

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

R. ALEXANDER ACOSTA, Secretary of Labor,
United States Department of Labor,

:

: **COMPLAINT**

Plaintiff,

:

v.

:

NEUROLOGICAL CARE P.C., SOFIA
AMOASHIY, Individually, and MICHAEL
AMOASHIY, Individually,

Civil Action No.

17-cv-

Defendants.

:

INTRODUCTION

1. Plaintiff R. ALEXANDER ACOSTA, Secretary of Labor, United States Department of Labor (the "Secretary"), by and through undersigned counsel, brings this action pursuant to the authority granted by Section 17 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 217, 29 U.S.C. § 201, *et seq.* (the "Act" or the "FLSA"), alleging that defendants violated Sections 7(a), 11(a), 11(c) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 207, 211(a), 211(c), 215(a)(2) and (a)(3), to restrain violations of Sections 7(a), 11(a), 11(c) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 211(a), 211(c), and 215(a)(3), and to recover back wages and liquidated damages.

2. Defendants NEUROLOGICAL CARE P.C. (“Neurological Care” or the “corporate defendant”), SOFIA AMOASHIY, and MICHAEL AMOASHIY (collectively, “Defendants”), operate two medical offices and employed dozens of employees as billers, medical assistants (also sometimes referred to as scribes or transcriptionists), technicians, and receptionists during the relevant time period.

3. Defendants’ medical practice was built and maintained by unpaid labor. Defendants routinely required employees to work before and after their scheduled shifts, through their putative lunch breaks, and outside of their regularly scheduled hours. However, Defendants generally refused to compensate employees for any work performed outside of employees’ nominally scheduled hours. Instead, Defendants falsified payroll records to reflect fewer hours worked and refused to pay time and a half overtime compensation as required by law.

4. On June 5, 2017, the Department of Labor held a final conference to notify the Defendants that the Department had concluded, *inter alia*, that (1) Defendants had failed to pay their workers overtime compensation in accordance with the FLSA and (2) the Department had computed that Defendants owed more than \$90,000 in back wages to their employees.

5. Almost immediately, Defendants embarked on a campaign of retaliation and intimidation designed to discourage employees from cooperating with the government, frustrate the Department’s investigation, and hide Defendants’ violations of the Act.

6. Defendants’ interference with the Department of Labor’s investigation and their failure to keep accurate records of hours worked undermines the ability of the Secretary to fulfill his statutory obligation to fully investigate Defendants’ compliance with the Act.

7. Accordingly, the Secretary brings this action, *inter alia*, to enjoin Defendants from further acts of obstruction and retaliation, require Defendants to compensate employees properly and maintain accurate payroll records, and to recover back wages and liquidated damages.

JURISDICTION AND VENUE

8. Jurisdiction over this action is properly conferred upon this Court by Section 17 of the FLSA, 29 U.S.C. § 217, and 28 U.S.C. §§ 1331 and 1345.

9. Venue is proper in the United States District Court for the Eastern District of New York because a substantial part of the events or omissions giving rise to the claims herein occurred in this District.

FACTUAL ALLEGATIONS

The Parties

10. Plaintiff R. ALEXANDER ACOSTA, Secretary of Labor, United States Department of Labor, is vested with authority to file suit to restrain violations of the FLSA and is the proper plaintiff for this action.

11. The Secretary is charged with investigating employers to ascertain their compliance with, *inter alia*, the minimum wage, overtime, and recordkeeping requirements set forth in the FLSA.

12. Defendant NEUROLOGICAL CARE P.C. is a professional corporation organized under the laws of the State of New York, having its principal office and place of business at 408 Jay Street, Suite 300, Brooklyn, NY 11201, within the jurisdiction of this Court.

13. Defendant Neurological Care operates a second medical office located at 1706 Cropsy Avenue, Suite A, Brooklyn, NY 11214, also within the jurisdiction of this Court.

