

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARTIN J. WALSH, Secretary of Labor, :
United States Department of Labor, :
Petitioner, : Civil Action No.
v. : 2:21-cv-9104- SDW-JBC
MANHATTAN HALAL GYRO KING, LLC d/b/a :
MANHATTAN HALAL GYRO KING, and :
SAMAD UDDIN aka SAMAD KHAN, as an :
individual, :
Respondents. :

Upon consideration of the United States Secretary of Labor's August 20, 2021 Motion for Adjudication of Civil Contempt, following an opportunity for all parties to be heard, and for good cause shown, it is hereby ORDERED that the Secretary of Labor's Motion is GRANTED. Respondents, Manhattan Halal Gyro King, LLC dba Manhattan Halal Gyro King ("Gyro King") and Samad Uddin aka Samad Khan ("Uddin") are each held in contempt of this Court's May 17, 2021 Order compelling production of records in response to an administrative subpoena *duces tecum* and *ad testificandum*.

It is further ORDERED that Respondents are assessed a civil penalty in the amount of \$ 200.00 per day, for the first 30 days beginning on the date of this Order. The fine will increase to \$500.00 per day after the 31st day and will cease to be assessed on the date when Respondents appear to testify and provide to the Secretary of Labor, via delivery to the United States Department of Labor, Wage and Hour Division, Northern New Jersey Area Office, 200 Sheffield Street, Suite 102, Mountainside, NJ 07092, the records listed below. For the period November 11, 2017 to present (unless otherwise noted), Respondents are to provide the following:

- (1) Documents reflecting the names, addresses, and telephone numbers of all business owners and company officers (e.g., President, Treasurer, Secretary, Board of Directors and other Corporate Officers), and/or listing owners' percentage of ownership and titles. Please also produce a company

organizational chart if you have one;

- (2) Documents reflecting the legal name of any business entity and all other names used by any business entity (e.g., "Doing Business As" names);
- (3) State business registration certificates [You do not need to produce again the New Jersey Certificate of Authority dated July 20, 2018, issued to "Uddin, Samad Restaurant 81 Berkshire Ave Paterson NJ 07502." You also do not need to produce again the New Jersey Certificate of Authority dated Jan. 25, 2019, issued to "Manhattan Halal Gyro King LLC 838 Main Street Paterson, NJ 07503."];
- (4) Documents reflecting any Federal Employer Identification Number other than 82-5341827;
- (5) Records demonstrating gross annual dollar volume of sales for January 1, 2017 to the present;
- (6) Records reflecting any sale, transfer, or dissolution of any business location;
- (7) At least two invoices or other records that show the names and addresses of suppliers outside of New Jersey, type of merchandise supplied, and dollar amounts paid to them.
 - (a) Unlike the other requests in this subpoena, for this request, you do not need to produce all such documents, just two sample documents.
- (8) Documents reflecting the names of all current and/or former employees and/or their addresses, phone numbers, hourly rate or salary, descriptive job title, hire date, termination date, and/or whether you consider that employee exempt from overtime for all current and former employees;
- (9) Documents reflecting employees' and/or contractors' schedules and/or shifts;
- (10) All time records, including but not limited to time sheets and/or time cards, showing hours actually worked by employees and independent contractors;
- (11) All payroll records, individual earnings reports, and/or any other documents reflecting any compensation paid to any employee and/or independent contractor, including cash payment logs and receipts, whether handwritten or computer-generated;
- (12) Documents reflecting the form of payment of each current and former employee and/or contractor, including but not limited to whether each current and former employee and/or contractor was paid in cash, check, or combination;
- (13) Documents reflecting the names of any independent contractors;

- (14) 1099 Forms and contract documents with any independent contractors, subcontractors or day laborers;
- (15) Documents reflecting the name and contact information of any accountant or payroll vendor who processes payroll;
- (16) Documents reflecting the birth dates for all employees under age 18 who worked during the past 24 months.

The per diem civil penalty as described above, will continue to be assessed until Respondents submit certification to this Court, on notice and copy to the Secretary of Labor (via electronic mail to Goldberg.stacy@dol.gov), that a complete set of records were provided to the Department of Labor in compliance with the Court's May 17, 2021 Order. On the date, as determined by this Court, that Respondents have completed compliance with the May 17, 2021 Order and provided the records listed above, the per diem civil penalty will cease and an order for Respondents to pay the total amount accrued up to that date will be issued.

SO ORDERED:



Hon. Susan D. Wigenton, District Judge

DATED: September 14, 2021