

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

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MARTIN J. WALSH, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

NEW VIP NAIL SPA, INC., VIP NEO  
NAILS, INC., and VIP SPA & NAILS, INC.  
(collectively, d/b/a VIP Nails & Spa); their  
successors, including VIP EMERALD NAILS,  
INC., d/b/a VIP Nails & Spa, as successor to  
VIP Spa & Nails, Inc.; and STEVEN XINGRI  
CAO,

Defendants.  
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Civil Action No. 22-cv-00311

Injunctive Relief Sought

Jury Demand

August 25, 2022

**COMPLAINT**

1. Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary”), brings this action against Defendants—New VIP Nail Spa, Inc., VIP Neo Nails, Inc., and VIP Spa & Nails, Inc. (collectively, the “Nail Salons”); the Nail Salons’ successors, including VIP Emerald Nails, Inc., as successor to VIP Spa & Nails, Inc.; and Steven Xingri Cao—for: (1) unlawfully discriminating against employees for exercising rights protected by the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.* (the “OSH Act”) and the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.* (the “FLSA”); and (2) failing to compensate employees properly and record adequately and accurately all hours employees worked and all compensation paid to employees, in violation of the FLSA.

2. The Secretary principally asks the Court to: (a) require Cao and VIP Spa & Nails, Inc. (and its successor, VIP Emerald Nails, Inc.) to pay damages, as described below, for their

unlawful discrimination in violation of Section 11(c) of the OSH Act, 29 U.S.C. § 660(c); (b) enjoin Cao and VIP Spa & Nails, Inc. (and its successor, VIP Emerald Nails, Inc.) from violating Section 11(c) of the OSH Act, 29 U.S.C. § 660(c); (c) require Cao and VIP Spa & Nails, Inc. (and its successor, VIP Emerald Nails, Inc.) to pay punitive damages for Cao and VIP Spa & Nails, Inc.’s unlawful retaliation in violation of Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), which relief is recognized by Section 16(b) of the FLSA, 29 U.S.C. § 216(b); (d) enjoin Defendants from violating Sections 6, 7, 11, 15(a)(2), 15(a)(3), and 15(a)(5) of the FLSA, 29 U.S.C. §§ 206, 207, 211, 215(a)(2), 215(a)(3), and 215(a)(5); and (e) require Defendants to pay unpaid wages and liquidated damages to employees pursuant to Sections 15(a)(2) and 16(c) of the FLSA, 29 U.S.C. §§ 215(a)(2) and 216(c).

3. This action by the Secretary follows investigations of the Nail Salons by two agencies within the United States Department of Labor: (1) the Occupational Safety and Health Administration (“OSHA”), which enforces the OSH Act, among other statutes; and (2) the Wage and Hour Division, which enforces the FLSA, among other statutes.

4. This Complaint covers the time period from September 24, 2017 to at least September 20, 2020 (the “Time Period”). Unless otherwise stated, each allegation below concerns the Time Period.

### **Jurisdiction and Venue**

5. This Court has jurisdiction pursuant to Section 17 of the FLSA, 29 U.S.C. § 217, Section 11(c)(2) of the OSH Act, 29 U.S.C. § 660(c)(2), and 28 U.S.C. § 1331.

6. Venue is proper in the United States District Court for the District of Rhode Island because a substantial part of the events or omissions giving rise to the claims in the Complaint occurred in this judicial district.

### The Parties

7. The Secretary is the proper plaintiff for all claims in this action because he is vested with the authority to file suit to restrain, and to recover damages for, violations of both the FLSA and Section 11(c) of the OSH Act, 29 U.S.C. § 660(c).

8. Defendant New VIP Nail Spa, Inc., d/b/a VIP Nails & Spa, has been a company having a place of business located at 545 Main Street, East Greenwich, Rhode Island, within the jurisdiction of this Court, and engaged at that place of business in the operation of a nail salon.

9. Defendant VIP Neo Nails, Inc., d/b/a VIP Nails & Spa, is a company having a place of business located at 1401 Douglas Avenue, North Providence, Rhode Island, within the jurisdiction of this Court, and engaged at that place of business in the operation of a nail salon.

10. Defendant VIP Spa & Nails, Inc., d/b/a VIP Nails & Spa, has been a company having a place of business located at 2 Mendon Road, Cumberland, Rhode Island, within the jurisdiction of this Court, and engaged at that place of business in the operation of a nail salon.

11. Defendant VIP Emerald Nails, Inc., d/b/a VIP Nails and Spa, is a company having a place of business located at 2 Mendon Road, Cumberland, Rhode Island, within the jurisdiction of this Court, and engaged at that place of business in the operation of a nail salon.

12. VIP Emerald Nails, Inc. was incorporated on September 16, 2021.

13. VIP Emerald Nails, Inc., is a successor to VIP Spa & Nails, Inc.

14. Defendant Steven Xingri Cao resides in Rhode Island, and the claims against Cao in this case arise out of Cao's business dealings in Rhode Island.

