

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ELAINE L. CHAO, SECRETARY of LABOR,
UNITED STATES DEPARTMENT of LABOR,

Petitioner,

vs.

Case No. 02-1456-JTM

EL TORERO, INC. and PABLO
SANTILLAN, Individually,

Respondents.

MEMORANDUM AND ORDER

This matter is before the court on the petitioner's Motion for Contempt Adjudication (Dkt. No. 16). The United States seeks an Order holding respondents in contempt for violating the terms of a Consent Judgment, entered into pursuant to the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 217. That Judgment specifically required respondents to pay their employees wages in compliance with the FLSA, including minimum wage and maximum hour requirements, along with requirements for the maintenance of labor records.

The United States alleges that the respondents have violated the FLSA and the Judgment entered by the court by employing workers at subminimum wages, by requiring them to exceed 40 hours a week without additional compensation, and failed to maintain required records.

According to the evidentiary material submitted by the United States, the respondents have failed to pay \$302,421.17 in unpaid minimum wages and overtime compensation to nineteen specific

employees, representing unpaid wages for work between April 24, 2006 and April 21, 2008. Further, unpaid wages continue to accrue as the defendants are still not in compliance with the FLSA, but the United States has not determined the precise amount due.

The respondents have filed no response to the motion for contempt adjudication.

For good cause shown and pursuant to D.Kan.Rule 7.4, the petitioner's motion is hereby granted.

IT IS ACCORDINGLY ORDERED this 16th day of September, 2008 that the petitioner's Motion for Contempt Adjudication (Dkt. No. 16) is granted, and judgment is entered in favor of petitioner in the amount of \$302,421.17, together with an equal amount as compensation for delay in payment of wages, for wages unpaid prior to April 21, 2008. Judgment is also entered against defendants for unpaid wages accruing after April 21, 2008, in an amount to be determined later. Respondents are also ordered to pay all costs, fees, and expenses incurred by Petitioner in this action.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE