

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ELAINE L. CHAO,)	
SECRETARY OF LABOR,)	
UNITED STATES DEPARTMENT OF LABOR,)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. 07-2087 JAR
v.)	
)	
LASER RECYCLING COMPANY and)	
TIMOTHY C. ARNOLD,)	
Defendant.)	

JUDGMENT

Plaintiff having filed her complaint, and Defendant having admitted the allegations of the complaint and agreed to the entry of this judgment without contest;

It is, therefore, upon motion of counsel for the Plaintiff, and for cause shown:

ORDERED, ADJUDGED, and DECREED that Defendant, its officers, agents, servants, employees, and those persons in active concert or participation with it who receive actual notice of this judgment be, and each of them hereby is, permanently enjoined and restrained from violating the provisions of sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.), hereinafter called the Act, in any of the following manners:

1. Defendant shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any of its employees in commerce or in the production of goods for commerce, or in its enterprise engaged in commerce or in the production of goods

for commerce, for workweeks longer than 40 hours without compensating such employee for his or her employment in excess of 40 hours per workweek at a rate not less than one and one-half times the regular rate at which he or she is employed.

2. Defendant is hereby restrained from continuing to withhold unpaid overtime compensation due certain of its employees in the amount of \$6,647.58. The following employees are due the amounts set forth opposite their names for the periods indicated.

- A. Robert Berggren - \$2,160.70 for the period 02/07/2004 through 01/21/2006
- B. Rick Ellingsworth - \$3,638.18 for the period 03/05/2005 through 01/21/2006
- C. Michael Hagemann - \$848.70 for the period 03/19/2005 through 11/26/2005

IT IS FURTHER ORDERED that Defendant shall deliver to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, **Midwest Region, P.O. Box 880906, Dallas, Texas 75388-0906**, upon entry of this judgment, certified or cashier's checks made payable to each affected employee or Wage and Hour - Labor (for example, "John Doe or Wage and Hour - Labor"), for the net amount due after appropriate deductions for income withholding taxes (federal income tax withholding to be deducted at the lump sum rate of 20%) and the employee's share of the social security (F.I.C.A.) tax. Defendant shall furnish with the check a recapitulation showing the gross amounts due, tax

deductions, the net amount payable and the last known address for each employee. Defendant shall furnish with each the check its federal tax identification number and the social security number and last known address for each employee named above. Upon receipt of full payment from Defendant, Plaintiff's counsel shall file with the Court a certificate of payment and representatives of the Plaintiff shall distribute such amounts to the employees or their legal representative as their interests may appear, in accordance with the provisions of section 16(c) of the Fair Labor Standards Act. Defendant remains responsible for the employer's share of F.I.C.A. arising from or related to the back wages distributed by Plaintiff.

Any sums not distributed within a period of three years from the date of this judgment because of inability to locate the proper persons or because of such person's refusal to accept the sums sought to be distributed shall be deposited into the Treasury of the United States.

IT IS FURTHER ORDERED that Defendant Timothy C. Arnold, in his individual capacity, is dismissed from this action.

IT IS FURTHER ORDERED that each party shall bear his or its own costs, fees and other expenses incurred by such party in connection with any stage of this proceeding.

Dated this 1st day of March, 2007.

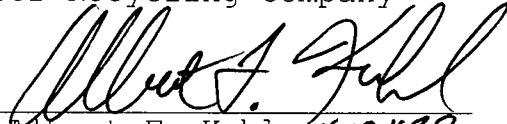
s/ Kathryn H. Vratil

United States District Judge

Entry of this judgment
is hereby consented to:

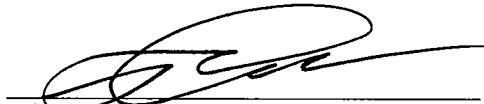
Laser Recycling Company

By



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Attorney for Defendant Laser Recycling Company



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In his individual capacity

APPROVED:

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