15. During the Time Period Cao:

(a) was the president and owner of VIP Spa & Nails, Inc.;

(b) served as and was recognized by employees as the boss of employees at

all of the Nail Salons;

(c) had authority to and did set pay practices for employees, determined work schedules, disciplined employees, hired and fired employees, delegated work to employees, and assigned workers to specific jobs at all of the Nail Salons; and

(d) had authority to and did control the day-to-day operations of all of the Nail Salons.

16. Cao was an employer of the employees at all three Nail Salons within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

*Cao and the Nail Salons Were an Enterprise Engaged in Commerce for Purposes of the FLSA*

17. During the Time Period, Cao and the Nail Salons were an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r), as they engaged in related activities—i.e., nail, wax, and massage services—performed through unified operation or common control for the common business purpose of providing nail salon services to customers.

18. At all relevant times, Cao, along with his spouse, Laura Huazi Li, controlled and operated the Nail Salons.

19. Cao and Li together oversaw the work of employees at all three Nail Salons, and Cao and Li each moved between the three Nail Salons on a daily basis to manage operations.

20. Cao and Li each drew salaries from the Nail Salons owned by the other spouse.

21. All three of the Nail Salons operated under the common control of Cao and Li.

22. Cao and the Nail Salons employed employees in the activities of said enterprise, which is engaged in commerce, including having employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce, including nail care, skin care, and other salon products purchased from vendors in New York and New

Jersey.

23. This enterprise has had an annual gross volume of sales made or business done in an amount not less than \$500,000.00 (exclusive of excise taxes at the retail level that are separately stated).

24. Accordingly, Cao and the Nail Salons' employees have been employed in an enterprise engaged in commerce within the meaning of Section 3(s) of the FLSA, 29 U.S.C. § 203(s).

**Employee Complaint About Occupational Health Hazards**

25. Wing Ting Wong began working for Cao and the Nail Salons as a nail technician in 2016.

26. Meixue Lin began working for Cao and the Nail Salons as a nail technician in 2019.

27. Wong and Lin primarily worked at the VIP Spa & Nails, Inc. salon.

28. Wong and Lin are close friends.

29. Cao knew that Wong served in a god-mother role to Lin.

30. Wong suffers from asthma.

31. Zhongwan Jin started as the manager at VIP Spa & Nails, Inc. in 2019.

32. In June 2020, VIP Spa & Nails, Inc. began using a chemical disinfectant (the "Sanitizer") to sanitize the salon.

33. The Sanitizer's label warns of potential health hazards from the Sanitizer.

34. The Sanitizer's label also provides dilution ratios for safe usage of the Sanitizer.

35. As the manager of VIP Spa & Nails, Inc., Jin was primarily responsible for overseeing use and dilution of the Sanitizer.

36. On and prior to July 22, 2020, VIP Spa & Nails, Inc. did not properly dilute the Sanitizer with water before using the Sanitizer in the salon.

37. Multiple employees of VIP Spa & Nails, Inc. experienced a stinging feeling in their throats and noses when the Sanitizer was sprayed.

38. Jin ignored employees' complaints about the Sanitizer.

39. On or about July 10, 2020, Wong experienced difficulty breathing while a co-worker was spraying the Sanitizer.

40. In front of Jin, Wong asked the co-worker who was spraying the Sanitizer to stop spraying it because the Sanitizer was burning her throat and causing her throat to contract.

41. In response to Wong's request, the co-worker looked at Jin. Jin did nothing in response. Wong's co-worker then continued spraying the Sanitizer.

42. The following day, Wong complained to Jin about the negative effects of the Sanitizer on Wong and others.

43. Wong also spoke with Jin about her asthma.

44. Jin dismissed Wong's concerns about the Sanitizer.

45. Wong asked to view the Sanitizer's label.

46. Jin refused Wong's request to see the Sanitizer's label.

47. Wong suffered another adverse reaction to the Sanitizer on July 22, 2020.

48. Wong's adverse reaction to the Sanitizer required medical treatment.

49. Lin assisted Wong following her adverse reaction.

50. Wong and Cao exchanged text messages on July 22 and July 23, 2020, in the wake of Wong's adverse reaction.

51. As part of this exchange with Cao, Wong:

- (a) complained that the Sanitizer was not being properly diluted;
- (b) described the adverse reaction she suffered;
- (c) explained the symptoms and health effects of the adverse reaction;
- (d) reminded Cao of his responsibility to provide a safe and healthy working environment, including proper instructions on the use of chemicals;
- (e) expressed that her co-workers also found the Sanitizer to be irritating;
- (f) sent photographs of the Sanitizer's label, with translations, describing hazards associated with the Sanitizer and proper dilution ratios;
- (g) stated that Cao and Jin were neglecting employee safety;
- (h) stressed that she wanted Cao to change the company's dilution practices;
- (i) voiced her intent to contact OSHA; and
- (j) asserted that she would retain all records and pursue her legal rights.

