

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA, <i>Plaintiff,</i> v. TURNING NATURAL, INC., <i>et al.</i> <i>Defendants.</i>	Civil Action No.: 2018 CA 004704 B
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CONSENT JUDGMENT AND ORDER

This matter comes before the Court on the joint motion of Plaintiff District of Columbia (“District”) and Defendants Turning Natural, Inc. and Jerri Evans, pursuant to SCR-Civil 68-I, for entry of this Consent Judgment and Order (“Consent Order”). The District and Defendants (collectively, the “Parties”) agree to the relief set forth in this Consent Order, and the Court further finds that the entry of the Consent Order is in the public interest. This Consent Order resolves the District’s claims in this matter as to Defendants.

PARTIES

1. Plaintiff the District of Columbia, a municipal corporation that is authorized to sue and be sued, is the local government for the territory constituting the seat of the government for the United States of America. Pursuant to D.C. Code § 32-1306, the Attorney General for the District of Columbia is authorized to bring civil actions seeking back wages, liquidated damages, civil penalties, costs, and attorneys’ fees for violations of the District of Columbia Wage Payment and Collection Act (“WPCA”), D.C. Code § 32-1301, *et seq.*; Minimum Wage Revision Act (“MWA”), D.C. Code § 32-1001, *et seq.*; and Sick and Safe Leave Act (“SSLA”), D.C. Code § 32-531, *et seq.*

2. Defendant Turning Natural, Inc. engages in the business of operating cafes under the "Turning Natural" brand name that sell food and beverages in the District of Columbia. Turning Natural operates cafes at the following addresses: (1) 1380 H Street N.E., Washington, D.C. 20002; (2) 2025 Martin Luther King Jr. Ave. S.E., Washington, D.C. 20020; and (3) 1933 9th Street N.W., Washington, D.C. 20032.

3. Defendant Jerri Evans is the CEO of Turning Natural.

RECITALS

4. On June 29, 2018, the District filed a Complaint against Defendants alleging failure to pay minimum wage and overtime to employees employed at Turning Natural cafes who provided food and beverage services. The allegations set out in the District's Complaint are hereinafter referred to as the "Covered Conduct."

5. The Parties wish to resolve the allegations set out in the District's Complaint and have agreed to the following terms:

PAYMENT TERMS

6. A judgment in the amount of \$15,646.93 (the "Judgment Amount") is hereby entered jointly and severally against Defendants. The Judgment Amount is the total of \$10,646.93 in damages owed to employees and former employees of Defendants (as set out in Appendix A, and hereinafter referred to as the "Damages Amount") and \$5,000.00 in penalties owed to the District (the "Penalty Amount").

7. The Judgment Amount shall be paid out in the following manner:

- a. **Damages Amount.** Defendants will pay the Damages Amount in nine (9) payments of \$1,064.69 and one (1) payment of \$1,064.72.
 - i. The first payment toward the Damages Amount shall be delivered to the District on the tenth day of the month immediately following the month this Consent Order is entered by the Court, with each subsequent payment due on the tenth day of the following month.

- ii. After receiving payments, OAG will distribute payments in a timely manner to the employees and former employees of Defendants in the amounts set out in Appendix A. Any applicable federal, state, or local taxes will not be withheld by Defendants in making payments toward the Judgment Amount. The District will distribute a cover letter regarding tax obligations (attached as Appendix B) to each employee and former employee upon receipt of payments made pursuant to this subsection.
- b. **Penalty Amount.** Defendants will pay the Penalty Amount in the following manner:
 - i. Within thirty (30) days after payment of the entire Damages Amount, Defendants shall make a payment of \$3,000.00 toward the Penalty Amount.
 - ii. Within thirty (30) days after the payment in Paragraph 7(b)(i) has been made, Defendants shall pay the remainder of the Penalty Amount in the amount of \$2,000.00 (the "Final Payment"). The Final Payment shall be waived if at the time the payment is due, Defendants have complied with Paragraph 9 of this Consent Order and provided documents sufficient to show that they are in compliance with the District's wage and hour laws.
- c. All payments toward the Judgment Amount shall be made by check made payable to D.C. Treasurer and mailed to Section Chief, Housing and Community Justice, Office of the Attorney General for the District of Columbia, Suite 630 South, 441 Fourth Street, N.W., Washington, D.C. 20001.
- d. In the event that the District does not receive any payment due under this Consent Order and after notice and failure to cure within ten (10) days of the due date, the remaining Judgment Amount shall be immediately due and can be collected by the District using whatever means are authorized under the law of the District of Columbia and the Rules of the Superior Court.