14. Defendant Neurological Care provides neurological treatment and testing to patients in and around New York City. The office provides a range of specialty services to patients with numerous neurological disorders and specializes in treatment for strokes, migraines, epilepsy, back and neck pain, dementia, movement disorders, brain tumors, and other illnesses.

15. In addition to medical services, Neurological Care also offers physical therapy services.

16. Defendant Neurological Care has regulated the employment of all persons employed by it, acted directly and indirectly in the company's interest in relation to the employees, and thus is an "employer" of the employees within the meaning of Section 3(d) of the FLSA and is a "person" within the meaning of Section 3(a) of the FLSA.

17. Defendant MICHAEL AMOASHIY is the Owner of Neurological Care.

18. Upon information and belief, Michael Amoashiy is a licensed physician.

19. Michael Amoashiy is in active control and management of Neurological Care.

20. Michael Amoashiy supervises the daily operations of Neurological Care. Michael Amoashiy has authority to and does hire, fire, supervise, discipline, set the hours and compensation of employees, and otherwise has acted directly and indirectly in the interest of Neurological Care in relation to employees during the relevant time period.

21. Michael Amoashiy is thus an employer of the employees within the meaning of Section 3(d) of the Act.

22. Defendant SOFIA AMOASHIY, the wife of Defendant Michael Amoashiy, works as the Administrator for Neurological Care.

23. Upon information and belief, Sofia Amoashiy is a licensed physician.

24. Sofia Amoashiy is in active control and management of Neurological Care.

25. Sofia Amoashiy supervises the daily operations of Neurological Care. Sofia Amoashiy has authority to and does hire, fire, supervise, set the hours and compensation of employees, and otherwise has acted directly and indirectly in the interest of Neurological Care in relation to employees during the relevant time period.

26. Sofia Amoashiy is thus an employer of the employees within the meaning of Section 3(d) of the Act.

Defendants are an Enterprise Engaged in Commerce

27. The business activities of Defendants, as described herein, are related and performed through common control for a common business purpose and constitute an enterprise within the meaning of Section 3(r) of the Act.

28. The enterprise has had an annual gross volume of sales made or business done in an amount not less than \$500,000.00 at all relevant times.

29. The corporate defendant is a medical services company, and the enterprise has employees handling or working with goods or materials that have been moved in or produced for commerce, such as medical and office supplies. Therefore, the employees are employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1)(A) of the Act.

Defendants' Employment, Pay and Recordkeeping Practices

30. Until in or about June 2017, many of Defendants' employees typically worked five days each week, Monday through Friday.

31. Until at least April 2017, Defendants' medical offices were open from approximately 8:00 a.m. until 4:30 p.m., Monday through Friday.

32. Upon information and belief, after April 2017, Defendants' medical offices were open to patients from approximately 8:00 a.m. until 4:30 p.m., Monday through Thursday, and were open to employees for approximately five hours on Fridays for employees to complete paperwork and related duties.

Overtime Hours Worked

33. Defendants typically scheduled their employees to work from 8:00 a.m. until 4:30 p.m., four or five weekdays each week (the "scheduled hours").

34. However, employees regularly and routinely worked in excess of their scheduled hours.

35. Defendants regularly required employees to arrive ten or more minutes prior to 8:00 a.m. to prepare for their workday.

36. Defendants regularly required their employees to work substantial hours after the office closed to the public at 4:30.

37. For example, Defendants required receptionists to stay after 4:30 p.m. in order to prepare patient charts for the next day, file paperwork, obtain insurance authorizations, and confirm appointments.

38. Defendants required medical assistants (sometimes called "scribes" or "transcriptionists" by defendants) and technicians to stay after 4:30 p.m. in order to transcribe notes, write reports, and complete paperwork.

39. Medical assistants and technicians frequently had to take work home with them in order to complete their work within the timelines required by Defendants.

40. Receptionists, medical assistants, technicians, and other employees routinely worked until 6:00 or 7:00 p.m. or later at least two days each week.

41. Defendants' employees were typically unable to take an uninterrupted lunch break because their work did not permit them time to do so.

42. Nonetheless, Defendants deducted 30 minutes from employees' paid hours worked each day for a purported lunch break, even when employees did not take an uninterrupted lunch break.

43. Many of Defendants' employees regularly and routinely worked in excess of 45 hours each week.

Employer Knowledge of Overtime

44. Defendants were well-aware of the overtime hours worked by their employees.

45. Many employees emailed reports to Defendants in the evening when they finished work.

46. These emailed reports were frequently sent at 6:00 or 7:00 p.m. or later.

47. Defendants were aware that employees could not complete their job duties during their scheduled hours.

48. But instead of acknowledging that employees' scheduled hours did not allow them enough time to complete their job duties, Defendants simply admonished employees that they had to manage their time better in order to get their work done.

49. On multiple occasions, employees informed Defendants of overtime hours worked.

50. When employees complained about unpaid or excessive hours worked, Defendants advised employees that they had an "office policy" of not paying overtime.

Pay and record keeping

51. Through at least March 3, 2017, the most recent date for which Defendants have provided records, Defendants did not make or maintain accurate records of hours worked by employees.

52. Instead, Sofia Amoashiy created handwritten records that recorded only the scheduled hours worked for each employee for each week.

53. Defendants did not record any employee's daily start or stop times or actual total daily hours worked.

54. The handwritten records typically did not include the time that employees spent working before 8:00 a.m. or after 4:30 p.m., or the time that employees spent working through supposed lunch breaks (the "off-books hours").

55. Defendants typically did not compensate employees at all for the off-books hours worked before 8:00 a.m. or after 4:30 p.m.

56. Likewise, Defendants' payroll records typically reflected only the scheduled hours worked and did not include the off-books hours worked.

57. Defendants did not pay employees time and a half overtime compensation for hours worked over 40.

58. Even on the rare occasions when Defendant Sofia Amoashiy did record on the handwritten records some hours worked by employees in excess of 40 scheduled hours in a week, Defendants paid employees only at straight time hourly rates for those hours without any additional overtime premium.

Defendants' Interference with the Department of Labor Investigation

59. On or about March 17, 2017, the Wage and Hour Division (“WHD”) of the U.S. Department of Labor initiated an investigation into Defendants’ pay and recordkeeping practices pursuant to Section 11(a) of the Act.

60. Almost immediately after WHD notified Defendants of the employees to whom Defendants owed unpaid overtime compensation and the amounts owed, Defendants embarked on a campaign of retaliation and intimidation designed to interfere with the Department’s investigation, mislead the government, fabricate evidence, and silence workers.

61. On June 5, 2017, WHD Investigators Yaozu (Joe) Xiong and Laurel Archibald met with Defendant Sofia Amoashiy at Defendants’ Jay Street office to discuss the Department of Labor’s findings.

62. During this meeting, Investigator Xiong informed Sofia Amoashiy that the Department had concluded that Defendants owed their employees in excess of \$90,000 in overtime back wages.

63. Sofia Amoashiy requested the names of the employees and amounts owed as determined by the Department.

64. Later that day, Investigator Xiong emailed Sofia Amoashiy a list setting forth the name of each employee for whom the Department had computed back wages and the amount of back wages due.

65. As set forth on WHD’s list, the two employees due the most back wages were Carolin Martinez and Anna Kharitonova.

66. Immediately after receiving the Department’s list of back wages owed, Defendants moved to intimidate and retaliate against employees.

67. Defendants demanded that employees provide signed statements falsely stating that they had been paid by Defendants for all hours worked.

68. Defendants retaliated against workers who refused to submit false statements.

Carolin Martinez

69. Carolin Martinez has been employed by Defendants at their Jay Street office since approximately March 2014.

70. From March 2014 until June 2014, Ms. Martinez typically worked five days per week for Defendants.

71. Ms. Martinez initially worked as a receptionist for Defendants at their Jay Street location.

72. Beginning in or about December 2015, Ms. Martinez began working as both a receptionist and a medical assistant for Defendants.

73. In or about March 2017, Defendants promoted Ms. Martinez to the position of medical technician.

74. From March 2014 to March 2017, Defendants granted multiple raises to Ms. Martinez, increasing her wage rate incrementally from \$15 per hour to \$19 per hour.

75. From March 2014 until June 2017, Ms. Martinez regularly worked more than 40 hours per week, but she was typically paid for only 40 hours per week, receiving no pay for her hours worked in excess of 40.

76. On June 6, 2017 – the day after receiving the Department of Labor’s back wage findings – Defendant Michael Amoashiy called Ms. Martinez into his office.

77. Defendant Michael Amoashiy stood physically close to Ms. Martinez and spoke to her confrontationally about the amount of money that the Department of Labor said that the Defendants owed to Ms. Martinez.

78. Michael Amoashiy told Ms. Martinez that she did not earn the money that the Department of Labor claimed she was owed, and that she was not entitled to it.

79. Ms. Martinez told Michael Amoashiy that she had not claimed or reported to the Department of Labor that she was owed a certain amount of money, but that the Department of Labor had asked her what hours she worked, and she told them.

80. Michael Amoashiy told Ms. Martinez to write a letter stating that: Defendants did not owe her the money that Department of Labor claimed, and that she had been paid for every hour she worked. Michael Amoashiy advised Ms. Martinez that he needed the letter by 5:00 p.m. that day.

81. Ms. Martinez felt intimidated and scared. She left the office that day before 5:00 p.m. without writing a letter as demanded by Michael Amoashiy.

82. On Wednesday, June 7, 2017, Ms. Martinez sent an email to Michael Amoashiy to inform him that she would not write the letter as he had demanded.

83. After Ms. Martinez notified Defendants that she would not write a letter repudiating her claim to any back wages, Defendants significantly altered the terms and conditions of Ms. Martinez's employment.

84. On June 8, 2017, Michael Amoashiy called Ms. Martinez a thief and a liar, and said that he did not want her to interact with any of his patients.

85. Later that day, Michael Amoashiy told Ms. Martinez that she was being demoted from her medical technician position to front desk duty, and he also told her that her scheduled hours were being reduced to three days per week (from five days per week).

86. The following week, the week of June 12, 2017, Sofia Amoashiy informed Ms. Martinez that she would be working only two days per week.

87. Following Ms. Martinez's refusal to provide a letter to Defendants denying the Department's findings, Defendants Michael and Sofia Amoashiy began treating Ms. Martinez with extreme hostility. For example, Defendants Michael and Sofia Amoashiy refused to speak directly to Ms. Martinez, refused to answer her questions, and refused to even accept phone messages that she had taken for them.

88. Defendants Michael and Sofia Amoashiy also began targeting Ms. Martinez with disproportionate and unreasonable discipline that they did not apply to other employees. For example, on June 20, 2017, Defendants disciplined Ms. Martinez for having a conversation about her birthday with another employee. Defendants expressly forbade Ms. Martinez from ever "discussing private events" in the office.

89. Defendants' retaliatory conduct, including demotion, reduction of weekly work hours (and thus reduction in weekly pay), and hostile treatment, has caused Ms. Martinez significant emotional distress.

Anna Kharitonova

90. Anna Kharitonova has been employed by Defendants since approximately October 2014, with the exception of a period from approximately April 2015 to June 2015 when Ms. Kharitonova did not work for Defendants.

91. Ms. Kharitonova was originally hired as the receptionist at Defendants' Cropsey Avenue office.

92. From October 2014 until April 2017, Defendants granted multiple raises to Ms. Kharitonova, raising her wages incrementally from \$15 per hour to \$20 per hour.

93. On or about May 1, 2017, Defendants promoted Ms. Kharitonova to the position of general manager of the entire Neurological Care practice.

