

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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

Plaintiff,

Civil Action No. 1:23-cv-1033-
JMB-RSK

v.

Hon. Jane M. Beckering

ALI & COMPANIES, LLC, a
limited Liability company, and
ALI HAIDER, an individual,

Defendants.

CONSENT JUDGMENT AND ORDER

Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (“Acting Secretary” or “Plaintiff”), has filed a complaint under the Fair Labor Standards Act of 1938 as amended (29 U.S.C. § 201 et seq.) (“FLSA”), and Defendants Ali & Companies, LLC (“Ali & Co.”), and Ali Haider (“Haider”), individually, (collectively, “Defendants”), stipulate and agree to the entry of this Consent Judgment and Order (“Consent Judgment) without contest.

Defendants admit and the Court finds 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 admit and the Court finds 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 admit and the Court finds Defendants are employers as defined in 29 U.S.C. § 203(d) of the FLSA.

Upon motion of attorneys for the Acting Secretary and Defendants and for cause shown, it is:

ORDERED, ADJUDGED, AND DECREED, pursuant to section 17 of the FLSA that Defendants, their successors, 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 207, 211(c), 215(a)(2), (3) and (5) of the FLSA, in any of the following manners:

1. Defendants shall not, contrary to 29 U.S.C. §§ 207 and 215(a)(2), employ any of their employees including, but not limited to,

any of their employees working at any 7-Eleven stores owned or operated by Defendants, and any successor companies, 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 the employees receive compensation for their employment in excess of forty hours at a rate equivalent to 1.5 times the regular rate at which they are employed.

2. 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 any successor companies, 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 and their successors shall make such records available at all reasonable times to representatives of the Plaintiff.

3. Pursuant to 29 U.S.C. § 215(a)(3), Defendants and their successors 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.

4. Defendants shall provide all of their employees with a copy of the “U.S. Department of Labor, Wage and Hour Division’s Handy Reference Guide to the Fair Labor Standards Act, Employee Rights Under the Fair Labor Standards Act,” in English and Spanish, which is available at <https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa>; “Fact Sheet #21: Recordkeeping Requirements under the FLSA,” which is available at <https://www.dol.gov/agencies/whd/fact-sheets/21-flsa-recordkeeping>; Fact Sheet #23: Overtime Pay Requirements of the FLSA, which is available at <https://www.dol.gov/agencies/whd/fact-sheets/23-flsa-overtime-pay>. Defendants shall provide these materials within 30 days of employment or, for current employees, within 30 days of entry of the Consent Judgment.

5. Defendants shall provide each employee on each pay date with a pay stub that accurately reflects the employees’ full name, pay period dates, total hours paid, regular rate of pay, straight time hours worked, overtime hours worked, gross wages, net wages, tips received, tip credit taken, and all withholding and deductions taken. All pay and

deductions must be recorded and maintained whether payments are made by check or in cash.

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 16(c) of the Act, in favor of the Acting Secretary and against Defendants in the total amount of \$47,019.34.

6. The Acting Secretary shall recover from Defendants, jointly and severally, the total amount of \$47,019.34 comprised of: (1) the sum of \$18,264.17 in unpaid overtime compensation covering the period from November 17, 2020, to November 16, 2022, for Defendants' current and former employees whose names are listed in the attached Exhibit A; (2) an additional \$18,264.17 in liquidated damages and; (3) an additional \$10,491.00 in civil money penalties assessed by the Acting Secretary against Defendants pursuant to Section 216(e) of the FLSA.

a. At the time of Defendants' execution of this Consent Judgment, Defendants shall deliver the amount of \$47,019.34 to the Wage and Hour Division 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” and provide proof of payment to the Acting Secretary’s counsel via email.

b. At the time of Defendants’ execution of this Consent Judgment, Defendants shall also furnish to the Acting Secretary the social security number and last known address for each employee named in Exhibit A.

c. Upon receipt of full payment from Defendants, representatives of the Acting 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 Acting Secretary.

d. Neither Defendants nor anyone on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid under this Consent Judgment. Any such amount shall be immediately paid to the Acting Secretary for deposit as above, and

Defendants shall have no further obligations with respect to such returned 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 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.

7. By entering into this Consent Judgment, the Acting Secretary does not waive her right to conduct future investigations of Defendants or their successors 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 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.

Dated this 18th day of December, 2023.


/s/ Jane M. Beckering
Hon. Jane M. Beckering
United States District Judge

**Entry of this judgment
is hereby consented to:**

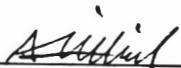
For Defendants:

Date 12-11-2023

Ali & Companies, LLC.

by: 
Ali Haider
Its President/Owner

Date 12-11-2023



Ali Haider
In his individual capacity

For the Acting Secretary:

Date 12-12-2023

SEEMA NANDA
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor


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

EXHIBIT A

Employee¹	Total Back Wages Due	Liquidated Damages	Total Due
D Cotton	24.62	\$24.62	\$49.24
A DeYoung	\$20.23	\$20.23	\$40.46
M Diaz	\$286.21	\$286.21	\$572.42
D Dluzniewski	\$234.50	\$234.50	\$469.00
T K Driver	\$1,014.60	\$1,014.60	\$2,029.20
R Miller	\$197.60	\$197.60	\$395.20
C Mills	\$9,647.41	\$9,647.41	\$19,294.82
J Plumb	\$96.00	\$96.00	\$192.00
H Poort	\$65.40	\$65.40	\$130.80
D Sroufe	\$2,110.62	\$2,110.62	\$4,221.24
S Stanaway	\$1,580.74	\$1,580.74	\$3,161.48
J Stoll	\$2,741.80	\$2,741.80	\$5,483.60
J Underhill	\$244.44	\$244.44	\$488.88
Totals	\$18,264.17	\$18,264.17	\$36,528.34

¹ Employees' names have been redacted for privacy reasons. Defendants acknowledge receiving employees' full names.