

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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

Plaintiff,)

v.)

STERLING PONDS PLAZA, LLC,)
a Michigan limited liability company)
d/b/a **LEO’S CONEY ISLAND #61**,)
CLARKSTON RESTAURANT,)
INC., a Michigan corporation d/b/a)
LEO’S CONEY ISLAND # 22,)
DEARBORN PLAZA CONEY)
ISLAND, INC., a Michigan)
corporation d/b/a **LEO’S CONEY**)
ISLAND #41, STASS)
RESTAURANT, INC., a Michigan)
corporation d/b/a **LEO’S CONEY**)
ISLAND #38, and **KYRIAKOS**)
VLAHADAMIS, an individual,)

Defendants.)

Case No. 24-11758

Judith E. Levy
United States District Judge

Mag. Judge Curtis Ivy, Jr.

STIPULATED PRELIMINARY INJUNCTION AND ORDER

Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (the “Acting Secretary”), has filed a complaint under the Fair Labor Standards Act (“FLSA” or the “Act”), 29 U.S.C. §§ 201 et seq., against Defendants Defendant Sterling Ponds Plaza, LLC, d/b/a Leo’s Coney Island #61 (“Leo’s #61”), Clarkston Restaurant, Inc., d/b/a Leo’s Coney Island #22 (“Leo’s #22”), Dearborn Plaza Coney

Island, Inc., d/b/a Leo's Coney Island #41 ("Leo's #41"), Stass Restaurant, Inc., d/b/a Leo's Coney Island #38 ("Leo's #38") (collectively, the "Corporate Defendants") and Kyriakos Vlahadamis ("Vlahadamis") (together with the Corporate Defendants, "Defendants"), which seeks injunctive relief. In recognition of the Acting Secretary's concerns, without admission of wrongdoing and to conserve judicial resources, Defendants hereby stipulate to entry of a Stipulated Preliminary Injunction and Order, stating the following:

1. Defendants shall make, keep, and preserve adequate records of their employees' wages and hours, including, but not limited to, any of their employees working at the Corporate Defendants, 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.

Specifically, Defendants and their agents agree not to destroy or alter any and all records that Defendants are required to maintain under the FLSA, 29 U.S.C. § 211(c), and 29 C.F.R. Part 516, for the time period July 8, 2021, to the present.

2. Defendants and their agents further agree not to communicate with any employee between the date of this Order and the trial in this action for the purposes of investigating plaintiff's claims, preparing a defense, gathering evidence or

executing declarations, without first informing the employee, in writing with written translation in that employee's primary language (to the extent that primary language is readily knowable and translation services for such language are readily available in the Southeast Michigan metropolitan area), about the nature and existence of this lawsuit, that such communications are voluntary, and that under the FLSA, employees cannot be discriminated or retaliated against for choosing to communicate with, or not to communicate with, Defendants and/or their agents regarding the issues in this lawsuit.

3. The Parties disagree whether the willful destruction of timecards occurred. Accordingly, with respect to the Acting Secretary's request for the Court to appoint a third party to calculate back wages owed in this action, the Parties will litigate this issue separately from the consent preliminary injunction. The Parties agree to hold briefing on this request in abeyance until the Parties complete discovery on the matters alleged in the Acting Secretary's Complaint and raised in the motion for temporary restraining order and preliminary injunction.

4. By making the preceding statements and agreements and taking these actions, Defendants do not concede the factual allegations, arguments, or allegations of liability set forth in the Acting Secretary's Complaint or Motion for Temporary Restraining Order and Preliminary Injunction.

IT IS SO ORDERED.

Dated: July 15, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 15, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

Consented by:

SEEMA NANDA
Solicitor of Labor

Varnum LLP
Attorneys for Defendants

CHRISTINE Z. HERI
Regional Solicitor

By: /s/ Maureen Rouse-Ayoub
Maureen Rouse-Ayoub (P46301)
Elizabeth Skaggs (P62133)

/s/ Haley R. Jenkins
HALEY R. JENKINS
Trial Attorney

39500 High Pointe Blvd., Suite 350
Novi, MI 48375
(248) 567-7807

*Counsel for Julie A. Su, Acting
Secretary of Labor, United States
Department of Labor, Plaintiff*

mrayoub@varnumlaw.com
ewskaggs@varnumlaw.com

Date: July 15, 2024