

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GEORGIANA J. ALLEN,
Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

A.R.E.B.A.-CASRIEL, INC.,
STEPHEN YOHAY, and
WARREN ZYSMAN,

Defendants.

Docket No.: 1:17-cv-764

**COLLECTIVE/CLASS ACTION COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff GEORGIANA J. ALLEN, individually and on behalf of all others similarly situated, by and through her attorneys the JTB LAW GROUP, LLC, as and for her Complaint against Defendants A.R.E.B.A.-CASRIEL, INC., STEPHEN YOHAY, and WARREN ZYSMAN, alleges of her own knowledge as to her own conduct and as to occurrences in which she was involved, and upon information and belief as to all other matters, as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action, individually and on behalf of all others similarly situated, against Defendants to recover unpaid regular wages, unpaid overtime wages, liquidated damages, costs, and reasonable attorneys' fees under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA"), and accompanying regulations.

2. Plaintiff also brings this action, individually and on behalf of all others similarly situated, against Defendants to recover unpaid regular wages, unpaid overtime wages, liquidated damages, costs, prejudgment interest, and reasonable attorneys' fees under the New York Wage

and Hour Law, including N.Y. Labor Law (“NYLL”) §§ 160 *et seq.*, §§ 190 *et seq.*, and §§ 650 *et seq.*, and accompanying regulations.

3. This case arises out of the persistent and willful failure by Defendants to properly compensate Plaintiff and the members of the Prospective Collective and Class for all hours worked, including payment at their regular rate(s) for all hours worked up to forty in a week, and payment for overtime hours at a rate not less than one and one-half (1.5) times their regular rate(s).

4. Specifically, Defendants:

- a. permitted and/or required Plaintiff and other similarly situated employees to work before and after their scheduled workdays without compensation; and
- b. permitted and/or required Plaintiff and other similarly situated employees to work through their unpaid meal breaks without proper compensation.

5. Upon information and belief, for at least six years prior to the filing of this Complaint, Defendants have willfully and intentionally committed violations of the above-referenced federal and state statutes and corresponding regulations, in the manner described herein.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, because this action is brought under the FLSA, a federal statute.

7. As to claims under New York State Law, this Court has supplemental subject matter jurisdiction pursuant to 28 U.S.C. § 1367.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b) and (c) because all of the acts and omissions giving rise to this action occurred in this District and Defendants are subject to personal jurisdiction in this District.

THE PARTIES

Plaintiff

9. Plaintiff Georgiana J. Allen is currently a resident of Sainte Lucie County, State of Florida. At all times relevant herein, she was a resident of New York County, State of New York.

10. Ms. Allen was employed by Defendants from February 8, 1996 to April 9, 2016 at Defendants' residential-care facility located at 500 West 57th Street, New York, New York, 10019.¹ From approximately June of 2002 until her termination, Ms. Allen worked for Defendants as a Certified Alcoholism and Substance Abuse Counselor ("CASAC").

11. Ms. Allen brings the claims herein on her own behalf and as a representative party of a prospective collective of similarly situated individuals. Her written consent to participate in this action, pursuant to 29 U.S.C. § 216(b), is attached hereto as **Exhibit A**.

Defendants

12. Defendant A.R.E.B.A.-Casriel, Inc., ("ACI") is a domestic for-profit corporation created and operating under the laws of the State of New York, with a registered office at 500 West 57th Street, Suite 1323, New York, New York, 10019.

13. According to its website, ACI is "the nation's oldest private substance abuse treatment facility," offering both residential and out-patient substance abuse treatment programs. *See Exhibit B.*²

14. ACI is an "enterprise" within the meaning of 29 U.S.C. §§ 203(r)(2)(A) and (s)(1)(B), and is thereby covered by the provisions of the FLSA.

¹ Plaintiff was out on disability leave from April 8, 2015 until April 9, 2016.

² Exhibit B is a true and correct copy of ACI's "About ACI" webpage, <http://www.acirehab.org/about>, last accessed February 1, 2017.

15. For all times relevant herein, Defendant Stephen Yohay has been the President and principal shareholder of ACI. *See Exhibit C.*³

16. For all times relevant herein, Defendant Warren Zysman has been the Chief Executive Officer of ACI. *See id.*

17. On information and belief, for all times relevant herein, Defendant Zysman possessed operational control over, possessed an ownership interest in, and/or controlled significant business functions of Defendant ACI.

18. For all times relevant herein, Defendants were associated and joint employers, acted in the interest of each other with respect to employees, paid employees by the same methods, and shared control over the employees.

19. For all times relevant herein, Defendants jointly employed Plaintiff and all similarly situated individuals, and were their employers within the meaning of the FLSA and the NYLL.

20. In the alternative, Defendants together constituted a single employer of Plaintiff and all similarly situated individuals.

21. During the times of Plaintiff's employment, Defendant ACI:

- a. determined Plaintiff's work schedules;
- b. determined Plaintiff's compensation;
- c. supervised Plaintiff; and
- d. maintained records pertaining to Plaintiff's employment.

22. During the time of Plaintiffs' employment, Defendants Yohay and Zysman exercised and/or delegated the authority to:

³ Exhibit C is a true and correct copy of ACI's "our team" webpage, <http://www.acirehab.org/about/our-team>, last accessed February 1, 2017.

- a. determine Plaintiff's work schedules;
- b. determine Plaintiff's compensation;
- c. supervise Plaintiff; and
- d. maintain records pertaining to Plaintiff's employment.

RELEVANT LEGAL FRAMEWORK

23. Plaintiff repeats and realleges all preceding paragraphs of the Complaint, as if fully set forth herein.

24. Both the FLSA and the NYLL require covered employers:

- a. to pay covered employees at least minimum wage for all time worked, *see* 29 U.S.C. § 206, NYLL §§ 650 *et seq.*; and
- b. to pay covered employees an overtime premium of one and one-half (1½) times their regular rate of pay for all time worked in excess of forty (40) hours in a workweek, *see* 29 U.S.C. § 207(a)(1), NYLL §§ 190 *et seq.*

25. In addition, federal and state laws and regulations make clear that a covered employee's mealtimes are to be counted and paid as hours worked unless the employee is "completely relieved from duty for the purposes of eating regular meals." 29 CFR § 785.91(a); *see also* NYLL § 162.

ALLEGATIONS PERTAINING TO PLAINTIFF'S INDIVIDUAL CLAIMS

26. Plaintiff repeats and realleges all preceding paragraphs of the Complaint, as if fully set forth herein.

27. At all times relevant herein, Plaintiff's duties and responsibilities were typical of those of non-exempt employees under the FLSA and the NYLL.

28. Plaintiff was regularly scheduled to work from 7:30 a.m. until 4:00 p.m., Sunday through Thursday, with a one-hour unpaid meal break each day, comprising a workweek of 37½ hours.

29. However, at all times relevant herein, Plaintiff was required and/or permitted by Defendants to work, and frequently did work, more than 37½ hours in a workweek without being paid at all for those additional hours.

30. In fact, Plaintiff frequently worked more than 40 hours in a workweek, but was not always properly compensated for those overtime hours under either federal or state law.

31. Plaintiff often arrived at work at least 15 minutes in advance of her scheduled start time, and would on occasion stay as much as 1½ hours past her scheduled stop time, in order to keep up with her workload.

32. Plaintiff would also frequently work through either part or all of her unpaid meal break.

33. Defendants used a biometric reader as part of their security system, and personnel were required to place a hand on the reader to enter and to exit. On information and belief, this system created records that Defendants then used to calculate employees' hours for payroll purposes. Thus, Defendants knew or had reason to know when Plaintiff came in early or stayed late.

34. Plaintiff's supervisors were also aware when she would come in early or stay late, and in particular they were aware when Plaintiff would work through part or all of her unpaid meal break – something the biometric security system would have no way of registering.

35. Defendants would pay Plaintiff for hours in excess of her scheduled 37½ hour workweek *only* when those hours were pre-approved.

36. However, Defendants would not pay Plaintiff *at all* for such hours that were not pre-approved; instead, they would erase those hours from the records.

37. Plaintiff was not able to submit the time she worked during her meal breaks; thus, Defendants never paid her at all for that time, nor was that time counted as part of her regular work time so that she would be eligible sooner in the week for overtime pay.

38. On information and belief, Defendants followed this same policy and practice with all of their hourly employees.

39. Sometime in late 2014, employees were told that they were not allowed to come in early or stay late without prior permission.

40. However, such permission was rarely granted, and this meant that, for Plaintiff as for other hourly employees, there was even more pressure not to fall behind in their work.

41. For Plaintiff, this meant that she would work through her meal break even more frequently than she had before this policy was put in place.

42. Because of the time she worked before and after her scheduled shift and the time she worked through meal breaks, Plaintiff typically worked more than forty hours in a week.

43. For example, during the pay period from September 13 through September 26, 2014, Plaintiff's payroll record shows that she was paid 75 hours of "Time Entry Wages" – 37½ hours for each of the two weeks in that pay period.

44. However, on information and belief, Plaintiff worked at least 87 hours during that pay period, or approximately 43½ hours per week in the period.

45. Plaintiff was not paid at all for the hours she worked in excess of her scheduled 37½ hour workweek during that period, and also was not paid an overtime premium for the part of those hours that exceeded 40 in a workweek.

**FACTUAL ALLEGATIONS
PERTAINING TO THE COLLECTIVE AND CLASS CLAIMS**

46. Plaintiff repeats and realleges all the preceding paragraphs of this Complaint, as if fully set forth herein.

47. At all times relevant herein, Defendants employed other CASACs, in addition to Plaintiff Allen, whose duties and responsibilities were typical of those of non-exempt employees under the FLSA and/or NYLL.

48. At all times relevant herein, Defendants have had a common policy of requiring or permitting Plaintiff and their other CASACs to work before and after their scheduled workdays, to work through all or part of their scheduled meal breaks, and to work more than 40 hours per week, and of failing to compensate Plaintiff and their other CASACs appropriately for that time.

49. At all relevant times, Plaintiff and other CASACs employed by Defendants are and have been similarly situated, in that they are and have been victims of Defendants' common policy of requiring or permitting them to work before and after their scheduled workdays, to work through all or part of their scheduled meal breaks, and to work more than 40 hours per week, and of failing to compensate Plaintiff and their other CASACs appropriately for that time.

50. Plaintiff Allen brings this collective action individually and on behalf of all other similarly situated CASACs who were/are affected by Defendants' willful and intentional violation of the FLSA and the NYLL as described in this Complaint.

51. Plaintiff proposes an FLSA Collective, defined as follows:

All former and current Certified Alcoholism and Substance Abuse Counselors employed by Defendants from three years prior to the filing of this Complaint to the present.

52. Plaintiff brings her NYLL claims as a class action under Rule 23 of the Federal Rules of Civil Procedure and the NYLL, on behalf of herself and all other Certified Substance Abuse Counselors employed by Defendants who were not paid overtime pay for all hours worked in excess of forty each week.

53. Plaintiff proposes a Rule 23 Class defined as follows:

All former and current Certified Alcoholism and Substance Abuse Counselors employed by Defendants from six years prior to the filing of this Complaint to the present.

54. This action is properly brought as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.

55. The Proposed Class is so numerous that joinder of all members is impractical. While the exact number and identities of Class members are unknown at this time and can only be ascertained through appropriate discovery, Plaintiff believes that at least forty Class members have worked for Defendants during the applicable statutory period without receiving appropriate compensation, as required by the NYLL.

56. This litigation is properly brought as a class action because of the existence of questions of fact and law common to the Class which predominate over any questions affecting only individual members, namely whether Defendants are liable for failure to pay Plaintiff and other members of the Proposed Class appropriately for all hours worked.

57. This litigation is properly brought as a class action because Plaintiff's claims are typical of the claims of the members of the Class, inasmuch as all such claims arise from Defendants' standard policies and/or practices, as alleged herein. Like all Class members, Plaintiff was damaged by Defendants' common policy of failing to pay proper compensation for all hours worked.

58. Plaintiff has no interests antagonistic to the interests of the other members of the proposed Class. Plaintiff is committed to the vigorous prosecution of this action and has retained competent counsel experienced in class action litigation. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

59. A class action is an appropriate and superior method for the fair and efficient adjudication of the present controversy given the following factors:

- a. Common questions of law and/or fact predominate over any individual questions which may arise, and, accordingly, significant savings would accrue to both the Court and the Class in litigating the common issues on a classwide instead of on a repetitive individual basis;
- b. Despite the size of individual Class members' claims, their aggregate volume, coupled with the economies of scale inherent in litigating similar claims on a common basis, will enable this case to be litigated as a class action on a cost-effective basis, especially when compared with repetitive individual litigation; and
- c. No unusual difficulties are likely to be encountered in the management of this Class action in that all questions of law and/or fact to be litigated at the liability stage of this action are common to the Class.

60. Class certification is also fair and efficient because prosecution of separate actions by individual class members would create a risk of differing adjudications with respect to such individual members of the Class, which as a practical matter may be dispositive of the interests of other members no parties to the adjudication, or substantially impair or impede their ability to protect their interests.

61. Plaintiff anticipates that there will be no difficulty in the management of this litigation. This litigation presents FLSA and NYLL claims of a type that have often been prosecuted on a classwide basis, and the manner of identifying the class and providing any monetary relief to them can easily be effectuated from a review of Defendants' records.

FIRST CLAIM FOR RELIEF
(FLSA Violations – Individual)

62. Plaintiff repeats and realleges all the preceding paragraphs of this Complaint, as if fully set forth herein.

63. Defendants frequently required or permitted Plaintiff to work both before and after her scheduled workday.

64. Plaintiff frequently worked both before and after her scheduled workday.

65. Defendants also frequently required or permitted Plaintiff to work through her unpaid meal break.

66. Plaintiff frequently worked through her unpaid meal break.

67. Defendants frequently required or permitted Plaintiff to work more than forty hours per week.

68. Plaintiff frequently worked more than forty hours per week.

69. Defendants failed to pay Plaintiff for all the time that she worked, including both regular and overtime hours.

70. Defendants' policies and practices were willful, intentional, unreasonable, arbitrary and in bad faith.

71. Because Defendants willfully violated the FLSA, a three-year statute of limitations applies, pursuant to 29 U.S.C. § 255.

72. As a result of Defendants' policies and practices described above, Plaintiff was illegally deprived of regular and overtime wages earned, in such amounts to be determined at trial, and is entitled to recovery of such total unpaid amounts, liquidated damages, reasonable attorneys' fees, costs and other compensation pursuant to 29 U.S.C. §216(b).

SECOND CLAIM FOR RELIEF
(NYLL Violations – Individual)

73. Plaintiff repeats and realleges all the preceding paragraphs of this Complaint, as if fully set forth herein.

74. Defendants frequently required or permitted Plaintiff to work both before and after her scheduled workday.

75. Plaintiff frequently worked both before and after her scheduled workday.

76. Defendants also frequently required or permitted Plaintiff to work through her unpaid meal break.

77. Plaintiff frequently worked through her unpaid meal break.

78. Defendants frequently required or permitted Plaintiff to work more than forty hours per week.

79. Plaintiff frequently worked more than forty hours per week.

80. Defendants failed to pay Plaintiff for all the time that she worked, including both regular and overtime hours.

81. Defendants' policies and practices were willful, intentional, unreasonable, arbitrary and in bad faith.

82. Because Defendants willfully violated the New York statutes and regulations governing the payment of wages, a six-year statute of limitations applies, pursuant to NYLL §§ 198, 663.

83. As a result of Defendants' policies and practices described above, Plaintiff was illegally deprived of regular and overtime wages earned in such amounts to be determined at trial, and is entitled to recovery of such unpaid amounts, liquidated damages, prejudgment

interest, costs, reasonable attorneys' fees and other compensation pursuant to NYLL §§ 198, 663.

THIRD CLAIM FOR RELIEF
(FLSA Violations – Collective)

84. Plaintiff repeats and realleges all the preceding paragraphs of this Complaint, as if fully set forth herein.

85. Defendants frequently required or permitted Plaintiff and other members of the Proposed Collective to work both before and after their scheduled workdays.

86. Plaintiff and other members of the Proposed Collective frequently worked both before and after their scheduled workdays.

87. Defendants also frequently required or permitted Plaintiff and other members of the Proposed Collective to work through their unpaid meal breaks.

88. Plaintiff and other members of the Proposed Collective frequently worked through their unpaid meal breaks.

89. Defendants frequently required or permitted Plaintiff and other members of the Proposed Collective to work more than forty hours per week.

90. Plaintiff and other members of the Proposed Collective frequently worked more than forty hours per week.

91. Defendants failed to pay Plaintiff and other members of the Proposed Collective for all the time that they worked, including both regular and overtime hours.

92. Defendants' policies and practices were willful, intentional, unreasonable, arbitrary and in bad faith.

93. Because Defendants willfully violated the FLSA, a three-year statute of limitations applies, pursuant to 29 U.S.C. § 255.

94. As a result of Defendants' policies and practices described above, Plaintiff and other members of the Proposed Collective were illegally deprived of regular and overtime wages earned, in such amounts to be determined at trial, and are entitled to recovery of such total unpaid amounts, liquidated damages, reasonable attorneys' fees, costs and other compensation pursuant to 29 U.S.C. §216(b).

FOURTH CLAIM FOR RELIEF
(NYLL Violations – Class)

95. Plaintiff repeats and realleges all the preceding paragraphs of this Complaint, as if fully set forth herein.

96. Defendants frequently required or permitted Plaintiff and other members of the Proposed Class to work both before and after their scheduled workdays.

97. Plaintiff and other members of the Proposed Class frequently worked both before and after their scheduled workdays.

98. Defendants also frequently required or permitted Plaintiff and other members of the Proposed Class to work through their unpaid meal breaks.

99. Plaintiff and other members of the Proposed Class frequently worked through their unpaid meal breaks.

100. Defendants frequently required or permitted Plaintiff and other members of the Proposed Class to work more than forty hours per week.

101. Plaintiff and other members of the Proposed Class frequently worked more than forty hours per week.

102. Defendants failed to pay Plaintiff and the members of the Proposed Class for all the time that they worked, including both regular and overtime hours.

103. Defendants' policies and practices were willful, intentional, unreasonable, arbitrary and in bad faith.

104. Because Defendants willfully violated the New York statutes and regulations governing payment of wages, a six-year statute of limitations applies, pursuant to NYLL §§ 198, 663.

105. As a result of Defendants' policies and practices described above, Plaintiff and the members of the Proposed Class were illegally deprived of regular and overtime wages earned in such amounts to be determined at trial, and are entitled to recovery of such unpaid amounts, liquidated damages, prejudgment interest, costs, reasonable attorneys' fees and other compensation pursuant to NYLL §§ 198, 663.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands declaratory and monetary judgment and relief against Defendants, and each of them, individually, jointly and severally, as follows:

- A.** A declaratory judgment that Defendants' practices alleged herein violate the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.*, and attendant regulations;
- B.** A declaratory judgment that Defendants' practices alleged herein violate the New York Labor Law, NYLL §§ 160 *et seq.*, 190 *et seq.* and §§ 650 *et seq.*, and attendant regulations;
- C.** An Order certifying this action as a Collective action; designating the lead Plaintiff, Georgiana J. Allen, as Collective Representative and the undersigned counsel as Collective Counsel; and approving issuance of notice pursuant to 29 U.S.C. §216(b) to all similarly situated individuals apprising them of the pendency of this action, and permitting them to assert FLSA claims in this action by filing individual consent forms pursuant to 29 U.S.C. §216(b);
- D.** An Order certifying this action as a Class action pursuant to Rule 23 of the Fed. R. Civ. P., and designating the undersigned counsel as Class Counsel;
- E.** An Order directing Defendants, at their own expense, to investigate and account for the total number of hours actually worked by Plaintiff, members of the Collective, and members of the Class;

- F. Judgment for unpaid regular and overtime wages to which Plaintiff and members of the Collective are lawfully entitled pursuant to the FLSA;
- G. Judgment for unpaid regular and overtime wages to which Plaintiff and members of the Class are lawfully entitled pursuant to the NYLL;
- H. Judgment for liquidated damages pursuant to 29 U.S.C. § 216 in an amount equal to all regular wages and overtime compensation owed to Plaintiff and members of the Collective during the applicable statutory period;
- I. Judgment for liquidated damages pursuant to NYLL §§ 198, 663, in an amount equal to all regular wages and overtime compensation owed to Plaintiff and members of the Class during the applicable statutory period;
- J. An Order directing Defendants to pay to the undersigned counsel, as Collective Counsel, reasonable attorneys' fees and all costs connected with this action pursuant to 29 U.S.C. § 216;
- K. An Order directing Defendants to pay to the undersigned counsel, as Class Counsel, prejudgment interest, reasonable attorneys' fees and all costs connected with this action pursuant to NYLL §§ 198, 663;
- L. Judgment for any and all civil penalties to which Plaintiff, members of the Collective, and members of the Class may be entitled; and
- M. Such other and further relief as to this Court may deem necessary, just and proper.

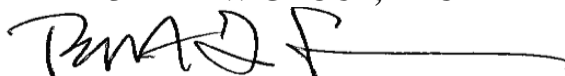
DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury on all questions of fact raised in this Complaint.

Dated: February 1, 2017

Respectfully submitted,

JTB LAW GROUP, LLC



Patrick S. Almonrode (PA0428)
patalmonrode@jtblawgroup.com
Jason T. Brown (JB6579)
jtb@jtblawgroup.com
155 2nd Street, Suite 4
Jersey City, New Jersey 07302
Tel: (201) 630-0000
Fax: (855) 582-5297

Attorneys for Plaintiff

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

GEORGIANA ALLEN,
Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

A.R.E.B.A. CASRIEL INC., et al.

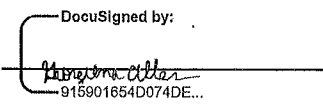
Defendants.

13-17-cv-764

CONSENT TO SUE

I, hereby consent to be a Plaintiff in the Fair Labor Standards Act case captioned above. I hereby consent to the bringing of any claims I may have under the Fair Labor Standards Act (for unpaid minimum wages, overtime, liquidated damages, attorney's fees, costs and other relief) against the Defendants. I authorize JTB LAW GROUP, LLC, its successors and assigns, to represent me in this case.

Dated: 3/12/2015

Signature: 915901654D074DE...

Name: Georgiana Allen

Address: 210 sherman ave. 5-A New York N.Y. 10034

EXHIBIT B



- I
- ABOUT ACI
- TREATMENT
- ADMISSIONS
- HEALTH PROFESSIONALS
- FAM
- CONTACT



L

- TYPES OF THERAPY
- DWI EVALUATIONS
- TESTIMONIALS
- CAREERS
- OUR TEAM
- LOCATIONS
- MEDIA



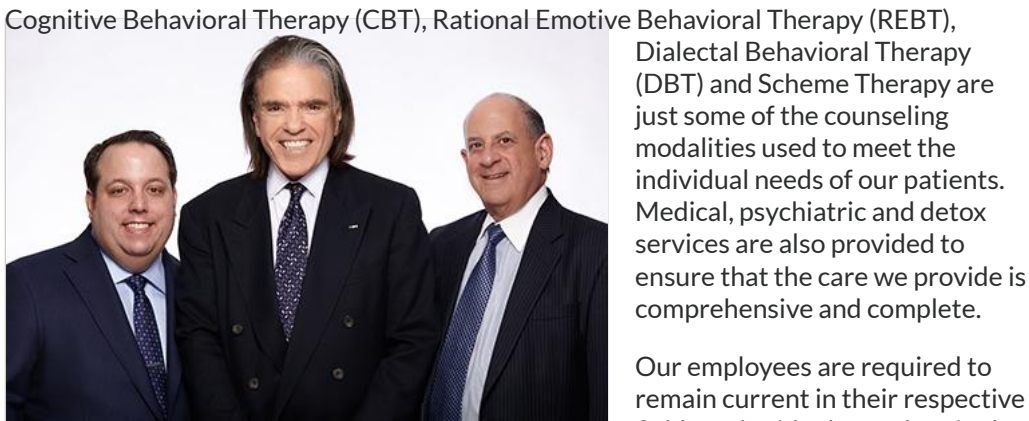
CERTIFIED DWI EVALUATORS

about aci

For more than 40 years, Addiction Care Interventions (ACI) has been the leading provider of chemical dependency treatment. ACI prides itself in its holistic approach to treating individuals suffering from addiction and their families who are impacted by addiction. As the nation's oldest private substance abuse treatment facility, ACI continues to provide cutting-edge medical, psychological, and spiritual services under the same mission; our unwavering commitment to treating patients who are chemically addicted, while providing their families with care, hope, and guidance.

The overarching goal of treatment at ACI is to improve our patients lives in all areas of life: physical, emotional, familial, occupational, and social. This is accomplished in a patient-centered, trauma-informed therapeutic environment. Our comprehensive, individualized, and integrated services are provided by an interdisciplinary team comprised of board certified Addiction Psychiatrists, Addiction Medicine Specialists, Internal Medicine and Family Medicine Physicians, as well as Nurse Practitioners (NP), Physician Assistants (PA), Psychologists, Social Workers, CASAC, RN's and LPN's.

At ACI, our team is qualified to treat adolescents, adults, and seniors in both inpatient and outpatient programs. Individual, group, family, and couples counseling are offered to both our patients and their families during the course of treatment and beyond.



Cognitive Behavioral Therapy (CBT), Rational Emotive Behavioral Therapy (REBT), Dialectal Behavioral Therapy (DBT) and Scheme Therapy are just some of the counseling modalities used to meet the individual needs of our patients. Medical, psychiatric and detox services are also provided to ensure that the care we provide is comprehensive and complete.

Our employees are required to remain current in their respective fields and pride themselves in the

evidence-based programming they provide.

ACI is accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), and the NYS Office of Alcoholism and Substance Abuse Services (OASAS).

For every patient, our team creates an individualized treatment plan to ensure the highest rate of success. It is this collaborative approach to care that we believe is the secret to ACI's continued reputation as New York's premier center for chemical dependency treatment services.

ACI's chemical dependency program was originally designed by the world-renowned Psychiatrist Daniel Casriel MD (1924-1983). After his passing, Dr. Casriel's protégé and former patient, Stephen J. Yohay, assumed leadership of the company and significantly expanded programming and ACI's reputation. Mr. Yohay currently serves as ACI's President and Chairman of the Board of Directors.

Our Chief Executive Officer, Warren D. Zysman LCSW-R, CASAC, graduated from Fordham University School of Social Work where he specialized in Substance Abuse. He received advanced training from Aaron Beck, MD, at the Beck Institute of Cognitive Behavioral Therapy and Research in Pennsylvania and Albert Ellis, PhD, at the Albert Ellis Institute for Rational Emotive Behavioral Therapy in New York City. Mr. Zysman has used his training in conjunction with over 17 years of experience to help make ACI the most comprehensive, evidence-based practice treatment service available in New York.

LICENSES AND ACCREDITATION

ACI is licensed by:

- NYS Office of Alcoholism and Substance Abuse Services (OASAS)
- NYS Department of Health (NYS DOH)
- Federal Substance Abuse and Mental Health Services Administration (SAMSHA)
- Drug Enforcement Agency (DEA)

ACI is accredited by The Joint Commission on Accreditation of Health Care Organizations (TJC) since 1993.

→ TYPES OF THERAPY





Night or day, we are available to talk



Customized treatment plans for every patient



Thousands of lives changed over 40 years



Certified professionals on-site 24/7

“I firmly believe that ACI is why my son is still alive, back with our family, and back to school. As a mother my primary concern was that my son would receive compassionate care and the attention he needed to focus on his recovery. We have been through this before and I was losing hope, so was my son. It is a very lonely and dark place to be. All ACI staff, doctors, nurses, and counselors were always available when I had questions. We were able to visit and we had a family therapy session where I learned that I had to take care of myself too, without feelings of guilt. We also learned how to set limits and boundaries. At last, freedom, from the emotional pain of being part of an addicted family. My son learned the skills he needs to sustain his sobriety. He learned about the importance of maintaining sober friends and activities. He learned how to say no and change the things in his life that kept holding him back from happiness, health, and success. Thank you ACI I have my son back!”

-Sally, 43



414 Patient Services: (800) 724-3788 212 Patient Services: (212)

500 West 57th Street, New York, New York 10019 255 West 36th Street (8th floor) New York, New York 10018



EXHIBIT C



L

→ TYPES OF THERAPY

→ DWI EVALUATIONS

→ TESTIMONIALS

→ CAREERS

→ OUR TEAM

→ LOCATIONS

→ MEDIA



CERTIFIED DWI EVALUATORS

our team

ACI staff is comprised of a diverse set of clinicians, medical professionals, and administrators whose primary focus is centered on quality patient care. Our staff is committed to assisting our patients in achieving recovery by adhering to the ACI mission of quality care above all else.



Stephen J. Yohay

President/Chairman of the Board

Born and raised in the Bronx, Stephen graduated valedictorian from DeWitt Clinton High School at age 16. At seventeen, a fateful automobile accident changed the course of his life; losing his wife-to-be and witnessing her decapitated form led the young Yohay to seek solace of an unusually potent nature. He started to use heroin, and by age 18 was in full on addiction.

Around this time, Yohay's grandmother read an article by Dr. Casriel, a New York Psychiatrist who had extended his private practice to include a dozen beds for the private non-state funded treatment of young addicts whose families were in a position to afford such care. Through special arrangement with Dr. Casriel, who was moved by

Stephen's mother's plea, "am I not as entitled as a rich person to see my son live?," the Yohay's got their son admitted, though the treatment still ate up the family's life savings.

His resolve to find a cure for his condition manifested early and was rewarded with successful completion of his treatment. Stephen had so impressed the staff with his precocious grasp of substance abuse theory as well as an infectiously personable nature that he became Dr. Casriel's personal protégé as a counselor trainee. Through hard work and devoted attention to the clients, Stephen rose to become clinical director by 1975.

Dr. Casriel was tragically struck down by Lou Gherig's disease (ALS) in 1983. Stephen, by this time a principal of the company, envisioned a significant expansion of the treatment center, and moved it to a larger building at its current home on 57th Street.

Having assembled a cast of talented managers, Yohay built ACI into the premier facility for substance abuse treatment in the New York area, currently standing as the oldest private facility for such treatment in the country. As president and principal shareholder of ACI, Stephen now oversees treatment of 6,000 patients per year. He expresses gratitude at his fortune in having been able to transform such adverse youthful circumstances into a thriving healthcare facility giving a second chance to so many individuals who suffer from the disease of alcoholism or substance abuse.



Warren D. Zysman, LCSW, CASAC
Chief Executive Officer/Chief Program Officer

Warren is currently the Chief Executive Officer (CEO) and Chief Program Officer (CPO) at ACI, which is one of the largest providers of Chemical Dependency Services in Manhattan, NY. Warren is the third CEO in ACI's 40 year history. Warren has been an administrator and clinician in the chemical dependency field since 1997.

He graduated in 2003 with a Masters in Social Work and a specialization in substance abuse from Fordham University. He has also completed advanced training in Cognitive Behavioral Therapy (CBT) at the Beck institute of Cognitive Therapy and Research in PA where he was trained by Aaron T. Beck MD (Founder of Cognitive Behavioral Therapy) and Advanced training in Rational Emotive Behavioral Therapy (REBT) at the Albert Ellis in NYC where he was trained by Albert Ellis PhD (Founder of Rational Emotive Behavioral Therapy).

Mr. Zysman holds New York State Licenses as a licensed clinical social worker with third party reimbursement privileges (LCSW-R), a licensed master's social worker (LMSW) and a certified alcohol and substance abuse counselor (CASAC). In 2014, he was appointed as a Trustee of the Board of Directors for Nassau University Medical Center (NUMC), which is the largest public healthcare corporation in Nassau County, NY. In addition to being a trustee at NUMC, he also chairs the NUMC Behavioral Health Committee and the NUMC Contracts Committee. Warren is grateful for the continued support of his wife and two children.



Howard Field
Chief Operating Officer

Howard came to ACI in 1995 after attending Polytechnic Institute of Brooklyn majoring in Mechanical Engineering and then spending 23 years working in "corporate America" as the Regional Operations Manager of a national retail chain, the General Manager of a national professional photo-finishing company, and the Vice President of Operations of a national telecommunications provider.

He is humbled, honored, and feels privileged to be able to apply his acquired skill set at ACI where his efforts ultimately benefit the population we serve and has played an integral role in the success of ACI.



Clive Smith, MD
Medical Director



Gautam Anumukonda, CPA
Finance Consultant

Gautam is a practicing Certified Public Accountant. He has two decades of diversified professional accounting, auditing, management and consulting knowledge and experience. Gautam's experience includes numerous special assignments performed for diversified businesses ranging from start-up ventures to major public corporations. Special assignments performed include public offerings, merger and acquisition buy-side and sell-side due diligence reviews, technical accounting assistance and advisory services, Securities and Exchange Commission (SEC) consulting and advisory services, Chief Financial Officer (CFO) and controller advisory services, Sarbanes-Oxley assistance and advisory services, International Financial Reporting Standards conversions and advisory services, accounting system reviews, corporate governance advisory services and tax advisory services.

Gautam also has vast health care management expertise in strategic planning, financial planning and benchmarking, financial management, mergers and acquisitions, business valuations, succession planning, cost containment, operational efficiencies, process improvement, financial controls and financial reporting. He provides financial and strategic planning advise, expertise, insight, and oversight to ACI and its Senior Management.



Charisse Ebreo, LMSW
Compliance Officer

Charisse is a licensed social worker practicing at ACI as the Director of Program Operations and Regulatory Affairs. She obtained her B.A. in Sociology with a Minor in Political Science from the University of California Los Angeles (UCLA) in 2007, and received her Master in Social Work from New York University (NYU) in 2011. Her passion for this field continued as she obtained her Post Master's Certificate in Clinical Approaches to Addiction from NYU in 2013, and her Seminar in Field Instruction (SIFI) Certificate from Fordham University in 2014.

As she has been working in the mental health field for seven years, she has experience working with multiple populations (sexual assault and domestic violence victims, senior citizens, severe and persistently mental ill consumers). She specializes in chemical dependency, sexual orientation and gender identity issues (NYU LGBTQ Safe Zone Certified), and has a strong understanding of the challenges of cultural assimilation.

She believes everyone has an opportunity to make change in their life regardless of the situation and that ACI can be that beacon of hope to help those struggling to find recovery.

Amy Sirken, M.S.ed., LMHC
Deputy Director of Programs



Asa Scott MA, CASAC

Senior Clinical Director & Administrator of Program Development

With a career as an advocate for social justice that spans 15 years, Asa F. Scott works tirelessly and passionately with clients to develop and achieve their individual goals while encouraging others to improve their life

and the world around them.

Asa F. Scott has a MA in Forensic Psychology with specialty in Social and Deviant behavior and addictions. She is also a Credential Alcohol and Substance Abuse Counselor certified by OASAS. She has extensive experience in working with a full spectrum of behavioral and mental health issues from sexual, gambling and substance use addiction to addressing emotional deregulation and day to day struggles of individuals and couples. Asa has successfully facilitated the recovery of many addicted individuals and assisted couples and families in revitalizing their lives. Asa utilizes multiple evidence based practices in her clinical interventions; however, she describes herself as a “cognitive behaviorist” specializing in Cognitive Behavioral Therapy, Dialectic Behavioral Theory, and Schema Therapy. She is most passionate about her work in the LGBTQ, criminal justice, and adolescent programs, as a trainer, as well as direct care provider.

In addition to her clinical practices, Asa has an interest in examining the role of macro-level factors, including policies and neighborhoods that may create and sustain race/ethnic disparities in antisocial behavior, psychopathology, and victimization. Asa's areas of expertise include programs for women and girls, criminal justice issues, social justice advocacy, youth development programs, urban education, and mental health. She is currently the Clinical Director for ACI where she serves as liaison and advocate for over 300 patients seeking assistance at some of the worst times in a patient's life. Asa's mission has been one of service. She has strong roots in her community, serving as an Advisory Board Member of Kingsborough Community College, and past affiliations and achievements founding member of NYUDL, creator of Debate Assistant Hotline, Advisory Board Member of BUDL, Safe Space Suicide Prevention Team Leader/Community Educator, and writer of biweekly newsletter Heavenly Herald, "Ask Sister Asa".

Asa graduated from John Jay College of Criminal Justice with an MA in Forensic Psychology, was a member of Phi Eta Sigma member as well as a Macaulay Honors Scholar. She lives in Brooklyn, N.Y.

Farhanna Zainul, MA, CASAC

Compliance Consultant

Shari Noonan Esq.

Compliance Consultant

Dolores Lopresti

Human Resources

Dolores came to ACI in 2007 after attending Mercy College and has held progressively responsible positions in long term and acute care Human Resources for over 25 years. Dolores' experience includes employee relations management and policy development in union and non-union facilities. She also serves as management's representative in bargaining and grievance resolution.



Dolores is committed to ACI's staff and works with them in developing solutions and delivering services. She stresses service quality and assuring employees are recognized when they are going the extra mile and delivering service excellence beyond the scope of their work.

ACI INPATIENT LEADERSHIP TEAM

Warren D. Zysman LCSW-R, CASAC

Chief Program Officer

Stacey Stanley, LPN

Director of Operations & Patient Care Coordination

ACI OUTPATIENT LEADERSHIP TEAM

Warren D. Zysman LCSW-R, CASAC

Chief Program Officer

Asa Scott MA, CASAC

Senior Clinical Director & Administrator of Program Development

ACI OUTPATIENT CLINICIANS



Stephanie Perez, CASAC

Stephanie Perez was born and raised in the Lower East Side. She was able to find her career path at the Resource Training Center and obtained her CASAC. She works at ACI to help others who are struggling with addiction. Stephanie is a strong asset to the ACI team as she helps addicted individuals to find hope, guidance and strength. Stephanie is bi-lingual in Spanish and has been an integral part of the bi-lingual program offered at ACI Outpatient.



Sandra Clark, MA, CASAC

Senior Counselor

Born and raised in Norway, Sandra moved to the United States about 6 years ago and obtained her Masters degree in Education at the University of Oslo. Sandra continued her education while living in the states and obtained her CASAC from the Resource Training Center in New York.

Sandra has been working at ACI for 2 years and has over 5 years experience working in the field. In addition to her M.A in Education, she is also certified as a Personal Trainer and Nutritional Counselor by the National Academy of Sports Medicine (NASM). Prior to coming to ACI, she had worked extensively with harm reduction within the HIV+ population and provided information and counseling on substance use, sexual health/safety. Sandra has utilized her experience in health and nutrition to educate her patients on how to continue living a healthy and sober lifestyle.



Night or day, we are available to talk



Customized treatment plans for every patient



Thousands of lives changed over 40 years



Certified professionals on-site 24/7

“I firmly believe that ACI is why my son is still alive, back with our family, and back to school. As a mother my primary concern was that my son would receive compassionate care and the attention he needed to focus on his recovery. We have been through this before and I was losing hope, so was my son. It is a very lonely and dark place to be. All ACI staff, doctors, nurses, and counselors were always available when I had questions. We were able to visit and we had a family therapy session where I learned that I had to take care of myself too, without feelings of guilt. We also learned how to set limits and boundaries. At last, freedom, from the emotional pain of being part of an addicted family. My son learned the skills he needs to sustain his sobriety. He learned about the importance of maintaining sober friends and activities. He learned how to say no and change the things in his life that kept holding him back from happiness, health, and success. Thank you ACI I have my son back!”

-Sally, 43



~~414~~ Patient Services: (800) 724-678-2545 ~~212~~ Patient Services: (212)

500 West 57th Street, New York, New York 10019 255 West 36th Street (8th floor) New York, New York 10018



ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [A.R.E.B.A. Casriel, Inc. Knocked with FLSA Class Action](#)
