

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

Plaintiff,

v.

EVOLUTION GROUP, INC.; JUNIOR
MOREIRA DE LIMA; and VICTOR
MOREIRA,

Defendants.

Civil Action No. 4:24-cv-40035-MRG

CONSENT JUDGMENT AND ORDER

Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (the “Acting Secretary”), has filed a complaint in this case alleging violations of Sections 11(c) and 15(a)(3) of the Fair Labor Standards Act (“FLSA”), [29 U.S.C. §§ 211\(c\) and 215\(a\)\(3\)](#), against Defendants Evolution Group, Inc., Junior Moreira de Lima, and Victor Moreira. Defendants have received a copy of the Complaint and waived service of process on April 16, 2024. (ECF Nos. 8–10). On June 18, 2024, Defendants filed an Answer. ([ECF No. 15](#)).

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

It is, therefore, ORDERED, ADJUDGED, and DECREED that:

1. Defendants, their officers, agents, servants, and employees, 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 has filed any complaint or instituted or caused to be instituted any proceeding under or related to the FLSA, has testified or is about to testify in any such proceeding, or has otherwise engaged in protected activity under the FLSA. Among other prohibited acts of retaliation, Defendants and any other persons in active concert or participation with Defendants shall not:

- a. Terminate or threaten to terminate any employee because the employee engaged in or is about to engage in protected activity under the FLSA;
- b. Threaten any employee, former employee, or their family, verbally, physically, or in writing, because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- c. Inflict physical harm or verbal abuse on any employee, former employee, or their family because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- d. Report or threaten to report any employee or former employee to immigration authorities or other law enforcement because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;
- e. 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;
- f. 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;

- g. 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;
- h. 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;
- i. Seek to have any employee or former employee kick back or return any compensation that is owed to that employee;
- j. Make any employee's working conditions 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. 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; or
- l. 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.

2. Defendants, their officers, agents, servants, and employees, and those persons in active concert or participation with Defendants, are permanently enjoined and restrained from violating Sections 11(c) and 15(a)(5) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(5), and the implementing regulations at 29 C.F.R. Part 516, by failing to maintain and keep, or falsifying, any employment-related records that Defendants are required under the FLSA to maintain, or by making any false or deceptive statement or report about any such records.

3. Defendants, their officers, agents, servants, and employees, and those persons in active concert or participation with Defendants, shall not fail to cooperate with the Acting Secretary 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 Acting Secretary. Defendants shall provide the Acting Secretary access to all records that are required to be maintained pursuant to Section 11(c) of the FLSA, 29 U.S.C. § 211(c), and 29 C.F.R. Part 516, and shall provide access to other information necessary for the proper execution of any United States Department of Labor investigation. 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.

4. Further, the Court, finding that Defendants owe certain of their current or former employees punitive damages in the amount \$35,000.00 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 Acting Secretary shall then distribute to affected current and former employees the punitive damages amount totaling \$35,000.00, plus any applicable interest.

5. The monetary provisions of this Consent Judgment shall be deemed satisfied

when Defendants deliver to the Acting Secretary \$35,000.00 in punitive damages, plus any applicable interest. Interest at 4.0% shall begin accruing 30 days after the Court’s entry of this Consent Judgment.

6. Defendants shall make the payments required under this Consent Judgment in the amounts, and on or before the following dates:

	Principal	Interest	Total Due
Payment 1 (within 30 days of entry of this Consent Judgment)	\$8,750.00	---	\$8,750.00
Payment 2 (within 60 days of entry of this Consent Judgment)	\$5,215.12	\$87.50	\$5,302.62
Payment 3 (within 90 days of entry of this Consent Judgment)	\$5,232.50	\$70.12	\$5,302.62
Payment 4 (within 120 days of entry of this Consent Judgment)	\$5,249.95	\$52.67	\$5,302.62
Payment 5 (within 150 days of entry of this Consent Judgment)	\$5,267.45	\$35.17	\$5,302.62
Payment 6 (within 180 days of entry of this Consent Judgment)	\$5,284.94	\$17.62	\$5,302.60
Totals	\$35,000.00	\$263.08	\$35,263.08

7. Defendants may make the 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. Defendants also have the option to provide to the Acting Secretary certified checks, bank checks, or money orders made payable to “Wage and Hour Division—Labor,” which shall be mailed to: U.S. Department of Labor, Wage and Hour Division, Northeast Region, 1835 Market Street, 19th Floor, Philadelphia, PA 19103-2968, Attention: Linda Estacio.

Checks or money orders shall have Case No. 1981454 written on their face.

8. In the event Defendants fail to make any payment within ten days of payment being due under this Consent Judgment, Defendants consent to the entry of a Writ of Execution, pursuant to [Federal Rule of Civil Procedure 69](#), 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 Acting Secretary may represent in filing for such a writ that Defendants consent to its issuance. In the event of Defendants' failure to make any payment required under this Consent Judgment, and upon request from the Acting 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.

9. 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, Defendants shall immediately remit such amount to the United States Department of Labor at the Philadelphia, PA address set forth above.

10. 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 Acting Secretary. In entering this

Consent Judgment, the Acting 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.

11. Nothing in this Consent Judgment precludes the Acting Secretary from using evidence discovered in the investigation that led to the Complaint in this case in any future investigation, enforcement action, or legal action.

12. 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 22 day of November, 2024.

/s/ Margaret R. Guzman
The Honorable Margaret R. Guzman
United States District Judge