

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

MARTIN J. WALSH, Secretary of Labor,  
United States Department of Labor,<sup>1</sup>

Plaintiff,

v.

YOUR COMFORT ZONE, INC., and  
ROSALIND GODFREY,

Defendants.

Civil Action No. 1:22-cv-414-SE

**CONSENT JUDGMENT AND ORDER**

Plaintiff Secretary of Labor, United States Department of Labor (the “Secretary”), has filed a Complaint in this case under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the “FLSA”). Defendants Your Comfort Zone, Inc. and Rosalind Godfrey (collectively, “Defendants”) waived service of the Complaint on October 19, 2022. The Complaint alleged that Defendants violated Sections 11(c) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(3). Defendants filed on December 16, 2022 a Joint Answer and Statement of Affirmative Defenses, in which they admitted certain allegations and denied others.

The Court finds that it has jurisdiction to enter this Consent Judgment and Order (the “Consent Judgment”), and the Secretary and Defendants agree to its terms.

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<sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting Secretary of Labor Julie A. Su is automatically substituted as the proper Plaintiff in this case. For ease of reference, the Secretary and her pertinent predecessors will be referred to herein as the “Secretary” or “Plaintiff.”

It is therefore ORDERED, ADJUDGED, and DECREED that:

1. Defendants, their officers, and those persons in active concert or participation with Defendants, are permanently enjoined and restrained 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, their officers, and any other persons in active concert or participation with 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. Defendants, their officers, and those persons in active concert or participation with Defendants, are permanently enjoined and restrained 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), including 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.

3. Further, the Court, finding that certain of Defendants' current or former employees are due punitive damages in the amount of \$50,000.00 for Defendants' violations of Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), orders that Defendants shall pay to the Secretary said punitive damages, plus any applicable interest, according to the terms set forth herein. Upon receipt from Defendants, the Secretary shall then distribute to certain affected current and former employees the punitive damages amount totaling \$50,000.00, plus any applicable interest.

4. The punitive damages provisions of this Consent Judgment shall be deemed satisfied when Defendants deliver to the Secretary the total amount of \$50,000.00 in punitive damages, plus any applicable interest.

5. Defendants shall pay to the Secretary \$25,000.00 in punitive damages no later than 30 days after the Court's entry of this Consent Judgment. Interest at 3.0% shall begin accruing 30 days after the Court's entry of this Consent Judgment. Defendants shall pay to the Secretary the remaining balance of punitive damages and interest no later than 60 days after the Court's entry of this Consent Judgment.

6. Defendants may make the punitive damages and interest payments required by this Consent Judgment online by ACH transfer, credit card, debit card, or digital wallet by going to <https://pay.gov/public/form/start/77689032> or by going to <http://www.pay.gov> and searching for WHDBWNE. Alternatively, payments may be made in the form of certified checks made payable to “Wage and Hour Division—Labor,” and delivered to the United States Department of Labor, Wage and Hour Division, 1835 Market Street, 19th Floor, Philadelphia, Pennsylvania 19103-2968, Attn: Madelyn Flores. Any certified check shall have Case No. 1980032 written on the face of the certified check.

7. In the event Defendants fail to make payment within ten days of payment being due under this Consent Judgment, Defendants consent to the entry of a Writ of Execution, pursuant to Rule 69 of the Federal Rules of Civil Procedure, to enforce the monetary terms of this Consent Judgment. Such a writ of execution shall be limited to the pending balance of the Defendants’ monetary obligations under this Consent Judgment at the time such writ is issued. The Secretary may represent in filing for such a writ that Defendants consent to its issuance. Upon request from the Secretary, Defendants agree to furnish a complete and accurate list of their real, personal, and business property and other assets, including bank accounts with account numbers, that have an estimated value of \$2,000.00 or more and the locations of such property for purposes of the Secretary seeking a Writ of Execution in accordance with this Paragraph of the Consent Judgment.

8. Defendants shall not, in any way, solicit, demand, accept, or keep any amount paid or payable to any employee or former employee under this Consent Judgment, or in any manner attempt to recover or otherwise influence any employee or former employee to forfeit any amounts paid to such employee or former employee in connection with this Consent

Judgment. In the event any such amount is received from any employee or former employee, Defendants shall immediately remit such amount to the United States Department of Labor at the following address: United States Department of Labor, Wage and Hour Division, 1835 Market Street, 19th Floor, Philadelphia, Pennsylvania 19103-2968, Attn: Madelyn Flores.

9. Defendants represent that, to the best of their knowledge and following diligent review and inquiry, Defendants are in compliance with Sections 11(c) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(3), as interpreted by the Secretary. In entering this Consent Judgment, the Secretary has relied on the truth of this representation. If this representation is determined to be false, and Defendants are found to be in violation of the FLSA, additional damages may be owed and other relief may be appropriate.

10. Defendants shall not fail to cooperate with the United States Department of Labor in any investigation conducted pursuant to Section 11(a) of the FLSA, 29 U.S.C. § 211(a). Defendants shall provide truthful responses and other information and documents to the United States Department of Labor. Nothing contained in this Consent Judgment, including the requirement to cooperate as set forth in this Paragraph, abrogates Defendants' rights under the United States Constitution.

11. Nothing in this Consent Judgment precludes the Secretary from using evidence discovered in the investigation that led to the Complaint in this matter in any future investigation, enforcement action, or legal action pertaining to a separate violation.

12. The Secretary releases all claims asserted in this lawsuit and any claims under Sections 11(c) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(3), that the Secretary could have asserted against Defendants up to the date that the parties sign the proposed Consent Judgment.

13. Each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED, this 5 day of July, 2023.



Honorable Samantha D. Elliott  
United States District Judge

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**For the Secretary:**

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Date: June 30, 2023

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