94. In conjunction with the promotion, Defendants increased Ms. Kharitonova's pay to a salary of \$52,000 per year.

95. By virtue of the duties and salary of Ms. Kharitonova's position as general manager, she became exempt from the overtime compensation requirements of the Act when she worked in that position.

96. Up until the time of her promotion to general manager, Ms. Kharitonova regularly worked 5 days per week for Defendants, and more than 40 hours per week, but she was typically paid for only 40 hours per week, receiving no pay for her hours worked in excess of 40.

97. On June 5, 2017, the day that WHD provided Defendants with the back wage findings, Defendant Sofia Amoashiy informed Ms. Kharitonova that the Department of Labor said that Defendants owed more than \$16,000 in back wages to Ms. Kharitonova.

98. The next day, on June 6, 2017, Defendants Sofia Amoashiy and Michael Amoashiy called Ms. Kharitonova into a private meeting.

99. Defendant Michael Amoashiy referred to the amount that the Department of Labor said that Defendants owed to Ms. Kharitonova, and he demanded to know whether Ms. Kharitonova had spoken to the Department of Labor, and if so, what she had said.

100. Defendant Michael Amoashiy then demanded that Ms. Kharitonova write a letter stating that Defendants did not owe her any money.

101. When Ms. Kharitonova pointed out that she had, in fact, worked unpaid hours, Michael Amoashiy told Ms. Kharitonova that she and her co-workers were liars and they never stay late at work, and that he would make sure she and her co-workers never get any money. Michael Amoashiy further stated that he would find out what she had told the Department of Labor.

102. Ms. Kharitonova was scared and intimidated following this conversation.

103. On June 7, Ms. Kharitonova showed Michael Amoashiy a letter that she had drafted but not signed. This letter stated that she was not owed money by the Defendants.

104. Michael Amoashiy told Ms. Kharitonova to add false statements to the letter that she did not work overtime or stay late in the office.

105. Later that day of June 7, Michael Amoashiy demanded the revised letter from Ms. Kharitonova.

106. In response, Ms. Kharitonova told Michael Amoashiy that she would not sign a letter without first consulting a lawyer.

107. Michael Amoashiy then suggested that Ms. Kharitonova go back and re-read her employment contract.

108. Ms. Kharitonova viewed that statement as an implied threat.

109. On June 8, 2017, Michael Amoashiy asked Ms. Kharitonova to meet with him privately, and then asked Ms. Kharitonova if she would sign the letter as he had requested.

110. Ms. Kharitonova responded that she would not sign the letter.

111. Michael Amoashiy then said, “Well, if that’s the case,” and he handed Ms. Kharitonova a letter stating that she would be terminated her from the general manager position effective June 22, 2017 (per her employment contract which required 14-day notice of termination).

112. Michael Amoashiy told Ms. Kharitonova that she was no longer the general manager, but that she could work four days per week as a receptionist, and that they would discuss what her pay would be.

113. Effective June 22, 2017, Defendants demoted Ms. Kharitonova from her exempt, supervisory general manager position down to a receptionist job, a position that is not exempt from the overtime compensation requirements of the Act.

114. Since June 8, 2017, Defendants have acted with hostility toward Ms. Kharitonova, scolding her for trivial issues, stripping her of office privileges, and refusing to speak to her.

115. On June 22, 2017, Defendants notified Ms. Kharitonova that she would be allowed to work only two days per week.

116. Defendants’ retaliatory conduct, including demotion and hostile treatment, has caused Ms. Kharitonova significant emotional distress.

FIRST CAUSE OF ACTION
(Failure to Pay Overtime Wages in Violation of the FLSA)

117. The Secretary incorporates by reference and re-alleges the allegations in Paragraphs 1 through 116 of the First Amended Complaint.

118. Defendants regularly and routinely suffered and permitted their employees to work in excess of 40 hours in a week.

119. Defendants willfully failed to compensate their employees for off-books hours worked outside of their scheduled hours.

120. When Defendants did pay employees for any hours worked in excess of 40 hours in a single workweek, they paid their employees only at their straight time, regular rates in willful violation of the provisions of Section 7(a) and 15(a)(2) of the Act.

121. By paying their employees only for their scheduled hours, and refusing to compensate employees for hours over 40 when employees worked approximately 45 hours per week or more, Defendants have willfully and repeatedly violated the provisions of Section 7(a) and 15(a)(2) of the Act.

122. Defendants' overtime violations are willful.

123. Defendants repeatedly advised employees that they simply did not pay overtime.

124. Defendants attempted to conceal their overtime violations and mislead the Department of Labor by intimidating witnesses and attempting to coerce employees into submitting false statements to the Department.

125. Therefore, Defendants are liable for unpaid overtime compensation owed to their employees under Section 7(a) of the Act and an additional equal amount in liquidated damages pursuant to Section 16(c) of the Act, or, in the event that liquidated damages are not awarded, unpaid overtime compensation and prejudgment interest on said unpaid overtime compensation under Section 17 of the Act.

SECOND CAUSE OF ACTION
(Failure to Keep and Preserve Accurate Records in Violation of the FLSA)

126. The Secretary incorporates by reference and re-alleges the allegations in Paragraphs 1 through 116 of the First Amended Complaint.

127. Defendants have willfully violated Section 11(c) of the Act, in that Defendants failed to make, keep, and preserve adequate and accurate records of their employees and of the wages, hours, and other conditions of employment as required by 29 CFR Part 516. More specifically,

Defendants failed to keep adequate and accurate records of their employees' daily and weekly hours of work, including daily start and stop times, and overtime hours worked.

128. By engaging in conduct set forth in Paragraphs 1 through 116 above, Defendants have violated and are continuing to violate Section 11(c) of the FLSA, 29 U.S.C. § 211(c).

**THIRD CAUSE OF ACTION
(Obstructing the Secretary's Investigation in Violation of the FLSA)**

129. The Secretary incorporates by reference and re-alleges the allegations in Paragraphs 1 through 116 of the First Amended Complaint.

130. During the course of WHD's investigation, Defendants provided false information to the Department of Labor regarding the hours worked by their employees and attempted to conceal their employees' actual working hours.

131. During the course of WHD's investigation, Defendants have directed multiple employees to provide false information regarding their hours worked to WHD.

132. Defendants took action against employees who failed to provide such false information.

133. Defendants have willfully violated and are violating the provisions of Section 11(a) of the FLSA, 29 U.S.C. § 211(a), by obstructing the Secretary's investigation into Defendants' compliance with the FLSA, by, among other things, providing false information about employees' hours to WHD investigators, instructing employees to provide false information to WHD investigators, and retaliating against employees who refused to provide false information.

134. Such conduct undermines the Secretary's ability to conduct a full investigation into Defendants' compliance with the Act.

135. Defendants' interference with the Secretary's investigation and the investigative provisions of the FLSA are willful and continuing.

FOURTH CAUSE OF ACTION
(Defendants Retaliated Against Employees in Violation of the FLSA)

136. The Secretary incorporates by reference and re-alleges the allegations in Paragraphs 1 through 116 of the First Amended Complaint.

137. As a result of the threats, obstruction, and reprisals set forth above, a reasonable employee would be dissuaded from engaging in protected activity, such as cooperating fully with WHD or testifying in a proceeding.

138. As a result of the threats, obstruction, and reprisals set forth above, Defendants' employees are scared to cooperate with WHD investigators or testify at trial, because they are concerned about possible retaliation.

139. As a result of the threats, obstruction, and reprisals set forth above, some of Defendants' employees have suffered significant compensatory damages, including emotional distress and financial hardship.

140. By engaging in the conduct set forth in Paragraphs 1 through 116 above, Defendants have violated and are continuing to violate Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), by discriminating against employees for engaging, preparing to engage, or potentially engaging in activity that is protected by the FLSA. Defendants continue to engage in willful, coercive and intimidating behavior in violation of Section 15(a)(3) of the Act.

WHEREFORE, cause having been shown, Plaintiff respectfully prays for judgment against Defendants providing the following relief:

1. An injunction issued pursuant to Section 17 of the Act permanently restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants, from violating the provisions of Sections 7(a), 11(a), 11(c) and 15(a)(3) of the Act;
2. An injunction issued pursuant to Section 17 of the Act permanently restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants, from obstructing the Secretary's investigation in any way;
3. An injunction issued pursuant to Section 17 of the Act permanently restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants, from telling anyone who works for them to provide false information to the Secretary or to otherwise not cooperate with the Secretary;
4. An injunction issued pursuant to Section 17 of the Act permanently restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants, from terminating or threatening to terminate or demoting or threatening to demote any employee or reporting or threatening to report to immigration authorities, or retaliating or discriminating against their employees in any other way, based on their belief that such employees have spoken or will speak with a U.S. Department of Labor, Wage and Hour Division investigator;

5. An injunction issued pursuant to Section 17 of the Act permanently restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants from failing to comply with the recordkeeping provisions required by the FLSA, including but not limited to recording all hours of work performed by their employees;

6. An order requiring Defendants to permit, within one week of the issuance of the Order, a representative of the Secretary to read aloud in English during the employees' paid working hours the following statement to all employees employed by Defendants informing them of their right to speak with representatives of the Department of Labor free from retaliation or threats of retaliation or intimidation by Defendants:

You are protected by the Fair Labor Standards Act and have the right to participate freely in the U.S. Department of Labor's investigation into your employer's pay practices. You have the right to speak freely with investigators or other officials from the Department of Labor. Your employer is prohibited from retaliating against you in any way, including by terminating you, reporting you to immigration, inflicting physical harm on you, or threatening to do any of these things because you spoke with the Department of Labor. The U.S. District Court for the Eastern District of New York has ordered Dr. Michael Amoashiy and Dr. Sofia Amoashiy and anyone acting on their behalf to cease coercing, retaliating against, threatening to retaliate against, intimidating, or attempting to influence or in any way threatening employees for providing information to the Department of Labor.

7. An order compelling Defendants to post at their offices a hard copy of the statement included in paragraph 6 above, and permitting a representative of the Secretary to provide each employee with a copy of the written statement, in English, as well as contact information for representatives of the Secretary;

8. An order compelling Defendants to provide a written notice to the Wage and Hour division of the U.S. Department of Labor at least seven days prior to the termination of any employee;

9. An order compelling Defendants to provide a written notice to the Wage and Hour Division of the U.S. Department of Labor at least seven days prior to the termination of any employee for any reason;

10. An order pursuant to Section 16(c) of the Act finding Defendants liable for unpaid overtime compensation found due Defendants' employees listed on the attached Exhibit A and an equal amount of liquidated damages (additional back wage compensation and liquidated damages may be owed to certain employees presently unknown to Plaintiff for the period covered by this complaint); or

11. In the event that liquidated damages are not awarded, for an injunction issued pursuant to Section 17 of the Act restraining Defendants, their officers, agents, employees, and those persons in active concert or participation with Defendants, from withholding the amount of unpaid overtime compensation found due Defendants' employees and prejudgment interest computed at the underpayment rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621;

12. An order compelling Defendants to reimburse the Secretary for the costs of this action;

13. An order for punitive and compensatory damages, and all other legal or equitable relief as appropriate to remedy violations of Section 15(a)(3) of the Act; and

14. An order granting such other relief as the Court may deem necessary or appropriate.

DATED: June 30, 2017
New York, New York

s/ Nicholas Geale
NICHOLAS GEALE
Acting Solicitor of Labor

s/ Jeffrey S. Rogoff
JEFFREY S. ROGOFF
Regional Solicitor

s/ Elena S. Goldstein
ELENA S. GOLDSTEIN
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