ADDITIONAL TERMS

8. **Retroactive provision of paid-sick leave.** For all Defendants' employees working at District of Columbia locations who are employed at the time this Consent Order is entered, Defendants shall provide retroactive paid sick leave based upon hours worked since January 1, 2018. Paid sick leave amounts due to eligible employees are set out in Appendix C and shall be available upon entry of this Consent Order.

9. **Compliance.** Defendants shall institute policies and/or systems sufficient to ensure prospective compliance with the Minimum Wage Act and the SSLA. Within sixty (60)

days after entry of this Consent Order, Defendants shall submit to the District documents sufficient to show that such policies and/or systems have been implemented that ensure compliance with requirements including, but not limited to, employment policies and procedures, payroll practices, and any informational posting requirements required by law.

10. **Release.** Subject to the exceptions in Paragraph 11 below, and upon receipt of the entire Judgment Amount detailed above, the District shall release Defendants from all civil claims under the WPCA, MWA, and SSLA that the Attorney General asserted or could have asserted arising out of the Covered Conduct.

11. **Non-Released Claims.** The following is specifically reserved and excluded from the scope of the Consent Order, as to any entity or person:

- a. Any criminal, civil, or administrative claims arising under the tax laws of the District of Columbia;
- b. Any criminal liability to the District of Columbia under the District law arising out of the Covered Conduct;
- c. Any liability under the District of Columbia False Claims Act or similar civil fraud claims; and
- d. Any claims based upon such obligations as are created by this Consent Order, including those claims to enforce the terms and conditions of this Consent Order.

12. This Court retains jurisdiction to enforce or modify the terms of this Consent Order as necessary.

13. The Parties represent that this Consent Order is freely and voluntarily entered into without any degree of duress or compulsion whatsoever.

14. This Consent Order shall be binding upon the Parties, their successors, transferees, and heirs.

15. All notices under this Consent Order shall be provided to the following addresses via first-class and electronic mail, unless a different address is specified in writing by the party changing such address.

For the District:

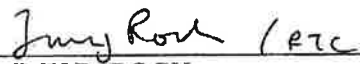
Randolph T. Chen
Acting Chief
Housing and Community Justice Section
441 4th Street, N.W., Suite 600 South
Washington, D.C. 20001
(202) 442-9854 (Phone)
randolph.chen@dc.gov

For Defendants:

Amit K. Sharma
MCCOLLUM & ASSOCIATES LLC
7309 Baltimore Ave., Suite 117
College Park, MD 20740
(301) 864-6070 (Phone)
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CONSENTED TO FOR THE DISTRICT OF COLUMBIA

KARL A. RACINE
Attorney General for the District of Columbia



JIMMY R. ROCK
Acting Deputy Attorney General
Public Advocacy Division


Date: 7/31/19

RANDOLPH T. CHEN
Acting Chief, Housing & Community Justice
Public Advocacy Division

Office of the Attorney General
441 Fourth Street, N.W., Suite 630 South
Washington, D.C. 20001

Counsel for the District of Columbia

**CONSENTED TO FOR DEFENDANTS TURNING NATURAL, INC. AND
JERRI EVANS**




Amit K. Sharma
MCCOLLUM & ASSOCIATES LLC
7309 Baltimore Ave., Suite 117
College Park, MD 20740
(301) 864-6070 (Phone)
asharma@jmlaw.net

Date: 7/24/19

Counsel for Defendants

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Date: August 1, 2019



Judge Hiram Puig-Dugo