

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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

Plaintiff,

v.

YOUR COMFORT ZONE, INC., and
ROSALIND GODFREY,

Defendants.

Civil Action No. 1:22-cv-00414

CONSENT PRELIMINARY INJUNCTION AND ORDER

Pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (the “FLSA”), Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary”) has filed a Complaint against Defendants Your Comfort Zone, Inc. and Rosalind Godfrey (ECF No. 1), which includes a request for injunctive relief. By agreement of the parties, pursuant to Rule 65 of the Federal Rules of Civil Procedure and Section 17 of the FLSA, 29 U.S.C. § 217, the Court hereby issues a preliminary injunction (“Consent Order”):

1. Enjoining and restraining Defendants, their officers, and those persons in active concert or participation with Defendants, from violating the provisions of Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), by retaliating, taking any adverse action, or threatening to take any adverse action against any current or former employee because that employee asserted their rights under the FLSA. Among other prohibited acts of retaliation, Defendants shall not:
 - a. Seek to have any employee or former employee kick back or return any compensation that is owed to that employee;

- b. Terminate or threaten to terminate any employee because the employee engaged in or is about to engage in protected activity under the FLSA;
- c. Threaten any employee or former employee or their family, verbally or in writing, because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- d. Inflict physical harm or verbal abuse on any employee or former employee or their family because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- e. Report or threaten to report any employee or former employee to immigration authorities because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- f. Threaten to have any employee or former employee deported because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- g. Use against any employee or former employee the employee or former employee's immigration status, citizenship, work authorization status, or lack of government documents (including a driver's license) because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- h. Disparage or threaten to disparage any employee or former employee to other employers because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;

- i. Blacklist any employee or former employee, such as by interfering with that employee or former employee's ability to obtain other employment, because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
 - j. Make any employee's working conditions materially less favorable, including by reducing any employee's hours of work or pay, because the employee engaged in or is about to engage in protected activity under the FLSA;
 - k. Retaliate or discriminate against any employee or former employee or their family in violation of the FLSA in any other way because the employee or former employee engaged in or is about to engage in protected activity under the FLSA; and
 - l. Instruct any employee or former employee not to speak to, or to provide false information to, the United States Department of Labor, or otherwise influence any employee or former employee with respect to their participation in any investigation conducted or legal proceeding brought by the United States Department of Labor.
2. Enjoining and restraining Defendants, their officers, and those persons in active concert or participation with Defendants, from violating the provisions of Sections 11(c) and 15(a)(5) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(5), by falsifying any employment-related records that Defendants are required under the FLSA to maintain or making any false statement or report about any such record.

This Consent Order shall not be deemed an admission by any party of any liability or unlawful conduct on the part of Defendants and shall not be admissible as evidence thereof.



Dated: October 19, 2022

United States District Judge
Samantha D. Elliott

The parties hereby consent to and move for the entry of this preliminary injunction.

For the Secretary:

Seema Nanda
Solicitor of Labor

Maia S. Fisher
Regional Solicitor

Mark A. Pedulla
Wage and Hour Counsel

/s/ Emily V. Wilkinson

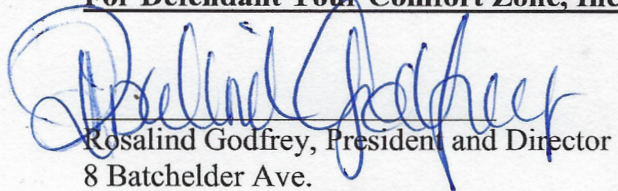
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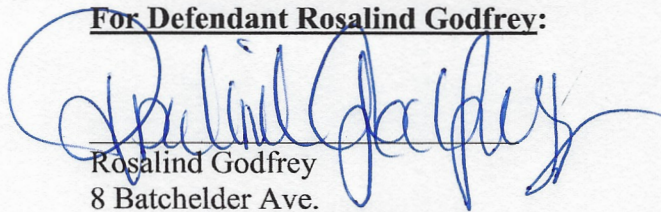
Date: October 17, 2022

For Defendant Your Comfort Zone, Inc.:



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(603) 381-1321

For Defendant Rosalind Godfrey:



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Date: October 17, 2022