
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JULIE A. SU, *Acting Secretary of Labor,*
United States Department of Labor,

Plaintiff,

v.

COMMUNITY LIVING OF
BROOKFIELD LLC and MATTHEW
SEBULIBA,

Defendants.

Case No. 24-CV-792-JPS

**CONSENT
JUDGMENT**

Decision by Court. This action came on for consideration before the Court and a decision has been rendered. Upon consideration of the motion for entry of consent judgment brought by Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (“Plaintiff” or the “Secretary”), ECF No. 3, which Defendants Community Living of Brookfield LLC and Matthew Sebuliba (together, “Defendants”) do not oppose, and for good cause shown:

IT IS ORDERED AND ADJUDGED that Plaintiff Julie A. Su’s unopposed motion for consent judgment, ECF No. 3, be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to section 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.) (“FLSA”), Defendants, their officers, agents, servants, and all persons acting or claiming to act on their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 6, 7, 11(c), 15(a)(2), 15(a)(3), and 15(a)(5) of the FLSA, in any of the following manners:

1. Defendants shall not, contrary to 29 U.S.C. §§ 206, and 215(a)(2), pay to any of their employees who in any workweek are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the FLSA, wages at rates less than \$7.25 an hour, or any rate subsequently made applicable by amendment to the FLSA.

2. Defendants shall not, contrary to 29 U.S.C. §§ 207 and 215(a)(2), employ any of their employees who are entitled to hourly wages including, but not limited to, any of their employees working at Community Living of Brookfield, LLC or Best Choice Community Living, LLC, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, in any workweek when they are engaged in commerce or employed in an enterprise engaged in commerce, within the meaning of the FLSA, for workweeks longer than forty hours, unless said employees receive compensation for their employment in excess of forty hours at a rate equivalent to one and one-half times the regular rate at which they are employed.

3. Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them including, but not limited to, any of their employees working at Community Living of Brookfield, LLC or Best Choice Community Living, LLC, or at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, as prescribed by the Regulations issued pursuant to 29 U.S.C. §§ 211(c) and 215(a)(5) and found at 29 C.F.R. Part 516. Defendants shall make such records available at all reasonable times to representatives of the Plaintiff.

4. Pursuant to 29 U.S.C. § 215(a)(3), Defendants shall not discharge or take any retaliatory action against any of their current or former employees because the current or former employee engages in any of the following activities:

a. Discloses, or threatens to disclose, to a supervisor or to a public agency, any activity, policy, or practice of the Defendants or another employer, with whom there is a business relationship, that

the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA;

b. Provides information to, or testifies before, any public agency or entity conducting an investigation, hearing or inquiry into any alleged violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA, by the Defendants or another employer with whom there is a business relationship;

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA.

5. Retaliatory action, as described in Paragraph 4 above, includes but is not limited to:

a. Terminating or threatening to terminate an employee;

b. Disparaging or threatening to disparage an employee or former employee;

c. Making an employee's working conditions less favorable, including by reducing or increasing any employee's hours of work or pay or by imposing unwarranted or excessively harsh discipline; or

d. Interfering in any investigation of the United States Department of Labor, Wage and Hour Division.

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to section 16(c) of the Act, judgment be entered in favor of the Secretary and against Defendants in the total amount of \$30,000:

6. The Secretary shall recover from Defendants the sum of \$13,592.17 in unpaid minimum wage and overtime compensation covering the period from March 26, 2021, to March 25, 2023, for Defendants' current and former employees whose names are listed in the attached Exhibit A, and the additional sum of \$13,592.17 in liquidated damages.

7. The Secretary shall recover from Defendants the sum of \$2,815.66 in compensatory damages for two of Defendants' former

employees, whose names shall remain confidential¹ to protect their identities, in order to effectuate the purposes of the FLSA's anti-retaliation provisions under 29 U.S.C. § 215(a)(3); 29 U.S.C. § 216(b).

