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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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

Plaintiff,

v.

Case No. 2:22-CV-00756-WBS-KJN

**JOINT STIPULATION AND ORDER
FOR PRELIMINARY INJUNCTION**

CHE GARIBALDI dba TAQUERIA GARIBALDI,
a California corporation; EDUARDO
HERNANDEZ, an individual; HECTOR
MANUAL MARTINEZ GALINDO, an individual;
and ALEJANDRO RODRIGUEZ, an individual,

Defendants.

1 To avoid the need for and expense of a hearing on Plaintiff’s Motion for a Preliminary
2 Injunction, Defendants hereby stipulate to the entry of the following Preliminary Injunction.
3 Plaintiff agrees that, upon the entry of this Stipulated Preliminary Injunction, he will withdraw
4 his Motion for a Preliminary Injunction. This stipulated injunction shall not be treated as
5 Defendants admitting to the Secretary’s retaliation allegations.

6 **STIPULATED PRELIMINARY INJUNCTION**

7 Defendants Che Garibaldi dba Taqueria Garibaldi, Eduardo Hernandez, Hector Manual
8 Martinez Galindo, and Alejandro Rodriguez (“Defendants”), along with their agents, attorneys,
9 employees, are hereby enjoined as follows:

10 1. From terminating or threatening to terminate any employee, or retaliating or
11 discriminating against any employee in any other way, because such employee spoke or was
12 perceived to have spoken with a representative of the U.S. Department of Labor, or otherwise
13 cooperated or perceived to have cooperated with a U.S. Department of Labor investigation or
14 this litigation;

15 2. From threatening to contact or contacting immigration authorities; from indicating
16 another will or has contacted immigration authorities; or from asking about any employee’s
17 immigration status because such employee spoke or was perceived to have spoken with a
18 representative of the U.S. Department of Labor, or otherwise cooperated or perceived to have
19 cooperated with a U.S. Department of Labor investigation or this litigation;

20 3. From telling any of Defendants’ employees not to speak to representatives of the
21 U.S. Department of Labor or to provide false information to the U.S. Department of Labor
22 regarding the terms and conditions of their employment;

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1 4. From failing to provide by August 15, 2022 the following notice to employees in
2 both English and Spanish:

3 You are protected by the Fair Labor Standards Act and have the right to
4 participate freely in the U.S. Department of Labor's litigation against
5 Taqueria Garibaldi regarding your employer's pay practices. You have
6 the right to speak freely with investigators and attorneys or other officials
7 from the Department of Labor. Your employer must not retaliate against
8 you in any way because you spoke with the Department of Labor.

9 Taqueria Garibaldi and its owners have agreed and the U.S. District Court
10 has ordered that Taqueria Garibaldi and all its owners and managers do
11 not retaliate against, threaten to retaliate against, intimidate, or attempt to
12 influence or in any way threaten employees for providing information to
13 the Department of Labor or participate in the litigation as a witness. Your
14 employer cannot threaten to contact or contact immigration authorities;
15 inform you that another will or has contacted immigration authorities; or
16 ask about any employee's immigration status because such employee
17 spoke or was perceived to have spoken with a representative of the U.S.
18 Department of Labor, or otherwise cooperated or perceived to have
19 cooperated with a U.S. Department of Labor investigation or this
20 litigation.

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22 Usted está protegido por la Ley de Normas Laborales Justas y tiene derecho a
23 participar libremente en el litigio del Departamento de Trabajo de los Estados
24 Unidos contra Taquería Garibaldi con respecto a las prácticas salariales de su
25 empleador. Usted tiene el derecho de hablar libremente con investigadores y
26 abogados o otros funcionarios del Departamento de Trabajo. Su empleador no
27 puede tomar represalias contra usted de ninguna manera por haber hablado con el
28 Departamento de Trabajo.

29 Taquería Garibaldi y sus propietarios han acordado y el Tribunal de Distrito de
30 los Estados Unidos ha ordenado que Taquería Garibaldi y todos sus propietarios y
31 gerentes no tomen represalias, amenazan con tomar represalias, intimidan o
32 intentar influir o amenazar de alguna manera a los empleados por proporcionar
33 información al Departamento de Trabajo o participar en el litigio como
34 testigo. Su empleador no puede amenazar con contactar o contactar a las
35 autoridades de inmigración; informarle que otra persona se comunicará o se ha
36 puesto en contacto con las autoridades de inmigración; o preguntar sobre el
37 estatus migratorio de cualquier empleado porque dicho empleado habló o se
38 percibió que había hablado con un representante del Departamento de Trabajo de
39 los Estados Unidos, o de otra manera cooperó o percibió haber cooperado con una
40 investigación del Departamento de Trabajo de los Estados Unidos o este litigio.

1 5. Defendants will provide by August 15, 2022 a list to the U.S. Department of
2 Labor of all the employees that were provided the notice specified in Paragraph 4;

3 6. Defendants will post at (a) 1841 Howe Avenue, Sacramento, California 95825
4 (“Howe restaurant”); (b) 3425 El Camino Avenue, Sacramento, California 95821 (“El Camino
5 restaurant”); and (c) 10000 Fairway Drive #110, Roseville, California 95678 (“Roseville
6 restaurant”) a hard copy of the statement included in Paragraph 4, in both English and Spanish,
7 as well as the contact information for representatives of the U.S. Department of Labor: (a) Wage
8 and Hour Division investigator Raquel Alfaro (916) 607-6014 and (b) Wage and Hour Division
9 Assistant District Director Patricia Canites (916) 792-5690;


10 7. In any meeting with Defendants’ employees that is specifically regarding this
11 litigation, Defendants and/or their attorneys shall notify the employees of the following: (a)
12 information about the instant lawsuit, including the time period it covers; (b) that the U.S.
13 Department of Labor alleges that the employees are owed back wages; (c) that the employees
14 have a right to refuse to speak to both the U.S. Department of Labor and Defendants’ counsel;
15 (d) that Defendants will not discriminate or retaliate against any employee who participates in
16 the case or chooses not to speak to Defense counsel; and (e) that signing a declaration prepared
17 by Defendants or their counsel may adversely affect the employees’ wage claims. Further,
18 Defendants’ employees must be informed the meeting is voluntary, be offered a neutral witness,
19 be permitted to leave, and be provided copies of any declarations signed. Until the Court
20 adjudicates the parties’ dispute regarding the informer’s privilege, Defendants’ employees’
21 contacts with the U.S. Department of Labor may not be inquired into and employees should be
22 informed that they are not to divulge any information regarding their conversations with the U.S.
23 Department of Labor; and

24 8. Defendants shall comply with the Fair Labor Standards Act’s recordkeeping
25 provisions under Sections 11(c) and 15(a)(5) and shall not maintain false information in records that
26 Defendants are required to maintain by law. Defendants shall maintain accurate records of hours
27 worked and implement a reliable timekeeping system for each employee to record her/his/their own
28 daily start and stop times that employees may use to clock in at the start of the work day and out at

1 the end of the work day. Defendants shall maintain accurate and complete records of all wages paid
2 to each of their employees each pay period, including gross wages, deductions, and net pay.
3 Defendants shall not pay wages to any employees through non-payroll accounts.
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5 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The August 18, 2022
6 hearing date is VACATED.

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8 Dated: August 4, 2022


9 **WILLIAM B. SHUBB**
10 **UNITED STATES DISTRICT JUDGE**

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27 **SO STIPULATED AND AGREED:**
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FISHER & PHILIPPS LLP

Alden J. Parker, Esq.
Marco A. Rodriguez, Esq.

*Attorney for Defendants Che Garibaldi dba
Taqueria Garibaldi, Eduardo Hernandez, Hector
Manuel Martinez Galindo, Alejandro Rodriguez*

U.S. DEPARTMENT OF LABOR

Jennifer L. Sta.Ana, Esq.

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United States Secretary of Labor*