suite 1130**
9 **Seattle, Washington 98104**

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

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

21
22
23 **III**

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

27 **GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 3 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

1 intends or contemplates that the Judgment entered in this action will affect such rights if any.

2 IV

3 IT IS FURTHER ORDERED that each party shall bear its own fees and other expenses
4 incurred by such party in connection with any stage of this proceeding.
5

6 DATED this 26th day of April 2013.
7
8
9

10 

11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
13
14
15
16

17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Presented by:

**UNITED STATES DEPARTMENT OF
LABOR**

M. Patricia Smith
Solicitor of Labor

Janet M. Herold
Regional Solicitor

Bruce L. Brown
Associate Regional Solicitor

Jeremiah Miller
Trial Attorney

By _____
Jeremiah Miller,
Trial Attorney
U.S. Dept. of Labor
300 Fifth Avenue, Suite 1120
Seattle, WA 98104

Dated: _____

**Entry of this Judgment is hereby Consented
to:**

Elizabeth C. Alas, individually and as an
authorized representative of Golden Years
Enterprises, Inc.

Dated: _____

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	