8. At the time of execution of this Consent Judgment, Defendants shall deliver payment in the amount of \$30,000 by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77692637> or www.pay.gov and searching "WHD Back Wage Payment – Midwest Region".

a. Defendants shall also furnish to the Secretary the full name, last-known address, last-known phone number, and social security number for each employee named in Exhibit A.

b. Upon receipt of full payment from Defendants, representatives of the Secretary shall distribute such amounts, less appropriate deductions for federal income withholding taxes and the employee's share of the social security (F.I.C.A.) tax, to the employees or their legal representative as their interests may appear, in accordance with the provisions of section 16(c) of the FLSA. Defendants remain responsible for the employer's share of F.I.C.A. arising from or related to the back wages distributed by the Secretary.

c. Neither Defendants nor anyone on their behalf shall directly or indirectly solicit or accept the return of any sums paid under this Consent Judgment.

d. If an individual named on Exhibit A refuses any sums paid under this Consent Judgment by attempting to return them to Defendants or to anyone on Defendants' behalf, Defendants shall refuse to accept them and shall ensure that all such sums be immediately paid to the Acting Secretary for deposit as above. Defendants shall have no further obligations with respect to such monies.

e. Any monies not disbursed by the Department of Labor after three years from the date of payment by Defendants, because of the inability to locate the proper persons or because of their refusal

¹The Acting Secretary has separately provided to Defendants a list of the names of all individuals who are owed compensation.

to accept payment, shall be deposited into the Treasury of the United States as miscellaneous receipts, pursuant to section 16(c) of the FLSA.

f. The provisions of this Consent Judgment shall not in any way affect any legal right of any individual not named on Exhibit A, nor shall the provisions in any way affect any legal right of any individual named on Exhibit A to file any action against Defendants for any violations alleged to have occurred outside the relevant period.

IT IS FURTHER ORDERED AND ADJUDGED that:

9. This Consent Judgment shall be posted at all of Defendants' establishments, at a location where employee notices are customarily posted, and shall remain posted for a period of not less than 12 months.

10. Defendants shall provide all employees with a copy of the following U.S. Department of Labor, Wage and Hour Division's materials, in English (or, in Spanish, if the employee's primary language is Spanish), which are available on the DOL website:

- a. *Fact Sheet #23: Overtime Pay Requirements of the FLSA,*
- b. *Fact Sheet #22: Hours Worked, and;*
- c. *Fact Sheet #77A: Prohibiting Retaliation Under the Fair Labor Standards Act.*
- d. Defendants shall provide these materials to current employees within 30 days of entry of this Consent Judgment. For a period of not less than 12 months following the entry of the Consent Judgment, Defendants shall provide these materials to newly hired employees, within 30 days of their employment.

11. Defendants shall comply with 29 C.F.R. § 516.4 by posting the FLSA poster in both English and Spanish at its Brookfield location, 460 Leanore Lane, Brookfield, Wisconsin 53005 and at its Brown Deer location, 6278 W. Villa Lane, Brown Deer WI 53223.

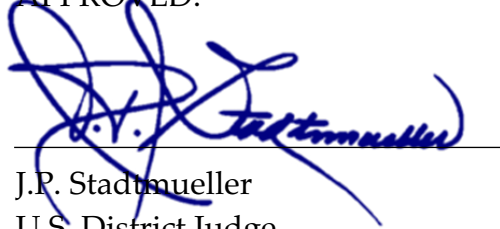
12. By entering into this Consent Judgment, Plaintiff does not waive her right to conduct future investigations of Defendants under the

provisions of the FLSA and to take appropriate enforcement action, including assessment of civil money penalties pursuant to 29 U.S.C. § 216(e), with respect to any violations disclosed by such investigations;

IT IS FURTHER ORDERED AND ADJUDGED that each party shall bear their own costs, fees and other expenses incurred by such party in connection with any stage of this proceeding, but not limited to, attorney fees which may be available under the Equal Access to Justice Act, as amended; and

IT IS FURTHER ORDERED AND ADJUDGED that this case be and the same is hereby **TERMINATED**.

APPROVED:



J.P. Stadtmueller
U.S. District Judge

July 12, 2024

Date

GINA M. COLLETTI
Clerk of Court
s/ Jodi L. Malek
By: Deputy Clerk

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JULIE A. SU, *Acting Secretary of Labor,*
United States Department of Labor,

Plaintiff,

v.

COMMUNITY LIVING OF
BROOKFIELD LLC and MATTHEW
SEBULIBA,

Defendants.

