

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

**LORI CHAVEZ-DEREMER,** )  
Secretary of Labor, )  
United States Department of Labor, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No.:  
 )  
**ST. PAUL SEAFOOD, LLC, DBA ST. PAUL** )  
**FISH COMPANY**, a Wisconsin limited )  
liability company, and **TIMOTHY COLLINS** )  
and **MARY BETH COLLINS**, individuals, )  
 )  
Defendants. )

**COMPLAINT**

Pursuant to Section 17 of the Fair Labor Standards Act, of 1938, as amended (29 U.S.C. § 201 et seq.) (“FLSA” or “Act”) Plaintiff, **Lori Chavez-DeRemer**, Secretary of Labor, United States Department of Labor, (“Secretary”) brings this action to enjoin and restrain Defendants **St. Paul Seafood, LLC d/b/a St. Paul Fish Company** (“St. Paul Fish Company”), a Wisconsin limited liability company, and **Timothy Collins**, and **Mary Beth Collins**, individuals (collectively, “Defendants”), from violating the provisions of Sections 3(m)(2)(B), 15(a)(2) and (a)(5) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201, *et seq.* (“FLSA” or the “Act”), and to recover unlawfully kept tips owed to Defendants’ employees together with an equal, additional amount as liquidated damages pursuant to Section 16(c) of the Act.

The Secretary, through the Wage and Hour Division, conducted an investigation of Defendants for compliance with the FLSA. The Secretary's investigation reviewed Defendants' employment and pay practices from June 19, 2021, through June 18, 2023 (the "Investigation Period"). Unless stated otherwise, all allegations and conditions pertain to the Investigation Period.

Throughout the Investigation Period, the Defendants allowed managers to participate in an employee tip pool, resulting in the unlawful retention of tips that should have been distributed to employees who customarily and regularly receive tips.

### **Jurisdiction and Venue**

1. Jurisdiction in this action is conferred upon the Court by Sections 16(c) and 217 of the FLSA (29 U.S.C. §§ 216(c), 217) and 28 U.S.C. § 1345.

2. Venue is proper in the United States District Court for the Eastern District of Wisconsin because a substantial part of the events or omissions giving rise to the claims herein occurred in this judicial district.

### **Defendants**

3. St. Paul Fish Company is a Wisconsin limited liability company that operates a full-service restaurant and retail fish counter at 400 N. Water St., Milwaukee, WI 53202, within the jurisdiction of this Court.

4. Defendants Timothy Collins and Mary Beth Collins have actively managed and supervised St. Paul Fish Company's operations and its employees during the Investigation Period. Among other things, Timothy Collins and Mary

Beth Collins have hired and fired employees, set their work schedules, and set their pay rates.

5. Timothy Collins and Mary Beth Collins are St. Paul Fish Company's sole owners. Timothy Collins owns 20% and Mary Beth Collins owns 80%.

6. Timothy Collins and Mary Beth Collins have acted directly or indirectly in Company's interests with respect to its employees and are therefore each "employers" under the FLSA. 29 U.S.C. § 203(d).

7. During the Investigation Period, Defendants engaged in business within Milwaukee County, within this Court's jurisdiction.

### **The FLSA Applies to Defendants**

8. St. Paul Fish Company is an "enterprise" under the FLSA due to its related activities performed through unified operation or common control and for a common business purpose. 29 U.S.C. § 203(r).

9. St. Paul Fish Company is an "enterprise engaged in commerce" under the FLSA, because it had (i) two or more employees who are engaged in or produced goods for commerce; and (ii) an annual gross volume of sales or business done greater than \$500,000 during the Investigation Period. 29 U.S.C. § 203(s)(1)(A).

### **Defendants' Wage and Hour Practices**

10. During the investigative period, the Defendants operated the St. Paul Fish Company by managing it as four discrete parts, all of which were housed at a single location: (1) a restaurant; (2) a bar; (3) an oyster bar; and (4) a pick-

up/seafood counter where customers could get their to-go orders and/or purchase fresh seafood.

11. Defendants compensated employees who worked in the oyster bar and seafood counter through a combination of hourly wages and tips.

12. Employees who worked in the oyster bar and seafood counter of the company participated in a single tip pool. The tip pool was mandatory for all employees who worked in the oyster bar and seafood counter, with the entire amount of each employees' tips—both cash and credit card—being contributed to the tip pool.

13. In addition to the employees who worked in the oyster bar and seafood counter of the company, Defendants also allowed two managers at the company to participate in this tip pool: Arsenio Fernandez ("Manager Fernandez") and Corinne Keuster ("Manager Keuster").

14. Manager Fernandez worked as a manager for St. Paul Fish Company during the entire Investigative Period.

15. Manager Keuster worked as a manager for St. Paul Fish Company during the Investigative Period beginning on November 7, 2022.

16. While working as managers, Manager Fernandez's and Manager Keuster's primary duties were to manage St. Paul Fish Company, including the restaurant, oyster bar, and pick-up/seafood counter. Those duties included hiring, firing, and supervising two or more employees and collecting the pooled tips from the oyster bar and pick-up/seafood counter and including those tips in the tip pool.

17. While working as managers, Manager Fernandez and Manager Keuster received tips from the oyster bar and pick-up/seafood counter tip pool.

**COUNT ONE**  
**Violations of Section 3(m)(2)(B) of the FLSA – Employers Retaining Tips**

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

19. From June 19, 2021, through June 18, 2023, Defendants violated Section 3(m)(2)(B) of the FLSA by allowing two managers to participate in the oyster bar and pick-up/seafood counter tip pool. 29 U.S.C. § 203(m)(2)(B). As a result, Defendants unlawfully kept employees' tip contributions for a purpose other than to distribute to employees who customarily and regularly receive tips within the meaning of Section 3(t) of the FLSA. 29 U.S.C. § 203(t). Because Defendants unlawfully kept tips from employees in the oyster bar and pick-up/seafood counter, Defendants violated Section 3(m)(2)(B) of the Act.

20. Specifically, Defendants violated Section 3(m)(2)(B) by including Manager Fernandez and Manager Keuster in the oyster bar and pick-up/seafood counter tip pool and giving portions of 35 employees' tips to Manager Fernandez and/or Manager Keuster while they were working as managers.

21. Therefore, Defendants are liable for the sum of all tips Defendants unlawfully kept from 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).

## REQUEST FOR RELIEF

**WHEREFORE**, cause having been shown, Plaintiff respectfully requests this Court enter judgment against Defendants as follows:

- A. For an Order pursuant to Section 17 of the FLSA, 29 U.S.C. § 217, and pursuant to the Court's inherent authority permanently enjoining and restraining the Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with them from prospectively violating the Act; and
- B. For an Order pursuant to Section 16(c) of the FLSA, 29 U.S.C. § 216, finding Defendants liable for tips unlawfully taken and for liquidated damages equal in amount to the tips taken found due their employees listed in the attached Exhibit A. Back wages, additional tips, and liquidated damages may be owed to certain current and former employees of Defendants presently unknown to Plaintiff for the period covered by this Complaint;
- C. For an Order pursuant to Section 17 of the Act, 29 U.S.C. 217, enjoining and restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with defendants, from withholding payment of improperly retained tips found to be due Defendants' employees;
- D. In the event liquidated damages are not awarded, for an Order awarding prejudgment interest computed at the underpayment rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621;
- E. For an Order awarding Plaintiff the costs of this action; and

F. For an Order providing such other legal and equitable relief as may be necessary and appropriate.

Date: January 13, 2026

Respectfully Submitted,

**JONATHAN BERRY**  
Solicitor of Labor

U.S. Department of Labor  
Office of the Solicitor  
230 S. Dearborn Street, Suite 844  
Chicago, Illinois 60604  
Tel.: 312.353.6793  
Email: [wilemon.kevin@dol.gov](mailto:wilemon.kevin@dol.gov)

**CHRISTINE Z. HERI**  
Regional Solicitor

/s/ Kevin M. Wilemon  
**KEVIN M. WILEMON**  
Counsel for Wage and Hour  
Attorneys for **Lori Chavez**  
**DeRemer**,  
Secretary of Labor,  
United States Department of Labor,  
Plaintiff

## EXHIBIT A

1. C. Alonso Fernandez
2. A. Angulo
3. J. Bechu-Quarles
4. C. Campbell
5. D. Carbajal-Perez
6. C. Clavel
7. M. Collins
8. P. Comiskey
9. Q. Crockwell
10. A. Garber
11. J. Gonzalez
12. E. Held
13. B. Hernandez
14. L. Holterman
15. D. Knopick
16. G. Knopick
17. F. Kosacz-Ruffolo
18. J. Longoria
19. J. Reiman
20. J. Riley
21. H. Rivera
22. S. Russell
23. W. Russell
24. J. Salazar
25. R. Sandoval
26. M. Scott
27. K. Speakman
28. M. Torres
29. C. Urgel
30. J. Vasquez Perianez
31. A. Velasco Soberanis
32. K. Williams

## CIVIL COVER SHEET

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.)

Place an "X" in the appropriate box (required):  Green Bay Division  Milwaukee Division

## I (a) PLAINTIFFS

## DEFENDANTS

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

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

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

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

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 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)

Click here for: [Nature of Suit Code Descriptions](#).

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 379(a))
<input type="checkbox"/> 140 Negotiable Instrument				<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<input type="checkbox"/> 950 Constitutionality of State Statutes
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

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

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): \_\_\_\_\_

## VI. CAUSE OF ACTION

Brief description of cause: \_\_\_\_\_

## 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 *updated* instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

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

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
  - Original Proceedings. (1) Cases which originate in the United States district courts.
  - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
  - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
  - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
  - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
  - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending and **previously filed** cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases **and file a Notice of Related Action pursuant to Civil L.R. 3(b).**

**Date and Attorney Signature.** Date and sign the civil cover sheet.