52. Wong obtained the Sanitizer label photographs that Wong sent to Cao from Lin, who found the Sanitizer at work on July 23, 2020, took photographs, and sent them to Wong.

53. Cao has characterized Wong's text messages about pursuing her legal rights and reporting to OSHA as a threat.

54. Cao also has characterized Wong's text messages about pursuing her legal rights and reporting to OSHA as blackmail.

55. On July 23, 2020, Wong called OSHA and filed a complaint with the agency regarding alleged chemical hazards at VIP Spa & Nails, Inc.

56. Wong also reported to OSHA her work-related adverse reaction to the Sanitizer.

57. The following morning, July 24, 2020, Cao fired Wong.

58. Cao expressed anger at Wong in front of other employees.

59. Cao also spoke with Lin on the morning of July 24, 2020.

60. Cao told Lin that he had a rule against forming cliques in his stores, and that Lin had broken that rule through her relationship with Wong.

61. Cao told Lin that he could no longer hire people who spoke the way Wong did, and referred specifically to Wong's statement about pursuing her legal rights.

62. Referencing Wong's text messages, Cao said Wong bites back like a wolf.

63. After this conversation with Lin, Cao again spoke to Wong.

64. Cao told Wong that she bites the hand that feeds her.

65. Cao likened Wong to a white-eyed wolf.

66. Cao told OSHA that the term white-eyed wolf refers to an ungrateful person.

67. Cao said he would need to close his salons if he had more employees like Wong.

68. OSHA contacted VIP Spa & Nails, Inc. about Wong's complaint in the late morning on July 24, 2020. A male answered the phone. OSHA asked to speak with a manager. The person on the other end of the line said that the owner would return OSHA's call.

69. Cao again spoke with Lin on the afternoon of July 24, 2020.

70. Cao told Lin that he had contacted the best law firm in Rhode Island and that Wong risked going to jail because, according to Cao, she was trying to cheat him.

71. Cao said Lin and Wong had picked on his problems.

72. Cao called Lin and Wong ungrateful.

73. Cao said Wong had harmed him and he could not just sit back and wait.

74. Cao compared Wong's actions to a betrayal.

75. Cao threatened Lin with various legal and other consequences.

76. Cao told Lin that Wong texted something bad and harmful to Cao.

77. Cao announced Wong's firing in front of the other employees and suggested that other employees could end up like Wong.

78. Cao also questioned other employees about their relationships with Wong.

79. OSHA communicated with Cao directly about Wong's OSHA complaint by both phone and email on the afternoon of July 24, 2020.

80. OSHA told Cao about Wong's allegations and asked Cao to investigate the alleged conditions immediately and make any necessary corrections or modifications.

81. OSHA told Cao that if OSHA did not receive a response with supporting documentation indicating that appropriate action had been taken in response to the complaint, or that no hazard exists and why, OSHA would conduct an inspection of the workplace.

82. Cao was required to and did certify that he posted a copy of OSHA's letter describing the alleged hazards in a conspicuous location at VIP Spa & Nails, Inc.

83. Defendants engaged in multiple communications with OSHA regarding Wong's OSHA complaint from July 24, 2020, through at least August 14, 2020.

84. In response to Wong's OSHA complaint, Defendants informed OSHA that they changed disinfectant brands and developed a written hazard communication program that includes review of safety data sheets to determine the safe use of chemicals.

### **The Wage and Hour Investigation**

85. In August 2020, the Secretary opened an investigation to determine whether Cao and the Nail Salons were complying with the FLSA ("Wage and Hour Investigation").

86. Cao knew of the Secretary's Wage and Hour Investigation as of August 2020.

87. As part of the Wage and Hour Investigation, the Secretary requested information and documents from Cao and the Nail Salons, including requests about employees': (1) hours

worked, (2) compensation received, and (3) contact information.

88. Within days of receiving the requests described in Paragraph 80, Cao instructed employees to sign documents reflecting false information about their employment.

89. Cao told employees to sign receipts falsely stating the amounts employees received in tips and that employees always received the same amount of tips.

90. Cao told employees to sign documents falsely stating the date on which their employment began.

91. Cao told an employee, for example, to pretend they had started working for VIP Spa & Nails, Inc. years after the actual date they started working there.

92. Cao told employees that the purpose of having them sign the documents containing false information about their employment was to prevent the employees from pursuing legal action against him.

93. Employees whom Cao instructed to sign documents containing false information about their employment believed they would be fired if they did not comply.

94. Cao's actions seeking to influence the information that employees provided to the Secretary well might dissuade a reasonable worker from engaging in activity protected by the FLSA, such as raising complaints about how they were paid or participating in the Secretary's Wage and Hour Investigation or any litigation under or related to the FLSA.

95. During the Secretary's Wage and Hour Investigation, Cao and the Nail Salons provided the Secretary records that inaccurately stated the hours employees had worked.

96. For example, Cao and the Nail Salons provided the Secretary with schedules listing employees as having worked 0 days in a workweek when those employees in fact worked 5 or 6 days.

**Cao and the Nail Salons' Wage and Hour Practices**

*Cao and the Nail Salons Failed to Pay Employees the Required Overtime Premium*

97. Cao and the Nail Salons failed to provide proper compensation for overtime hours worked to approximately 70 employees.

98. Specifically, Cao and the Nail Salons failed to compensate those employees at one-and-one-half times the regular rates at which those employees were employed for hours worked over 40 hours in a workweek.

99. Cao and the Nail Salons' employees regularly worked more than 40 hours per workweek.

100. Cao and the Nail Salons paid set daily rates to nail technicians, plus tips and commissions.

101. The daily rates that Cao and the Nail Salons paid to nail technicians did not include any overtime premium for hours worked over 40 hours in a workweek.

102. For example, during the summer months, Cao and the Nail Salons' employees at times worked more than ten-hour-days, six days per week, and were not paid at one-and-one-half times their regular rates of pay for those hours worked over 40 hours in a workweek.

103. As another example, when customers arrived near the scheduled closing time, Cao and the Nail Salons required some employees to work past the usual end of their workday, and paid them only \$5.00 for this additional time, regardless of how long they had to work and even if such employees had already worked more than 40 hours in the workweek.

*Cao and VIP Neo Nails, Inc. Failed to Pay Employees the Federal Minimum Wage for all Hours Worked*

104. Cao and VIP Neo Nails, Inc. paid some employees—including Xinyu Zhao—less than the applicable minimum wage under the FLSA.

105. For example, when employees started working for Cao and VIP Neo Nails, Inc., they went through a training period that in some instances lasted multiple weeks.

106. Cao and VIP Neo Nails, Inc. did not pay employees the applicable minimum wage under the FLSA during their training period.

*Cao and the Nail Salons Failed to Maintain Records Required by the FLSA*

107. Cao and the Nail Salons violated the FLSA by failing to make, keep, and preserve adequate and accurate records for employees.

108. Specifically, for example, Cao and the Nail Salons failed to make, keep, and preserve adequate and accurate records of the hours worked by each employee.

109. Prior to the start of the Wage and Hour Investigation, Cao and the Nail Salons required employees to clock-in, but not clock-out, using a timekeeping system.

110. After the start of the Wage and Hour Investigation, Cao and the Nail Salons stopped using their timekeeping system and no longer had employees clock-in.

111. In response to the Secretary's request for time records during the Wage and Hour Investigation, Cao and the Nail Salons responded through counsel that they had no original records of hours worked.

112. In fact, Cao and the Nail Salons failed to record the actual hours worked by any nail technicians at the Nail Salons during the Time Period.

113. Cao and the Nail Salons failed to make, keep, and preserve adequate and accurate records of the compensation paid to each employee.

114. For example, Cao and the Nail Salons paid some employees in cash and did not record the cash compensation on those employees' pay records.

*Additional Facts Concerning Cao and the Nail Salons' Knowing and/or Reckless Disregard for the Requirements of the FLSA*

115. For years prior to the start of the Wage and Hour Investigation, Cao and the Nail Salons' employees raised complaints about Cao and the Nail Salons' wage-and-hour practices, including their failure to compensate employees properly for overtime, through loud conversations at the Nail Salons in front of management (including Cao and Jin).

116. For example, during a meeting between Jin and employees at VIP Spa & Nails, Inc. held prior to July 22, 2020, employees raised complaints about the company's practice, as described in Paragraph 103 above, of requiring employees to work after hours and only paying employees \$5.00 for this additional time.

117. Jin grew angry about and dismissed these employee complaints.

118. Despite employees' complaints, Defendants did not take any action to correct the complained-of wage-and-hour practices prior to the start of the Wage and Hour Investigation.

119. Prior to the start of the Wage and Hour Investigation, Cao and Li also told a minor employee to lie if customers asked about the employee's age.

120. Cao and the Nail Salons' conduct before and during the Wage and Hour Investigation shows that their overtime and minimum wage violations of the FLSA were knowing, deliberate, and/or intentional, or done with reckless disregard for the statute.

**Cao and the Nail Salons' Efforts to Intimidate and Coerce Employees with Respect to Providing Information to the Secretary**

121. Cao, on behalf of the Nail Salons, sought to intimidate and coerce those who engaged in protected activity under both the FLSA and the OSH Act, such as filing complaints with the Secretary and participating in the Secretary's investigations.

122. Cao told employees directly that he sought to prevent them from suing him, after the Secretary opened investigations of Cao and the Nail Salons under the OSH Act and FLSA.

123. Cao has required employees to sign documents stating false information about their employment with Cao and the Nail Salons.

124. Cao has expressed animus toward employees whom he believes have provided and/or encouraged others to provide information to the Secretary.

125. Cao has made threats against employees whom he believes have provided and/or encouraged others to provide information to the Secretary.

126. Cao's attempts to intimidate and coerce those who engaged in or were about to engage in activities protected by the FLSA and the OSH Act well might dissuade a reasonable worker from engaging in activity protected by those statutes.

**Punitive Damages Are Necessary and Appropriate**

127. Punitive damages are warranted in light of Cao and the Nail Salons' intentional or reckless disregard for the law as described above, i.e., consistently brash conduct and callous indifference to employees' rights under the OSH Act and FLSA.

**VIP Emerald Nails, Inc. is a Successor to VIP Spa & Nails, Inc.**

128. The allegations in this section concern events after the Time Period.

129. In late August or early September 2021, Cao approached Jin about whether Jin would purchase the business that Cao had been operating as VIP Spa & Nails, Inc.

130. Cao offered Jin the business at a discounted rate.

131. Prior to finalizing the purchase of the business from Cao, Jin was aware of the Secretary's investigations of VIP Spa & Nails, Inc. and the other Nail Salons.

132. As manager at VIP Spa & Nails, Inc., Jin also participated in the company's violations of the FLSA and OSH Act, as described above.

133. On October 1, 2021, Cao sold VIP Spa & Nails, Inc. to Jin.

134. The business that Jin now operates at the former location of VIP Spa & Nails, Inc. is named VIP Emerald Nails, Inc., and is doing business as VIP Nails and Spa.

135. VIP Emerald Nails, Inc. provides the same services and uses the same policies, supplies, vendors, signs, telephone number, and furnishings, as VIP Spa & Nails, Inc.

136. Many of those who worked for VIP Spa & Nails, Inc., now work for VIP Emerald Nails, Inc., and are doing the same jobs under the same working conditions as before.

137. VIP Emerald Nails, Inc. relies on VIP Spa & Nails, Inc.'s customers.

138. Cao filed Articles of Dissolution for VIP Spa & Nails, Inc., with the Rhode Island Department of State on October 25, 2021.

139. On October 29, 2021, OSHA conducted a formal interview of Cao that OSHA had scheduled prior to October 25, 2021.

140. VIP Emerald Nails, Inc. is liable as a successor entity to VIP Spa & Nails, Inc. for the violations alleged in this Complaint against VIP Spa & Nails, Inc.

**COUNT ONE:**

**(Violation of Section 11(c)(1) of the OSH Act—OSH Act Discrimination)  
(Against Defendants Cao, VIP Spa & Nails, Inc., and VIP Emerald Nails, Inc.  
as successor to VIP Spa & Nails, Inc.)**

141. The Secretary incorporates by reference and re-alleges all of the foregoing allegations in this Complaint.

142. Section 11(c)(1) of the OSH Act prohibits, among other things, the discharge of or discrimination against “any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this chapter.” 29 U.S.C. § 660(c)(1).

143. Wong engaged in protected activity under the OSH Act, including by: (a)

reporting a work-related illness to Cao and VIP Spa & Nails, Inc.; (b) complaining to Cao and VIP Spa & Nails, Inc. about occupational health hazards; (c) telling Cao and VIP Spa & Nails, Inc. of her intent to file a complaint with OSHA and pursue her legal rights regarding those occupational health hazards; and (d) filing an OSHA complaint.

144. Cao and VIP Spa & Nails, Inc. discharged and discriminated against Wong because she engaged in protected activities under the OSH Act.

145. Cao and VIP Spa & Nails, Inc. discriminated against Lin under the OSH Act by threatening her because of her association with and assistance to Wong.

146. As a result of Cao and VIP Spa & Nails, Inc.'s discriminatory actions, Wong has suffered emotional distress and financial losses, including significant loss of income.

147. Cao and VIP Spa & Nails, Inc.'s discriminatory actions would dissuade a reasonable employee from engaging in activities protected under the OSH Act, such as filing a complaint with OSHA, cooperating with an investigation by the Secretary into violations of the OSH Act, reporting a work-related illness, raising occupational safety and health complaints, telling their employer of their intent to contact OSHA or pursue any other rights under the OSH Act, or being associated with any other employee who has engaged in such activities.

**COUNT TWO:**

**(Violation of Section 15(a)(3) of the FLSA—FLSA Retaliation)  
(Against Defendants Cao, VIP Spa & Nails, Inc., and VIP Emerald Nails, Inc. as a  
successor to VIP Spa & Nails, Inc.)**

148. The Secretary incorporates by reference and re-alleges all of the foregoing allegations in this Complaint.

149. Section 15(a)(3) of the FLSA prohibits, among other things, “any person” from “discharg[ing] or in any other manner discriminat[ing] against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or

related to this chapter [8 of the FLSA], or has testified or is about to testify in any such proceeding.” 29 U.S.C. § 215(a)(3).

150. Cao and VIP Spa & Nails, Inc. discriminated against employees because those employees asserted their rights under the FLSA and/or were perceived as asserting those rights. These employees took or were perceived as having taken the following actions—providing information to the Secretary regarding Cao and VIP Spa & Nails, Inc.’s pay practices, serving as witnesses in the Secretary’s Wage and Hour Investigation, or being about to engage in protected activity under the FLSA.

151. This discrimination by Cao and VIP Spa & Nails, Inc. included coercing employees to sign false statements regarding their employment in such a manner that employees believed they would be fired if they did not comply.

152. Cao and VIP Spa & Nails, Inc.’s retaliatory actions would dissuade a reasonable employee from engaging in activity protected by the FLSA, such as asserting their right to receive proper compensation, filing a complaint with the Secretary regarding violations of the FLSA, or participating as a witness in the Secretary’s investigation into violations of the FLSA or any litigation under or related to the FLSA.

**COUNT THREE:**  
**(Violations of Sections 7 & 15(a)(2) of the FLSA—Failure to Pay Overtime Premium)**  
**(Against All Defendants)**

153. The Secretary incorporates by reference and re-alleges all of the foregoing allegations in this Complaint.

154. As described above, Cao and the Nail Salons willfully have violated the provisions of Sections 7 and 15(a)(2) of the FLSA, 29 U.S.C. §§ 207 and 215(a)(2), by not paying the employees listed in Exhibit A the required overtime premium for all overtime hours worked.

155. Therefore, Defendants are liable for overtime compensation owed to employees listed in the attached Exhibit A, and an equal amount of liquidated damages, under Section 16(c) of the FLSA, 29 U.S.C. § 216(c).

**COUNT FOUR:**  
**(Violations of Sections 6 & 15(a)(2) of the FLSA—Failure to Pay Minimum Wage)**  
**(Against Cao and VIP Neo Nails, Inc.)**

156. The Secretary incorporates by reference and re-alleges all of the foregoing allegations in this Complaint.

157. As described above, Cao and VIP Neo Nails, Inc. willfully have violated the provisions of Sections 6 and 15(a)(2) of the FLSA, 29 U.S.C. §§ 206 and 215(a)(2), by not paying at least one employee—Zhao—the required minimum wage for all hours worked.

158. Therefore, Cao and VIP Neo Nails, Inc. are liable for unpaid back wages and an equal amount of liquidated damages, under Section 16(c) of the FLSA, 29 U.S.C. § 216(c).

**COUNT FIVE:**  
**(Violations of Sections 11 & 15(a)(5) of the FLSA—Failure to Make & Keep Records)**  
**(Against All Defendants)**

159. The Secretary incorporates by reference and re-alleges all of the foregoing allegations in this Complaint.

160. Cao and the Nail Salons failed to make, keep, and preserve adequate and accurate records of the hours worked by their employees and the compensation paid to their employees, in violation of Sections 11 and 15(a)(5) of the FLSA, 29 U.S.C. §§ 211 and 215(a)(5), and the regulations thereunder, specifically 29 C.F.R. Part 516.

**Prayer for Relief**

WHEREFORE, cause having been shown, the Secretary respectfully prays that this Court enter judgment against Defendants and provide the following relief:

1. An order permanently enjoining and restraining Cao and VIP Spa & Nails, Inc., as

well as their agents, servants, employees, successors (including VIP Emerald Nails, Inc.), and those persons in active concert or participation with them, from violating the provisions of Section 11(c)(1) of the OSH Act, 29 U.S.C. § 660(c)(1), including by firing, threatening, or attempting to intimidate or coerce employees because they asserted their rights under the OSH Act or because of their association with other employees who asserted their rights under the OSH Act;

2. An order awarding lost wages, as well as pre- and post-judgment interest thereon, and compensatory damages for Cao and VIP Spa & Nails, Inc.'s unlawful discrimination against Wong in violation of Section 11(c)(1) of the OSH Act, 29 U.S.C. § 660(c)(1);

3. An order granting all appropriate relief under Section 11(c)(1) of the OSH Act, 29 U.S.C. § 660(c)(1), including, without limitation, requiring Cao, VIP Spa & Nails, Inc., and its successor, VIP Emerald Nails, Inc., to:

- (a) reinstate Wong, or in lieu of reinstatement, to provide her with front pay in an amount to be determined at trial;
- (b) provide Wong with a neutral letter of reference;
- (c) expunge from their files any statement or information regarding adverse action taken against Wong that relates to the allegations in this Complaint;
- (d) post in a prominent location at each of their nail salons, for no less than 120 consecutive days, a notice easily seen and readable by employees stating that Cao, VIP Spa & Nails, Inc., and VIP Emerald Nails, Inc. are prohibited by court order and Section 11(c) of the OSH Act, 29 U.S.C. § 660(c), from in any manner discriminating against employees because they engaged in activities protected by the OSH Act; and

(e) disseminate electronically to all current employees, and all employees hired within two years after the date of any final judgment in this matter, a notice of such employees' rights to not be discriminated against for engaging in whistleblowing activity under Section 11(c) of the OSH Act, 29 U.S.C. § 660(c).

4. An order awarding punitive damages for Cao and VIP Spa & Nails, Inc.'s discrimination against employees in violation of Section 11(c)(1) of the OSH Act, 29 U.S.C. § 660(c)(1) and Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3);

5. An order pursuant to Section 17 of the FLSA, 29 U.S.C. § 217, permanently enjoining and restraining Cao and the Nail Salons, and their officers, agents, servants, employees, successors (including VIP Emerald Nails, Inc.), and those persons in active concert or participation with them, from prospectively violating the FLSA, including Sections 6, 7, 11, 15(a)(2), 15(a)(3), and 15(a)(5), 29 U.S.C. §§ 206, 207, 211, 215(a)(2), 215(a)(3), and 215(a)(5);

6. An order pursuant to Section 16(c) of the FLSA, 29 U.S.C. § 216(c), holding Cao and the Nail Salons and their successors (including VIP Emerald Nails, Inc.) liable for unpaid back wages found due to Defendants' employees listed in Exhibit A, plus liquidated damages equal in amount to the unpaid compensation found due. Additional amounts of back wages and liquidated damages may be owed to certain employees listed in Exhibit A for violations continuing after September 20, 2020, and may be owed to certain employees presently unknown to the Secretary who may be identified during this litigation and added to Exhibit A;

7. An order pursuant to Section 17 of the Act, 29 U.S.C. § 217, permanently enjoining and restraining Cao and the Nail Salons, and their officers, agents, servants, employees, successors (including VIP Emerald Nails, Inc.), and those persons in active concert or participation with them, from withholding the amount of overtime and minimum wage

compensation found due to the employees listed in Exhibit A;

8. In the event liquidated damages are not awarded pursuant to Paragraph 6 of this Prayer for Relief, an order awarding pre-judgment interest computed at the underpayment rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621;

9. An order awarding the Secretary the costs of this action; and

10. An order granting such other and further relief as may be necessary and appropriate.

### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Secretary requests a jury trial in this matter on all issues triable by jury.

Date: August 25, 2022

Seema Nanda  
Solicitor of Labor

Maia S. Fisher  
Regional Solicitor

Kelly M. Lawson  
Counsel for Civil Rights

Mark A. Pedulla  
Wage and Hour Counsel

/s/ Joseph R. Landry  
Joseph R. Landry  
Trial Attorney  
landry.joseph@dol.gov  
MA BBO No. 696327

United States Department of Labor  
Attorneys for Plaintiff

U.S. Department of Labor  
Office of the Solicitor  
JFK Federal Building, Room E-375  
Boston, Massachusetts 02203  
Telephone: (617) 565-2500  
Facsimile: (617) 565-2142

# **EXHIBIT A**

**Exhibit A**

<b>Employee Last Name</b>	<b>Employee First Name</b>
An	Xuejin
Bae	Yeongmun
Cao	Yinshi
Chu	Kok Lun
Crabb	Amykate
Cui	Changyuan
Dai	Yuanyuan
Devisevic	Enna
Dong	Shengli
Gaboury	Shannon
Gao	Yujiao
Gao	Zhixia
Gonzalez	Alexandra
He	Dingxian
Hu	Jiang
Huang	Yuechai
Huh	Inkyong
Hui	Jiang
Jiang	Hui
Jiang	Xuanyu
Jin	Caibao
Jin	Chengri
Jin	Chunri
Jin	Haihua
Jin	Jie
Jin	Lina
Jin	Zhongwan
Kang	Steven
Khang	Grace
Kim	Juliana
Kim	Jung
Kim	Sira
Lee	Koyi
Li	Boxsoon
Li	Huayan
Li	Zu
Lin	Meixue
Liu	Ying
Ma	Yichun

<b>Employee Last Name</b>	<b>Employee First Name</b>
Nieves	Kiara
Peckham	Annie
Piao	HongLian
Piao	Huzhe
Piao	Jixun
Qu	Qingbo
Qu	Zhengkun
Ramey	Rachel
Rossell	Julia
Shao	Jusheng
Song	Xin
Song	Xuan
Song	Yue
Wang	Kang
Wang	Yujie
Wong	WingTing
Xu	Zhejun
Yan	Fengzhe
Yan	Xiaotong
Ying	LiuYu
Yu	Cheng
Yu	ZhaoYin
Yu	Zheng
Yuan	Shuguang
Yun	Huichong
Zhang	Bingbing
Zhang	Zhenjiang
Zhao	Boqi
Zhao	Xinyan
Zheng	Xue
Zou	Juanming

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Martin J. Walsh, Secretary of Labor, United States Department of Labor

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
 Joseph R. Landry, US Department of Labor, Office of the Solicitor  
 JFK Federal Building, Room E-375, Boston, MA 02203  
 617-565-2500

**DEFENDANTS**

New VIP Nail Spa, Inc., VIP Neo Nails, Inc., and VIP Spa & Nails, Inc. (d/b/a "VIP Nails & Spa"); VIP Emerald Nails, Inc; Steven Xingri Cao.

County of Residence of First Listed Defendant Kent County  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 29 U.S.C. § 660(c); 29 U.S.C. § 201, et seq. Employer retaliated against employees who  
 Brief description of cause:  
 asserted rights under OSH Act and FLSA and failed to properly compensate employees or record hours worked.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 08/25/2022 SIGNATURE OF ATTORNEY OF RECORD: /s/ Joseph R. Landry

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

MARTIN J. WALSH, Secretary of Labor, United States Department of Labor

Plaintiff(s)

NEW VIP NAIL SPA, INC., VIP NEO NAILS, INC., and VIP SPA & NAILS, INC. (collectively d/b/a/ VIP Nails & Spa); their successors, including VIP EMERALD NAILS, INC., d/b/a VIP Nails & Spa, as successor to VIP Spa & Nails, Inc.; and STEVEN XINGRI CAO

Defendant(s)

Civil Action No. 22-cv-00311

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) New VIP Nail Spa, Inc. 545 Main Street East Greenwich, Rhode Island 02818

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph R. Landry

U.S. Department of Labor, Office of the Solicitor JFK Federal Building, Room E-375 Boston, Massachusetts 02203

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 22-cv-00311

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

MARTIN J. WALSH, Secretary of Labor, United States Department of Labor

Plaintiff(s)

v.

NEW VIP NAIL SPA, INC., VIP NEO NAILS, INC., and VIP SPA & NAILS, INC. (collectively d/b/a/ VIP Nails & Spa); their successors, including VIP EMERALD NAILS, INC., d/b/a VIP Nails & Spa, as successor to VIP Spa & Nails, Inc.; and STEVEN XINGRI CAO

Defendant(s)

Civil Action No. 22-cv-00311

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) VIP Neo Nails, Inc. 1401 Douglas Ave North Providence, Rhode Island 02904

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph R. Landry

U.S. Department of Labor, Office of the Solicitor JFK Federal Building, Room E-375 Boston, Massachusetts 02203

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 22-cv-00311

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I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

MARTIN J. WALSH, Secretary of Labor, United States Department of Labor

Plaintiff(s)

v.

NEW VIP NAIL SPA, INC., VIP NEO NAILS, INC., and VIP SPA & NAILS, INC. (collectively d/b/a/ VIP Nails & Spa); their successors, including VIP EMERALD NAILS, INC., d/b/a VIP Nails & Spa, as successor to VIP Spa & Nails, Inc.; and STEVEN XINGRI CAO

Defendant(s)

Civil Action No. 22-cv-00311

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) VIP Spa & Nails, Inc. 2 Mendon Road Cumberland, Rhode Island 02864

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph R. Landry

U.S. Department of Labor, Office of the Solicitor JFK Federal Building, Room E-375 Boston, Massachusetts 02203

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 22-cv-00311

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\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

MARTIN J. WALSH, Secretary of Labor, United States Department of Labor

Plaintiff(s)

v.

NEW VIP NAIL SPA, INC., VIP NEO NAILS, INC., and VIP SPA & NAILS, INC. (collectively d/b/a/ VIP Nails & Spa); their successors, including VIP EMERALD NAILS, INC., d/b/a VIP Nails & Spa, as successor to VIP Spa & Nails, Inc.; and STEVEN XINGRI CAO

Defendant(s)

Civil Action No. 22-cv-00311

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) VIP Emerald Nails, Inc. 2 Mendon Road Cumberland, Rhode Island 02864

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph R. Landry

U.S. Department of Labor, Office of the Solicitor JFK Federal Building, Room E-375 Boston, Massachusetts 02203

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
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Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

MARTIN J. WALSH, Secretary of Labor, United States Department of Labor

Plaintiff(s)

v.

NEW VIP NAIL SPA, INC., VIP NEO NAILS, INC., and VIP SPA & NAILS, INC. (collectively d/b/a/ VIP Nails & Spa); their successors, including VIP EMERALD NAILS, INC., d/b/a VIP Nails & Spa, as successor to VIP Spa & Nails, Inc.; and STEVEN XINGRI CAO

Defendant(s)

Civil Action No. 22-cv-00311

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Steven Xingri Cao 29 Fair Oak Drive Lincoln, RI 02865

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph R. Landry

U.S. Department of Labor, Office of the Solicitor JFK Federal Building, Room E-375 Boston, Massachusetts 02203

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

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I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: