

**U.S. Department of Labor**

Office of Administrative Law Judges  
800 K Street, NW  
Washington, DC 20001-8002

(202) 693-7300  
(202) 693-7365 (FAX)



**Issue Date: 13 May 2019**

**Case Number: 2017-FLS-00003**

*In the Matter of:*

**TSHO, INC. D/B/A JURIN JAPANESE RESTAURANT,  
EKYU, INC. D/B/A JURIN JAPANESE RESTAURANT, and  
HARUHISA OSADA, and HIDEO SUDO, individuals,**  
*Respondents.*

**ORDER OF DISMISSAL**

This case arises under the Fair Labor Standards Act (“FLSA”) of 1938, 29 U.S.C. § 201-219, and the implementing regulations at 29 C.F.R. Parts 578 and 580. The above-captioned case was docketed by the U.S. Department of Labor, Office of Administrative Law Judges (“Office”) on February 14, 2017 after receipt of an Order of Reference filed by the U.S. Department of Labor, Wage and Hour Division (“Plaintiff”).<sup>1</sup>

On February 17, 2017, I issued a *Notice of Docketing and Order Holding Case in Abeyance* upon information that there was a parallel proceeding in federal district court.<sup>2</sup> On May 7, 2019, Respondent’s counsel filed a letter seeking to withdraw its request for administrative review, advising that the district court case has settled and the judge has approved the parties’ consent judgement, which constitutes a global settlement of the district court claims and the claim in the above captioned matter.

Accordingly, as all issues between the parties having been apparently resolved, and a hearing no longer necessary, this case is hereby DISMISSED with prejudice.

SO ORDERED:

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge

---

<sup>1</sup> In its *Order of Reference*, Plaintiff indicated that its Chicago office investigated the above-named Respondents for the time period February 1, 2014 to January 10, 2016, and determined that they failed to pay 28 employees \$193,699.00 in overtime pay for hours worked in excess of 40 hours per week under Section 7 of the FLSA. By notices dated December 14, 2016 and January 19, 2017, Plaintiff assessed civil money penalties of \$27,115.00. Respondents, through counsel, filed exceptions and requests for hearing, dated January 3, 2017 and January 20, 2017.

<sup>2</sup> The case was filed in November 2016 before the Northern District of Illinois, case number 1:16-cv-10795.