Case No. 24-CV-792-JPS

**PERMANENT
INJUNCTION**

Upon consideration of Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor's ("Plaintiff") unopposed motion for consent judgment against Defendants Community Living of Brookfield LLC and Matthew Sebuliba (together, "Defendants"), ECF No. 3; the Court's order granting the unopposed motion issued contemporaneously herewith, ECF No. 6; Plaintiff's request for issuance of a permanent injunction by separate order, ECF No. 3 at 2; and the record as a whole, the Court finds as follows:

1. The Court has original jurisdiction over the claim in this matter pursuant to 28 U.S.C. §§ 1331;
2. Plaintiff prevailed on the merits of her claims under the Fair Labor Standards Act of 1938 as amended, 29 U.S.C. § 201 et seq. ("FLSA");
3. Plaintiff will suffer irreparable harm in the absence of injunctive relief;
4. Plaintiff has no adequate remedy at law;

5. Greater injury will be inflicted upon Plaintiff by the denial of injunctive relief than will be inflicted upon Defendants by the granting of such relief; and

6. The issuance of injunctive relief will not disserve the public interest.

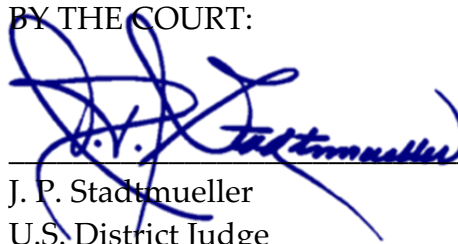
Accordingly,

IT IS ORDERED that Plaintiff Julie A. Su's request for issuance of a permanent injunction by separate order, ECF No. 3 at 2, be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Defendants Community Living of Brookfield LLC and Matthew Sebuliba are hereby permanently enjoined from continued violations of the minimum wage, overtime, recordkeeping, and anti-retaliation provisions of the Fair Labor Standards Act, and from withholding unpaid compensation adjudicated therein.

Dated at Milwaukee, Wisconsin, this 12th day of July, 2024.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JULIE A. SU, *Acting Secretary of Labor,*
United States Department of Labor,

Plaintiff,

v.

COMMUNITY LIVING OF
BROOKFIELD LLC and MATTHEW
SEBULIBA,

Defendants.

Case No. 24-CV-792-JPS

ORDER

Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (“Plaintiff” or the “Secretary”), has filed a complaint under the Fair Labor Standards Act of 1938 as amended, 29 U.S.C. § 201 et seq. (“FLSA”). ECF No. 1. Now before the Court is Plaintiff’s unopposed motion for entry of a consent judgment and request for entry of an injunction entered by separate order. ECF No. 3.

Defendants Community Living of Brookfield LLC and Matthew Sebuliba (together, “Defendants”) appeared by counsel, and waive formal service of process of the Summons and Complaint, waive their Answer and any defenses which they may have, and agree to the entry of a consent judgment without contest. Defendants admit, and the Court finds, that Defendants are engaged in related activities performed through unified operation or common control for a common business purpose and are an “enterprise” under 29 U.S.C. § 203(r) of the FLSA. Defendants further admit, and the Court finds, that Defendants are an enterprise engaged in

commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(1)(A) of the FLSA. Defendants additionally admit, and the Court finds, that Defendants are employers as defined in 29 U.S.C. § 203(d) of the FLSA.

The Court will grant Plaintiff's motion and order that judgment be entered according to the specific terms set forth in the parties' proposed consent judgment. The Court will also grant Plaintiff the permanent injunction she requests, which will be issued separately and entered contemporaneously with this Order.

Accordingly,

IT IS ORDERED that Plaintiff Julie A. Su's unopposed motion for consent judgment, ECF No. 3, be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that the Clerk of Court enter judgment in favor of Plaintiff according to the specific terms set forth in the parties' joint proposed consent judgment, ECF No. 3-2;

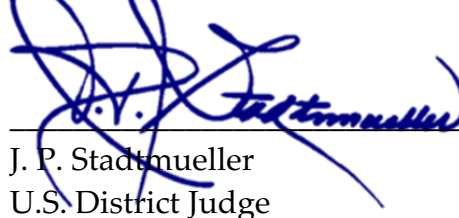
IT IS FURTHER ORDERED that Plaintiff Julie A. Su be granted permanent injunctive relief, which will be entered by separate order; and

IT IS FURTHER ORDERED that this case be and the same is hereby **DISMISSED**.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 12th day of July, 2024.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge