

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NATALIA KOMAROVA, individually and on behalf of other persons similarly situated who were employed by REAL CARE, INC., along with other entities affiliated or controlled by REAL CARE, INC,

Plaintiffs,

- against -

REAL CARE, INC., and/or any other related entities,

Defendant.

**Index No.:**

**CLASS AND COLLECTIVE  
ACTION COMPLAINT**

**Jury Trial Demanded**

Named Plaintiff NATALIA KOMAROVA, on behalf of herself and the putative collective, by her attorneys Naydenskiy Law Firm, LLC, alleges upon knowledge to herself and upon information and belief as to all other matters as follows:

**PRELIMINARY STATEMENT**

1. This action is brought on behalf of the Named Plaintiff and a collective and/or putative class of individuals (collectively “Plaintiffs”) who are presently or were formerly employed by REAL CARE, INC. and/or any other entities affiliated or controlled by REAL CARE, INC. (hereinafter “Defendant”) to provide personal care, assistance, health-related tasks and other home care services to Defendant’s clients within the State of New York.

2. Plaintiffs seek to recover wages and benefits which Plaintiffs were statutorily and contractually entitled to receive pursuant to New York Labor Law (hereinafter referred to as “NYLL”) § 190 et seq., and § 650 et seq., and Fair Labor Standards Act (hereinafter referred to as “FLSA”), 29 U.S.C. §§ 201 et seq., 206, 207, 216(b).

3. Beginning in May 2015 and continuing through the present, Defendant has maintained a policy and practice of requiring Plaintiffs to regularly work in excess of 40 hours in

any given week, without providing the proper overtime hourly compensation for all hours worked in excess of 40 hours in any given week.

4. Additionally, beginning in May 2012 and continuing through the present, Defendant willfully failed to provide Plaintiffs with wage notices and statements as required by NYLL §§ 195(1) and (3).

5. Named Plaintiff has initiated this action seeking for herself, and on behalf of all similarly situated employees who performed work within the State of New York, unpaid overtime compensation, liquidated damages, reasonable attorneys' fees and costs, and all other appropriate legal and equitable relief, for Defendant's violations of the abovementioned state and federal laws.

#### **JURISDICTION**

6. Jurisdiction of this Court is invoked pursuant to FLSA, 29 U.S.C. §216(b), and 28 U.S.C. §1331 and 1337. This court also has supplemental jurisdiction under 28 U.S.C. § 1367 of the claims brought under the NYLL.

7. The statute of limitations under FLSA, 29 U.S.C. § 255(a), for a willful violation is three (3) years.

8. The statute of limitations under NYLL § 198(3) is six (6) years.

#### **VENUE**

9. Venue for this action in the Eastern District of New York under 28 U.S.C. § 1391(b) is appropriate because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of New York.

#### **THE PARTIES**

10. Plaintiff Natalia Komarova is an individual who is a resident of the State of New York.

11. Defendant Real Care is a business corporation incorporated under the laws of the State of New York, with its principal locations at 1311 Kings Highway, 3<sup>rd</sup> Floor, Brooklyn, New York 11229 and/or 2625 E 14<sup>th</sup> Street, Suite 220, Brooklyn, New York 11235. Defendant is primarily engaged in providing nursing and home health aide services at the residences of its clients.

12. At all relevant times, Defendant employed Plaintiff as defined by NYLL §§ 651(5) and (6) and applicable regulations, 12 NYCRR § 142-2.14, and 29 U.S.C. § 203(e).

**COLLECTIVE ACTION ALLEGATIONS**

13. This action is properly maintainable as a collective action pursuant to the FLSA, 29 U.S.C. § 216(b).

14. This action is brought on behalf of the Named Plaintiff and a collective consisting of each and every similarly situated person who is or was employed by Defendant to provide personal care, assistance, health-related tasks and other home care services to Defendant's clients within the State of New York during the period from May 2015 through the present (the "FLSA Collective").

15. At all relevant times, Plaintiff and the FLSA Collective are and have been similarly situated, have had substantially similar job requirements and pay provisions, and are and have been subject to Defendant's decision, policy, plan, and common programs, practices, procedures, protocols, routines, and rules of willfully failing and refusing to pay Plaintiff one-and-one-half times their regular rates work in excess of 40 hours per workweek. Plaintiff's claims stated herein are essentially the same as those of the other members of the FLSA Collective.

16. Named Plaintiff and potential plaintiffs who elect to opt-in as part of the collective action are all victims of Defendant's common policy and/or plan to violate the FLSA by failing to pay overtime wages.

17. Defendant's unlawful conduct, as described in this Class and Collective Action Complaint, is pursuant to a corporate policy or practice of minimizing labor costs.

18. Defendant is aware or should have been aware that as of January 1, 2015 federal law requires it to pay home care workers an overtime premium for hours worked in excess of 40 per workweek.

19. Count I is properly brought under and maintained as an opt-in collective action pursuant to 29 U.S.C. § 216(b). The members of the FLSA Collective are readily ascertainable, can be located through Defendant's records, and would benefit from the issuance of a court supervised notice of this lawsuit and the opportunity to join the lawsuit.

20. Notice should be sent to the members of the FLSA Collective pursuant to 29 U.S.C. § 216(b).

### **CLASS ALLEGATIONS**

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

22. This action is brought on behalf of the Named Plaintiff and a class consisting of each and every person who is or was employed by Defendant to provide personal care, assistance, health-related tasks and other home care services to Defendant's clients within the State of New York during the period from May 2012 up to the present (the "Putative Class").

23. The Putative Class is so numerous that joinder of all members is impracticable. Although the precise number of such persons is presently unknown to Plaintiffs, and calculation of such number would require facts in the sole control of Defendant, upon information and belief the size of the Putative Class is believed to be in excess of 500 individuals. In addition, the names of all potential members of the Putative Class are not known.

24. The questions of law and fact common to the Putative Class predominate over any questions affecting only individual members. These questions of law and fact include but are not limited to: (1) whether Defendant failed to provide Plaintiffs with wage notices as required by NYLL § 195(1); and (2) whether Defendant failed to provide Plaintiffs with wage statements as required by NYLL § 195(3).

25. The claims of the Named Plaintiff are typical to the claims of the class, because they are all current or former home health care employees of Defendant who sustained damages, including from underpayment of wages and failure to receive wage notices and statements, as a result of Defendant's common compensation and employment policies and practices. The defenses that Defendant is likely to assert against the Named Plaintiff's claims are typical of the defenses that Defendant is likely to assert against the class.

26. The Named Plaintiff and her counsel will fairly and adequately protect the interests of the Putative Class. The Named Plaintiff has retained counsel experienced in complex wage and hour class action litigation.

27. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. The individual Named Plaintiff and Putative Class members lack the financial resources to adequately prosecute separate lawsuits against Defendant. A class action will also prevent unduly duplicative litigation resulting from inconsistent judgments pertaining to the Defendant's policies.

### **FACTS**

28. Named Plaintiff was at all relevant times a home health care attendant employed in New York by Defendant to provide personal home health care and assistance to Defendant's clients in their homes.

29. Named Plaintiff worked for Defendant as a home attendant from approximately February 16, 2016 through approximately October 2017.

30. While employed by Defendant, Named Plaintiff provided services to disabled and/or ailing elderly clients, including but not limited to, personal care services, such as assistance with dressing, bathing and personal grooming, cooking and serving food, cleaning, such as mopping, vacuuming, dusting, cleaning bathrooms, and taking out garbage, escorting clients to doctors, and made transportation arrangements.

31. Named Plaintiff maintained her own residence and did not “live in” the homes of Defendant’s clients or in the home of her employer, nor was she an “exempt companion” of the Defendant’s clients.

32. While employed by Defendant, Named Plaintiff generally worked more than 40 hours per week, however, in violation of the FLSA, Named Plaintiff was not paid the applicable overtime hourly rate for all hours she worked in excess of 40 per week.

33. During her employment with Defendant, Named Plaintiff generally worked five to seven 12-hour shifts a week, amounting to a total of 60 to 84 hours per week.

34. Named Plaintiff also occasionally worked 5 to 10-hour shifts.

35. While working for Defendant, Named Plaintiff was paid between \$10.00 and \$11.00 per hour, however, she was not paid overtime at the applicable overtime hourly rate for all the hours worked.

36. Named Plaintiff’s co-workers performed the same and/or similar work to that of the Named Plaintiff.

37. Like the Named Plaintiff, the FLSA Collective members generally worked more than 40 hours per week, but were not paid the applicable overtime hourly rate for all hours worked in excess of 40 per week.

38. At all relevant times, Defendant has maintained a practice and policy of assigning Plaintiffs to work more than 40 hours per week without paying them the applicable overtime hourly rate of pay of one and one-half times their regular rate of pay for all hours worked in excess of 40 per week, in violation of the FLSA.

39. Upon information and belief, Defendant willfully paid Named Plaintiff and the other members of the FLSA Collective less than the rates of wages and benefits to which Named Plaintiff and the other members of the FLSA Collective were entitled.

40. Additionally, Defendant failed to provide Named Plaintiffs and the members of the Putative Class with the notices required by NYLL §195(1).

41. Defendant's actions as described herein were intentional and not made in good faith.

**FIRST CAUSE OF ACTION:  
FLSA OVERTIME COMPENSATION**

42. Plaintiffs repeat and re-allege the allegations set forth in the preceding paragraphs.

43. Pursuant to the FLSA, 29 U.S.C § 207, "no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

44. At all relevant times, Named Plaintiff and the FLSA Collective were employed by Defendant, which is an enterprise engaged in commerce within the meaning of 29 U.S.C. §§ 203(e), (r), and (s).

45. At all relevant times, Named Plaintiff and the FLSA Collective were employees of Defendant within the meaning of 29 U.S.C. § 203(e).

46. The overtime wage provisions set forth in the FLSA, 29 U.S.C. §§ 201 et seq., and the supporting federal regulations, 29 CFR Part 552 effective as of October 13, 2015, apply to Defendant and protect Named Plaintiff and the FLSA Collective.

47. The FLSA 29 U.S.C. §§ 206 and 207 mandate that in calculating overtime the employer must utilize the employees' regular rate of pay.

48. Defendant failed to pay the Named Plaintiff and members of the FLSA Collective overtime wages, at the rate of one and one-half times the regular rate of pay, for all hours worked after the first 40 in any given week.

49. Upon information and belief, the failure of Defendant to pay the Named Plaintiff and members of the FLSA Collective their rightfully owed overtime compensation was willful.

50. By the foregoing reasons, Defendant is liable to the Named Plaintiff and members of the FLSA Collective in an amount to be determined at trial, plus liquidated damages in the amount equal to the amount of unpaid wages, interest, attorneys' fees, and costs.

**SECOND CAUSE OF ACTION:  
NEW YORK § 195(3) WAGE STATEMENT VIOLATION**

51. Plaintiffs repeat and re-allege the allegations set forth in above.

52. Pursuant to Section 195(3) of the NYLL, an employer is required to furnish each employee with a statement with every payment of wages that identifies, among other things, whether the employee is paid by the hour, shift, day, week, salary, piece, commission, or in another



manner. For employees that are not exempt from overtime compensation under New York state law or regulation, such wage statement must also include “the regular hourly rate or rates of pay; the overtime rate or rates of pay; the number of regular hours worked, and the number of overtime hours worked.”

53. Pursuant to Section 198-1(d) of the NYLL, an employee that does not receive a wage statement, as required by NYLL § 195(3), may bring a civil action to recover damages of \$50 for each work day that the violation occurs or continues to occur, but not to exceed \$5,000.

54. Plaintiffs did not receive wage statements containing all the information required by NYLL § 195(3) from the Defendant during their employment.

55. Defendant violated NYLL § 195(3) by failing to provide Plaintiffs with wage statements containing the information required by NYLL § 195(3).

56. Upon information and belief, Defendant’s failure to provide Plaintiffs with wage statements in violation of NYLL § 195 was willful.

57. By the foregoing reasons, Defendant has violated NYLL § 195(3), and is liable to Plaintiffs in an amount to be determined at trial, plus liquidated damages, interest, attorneys’ fees, and costs.

**THIRD CAUSE OF ACTION:  
NEW YORK § 195(1) WAGE NOTICE VIOLATION**

58. Plaintiffs repeat and re-allege the allegations set forth in the preceding paragraphs.

59. Pursuant to Section 195(1) of the NYLL, an employer is required to provide its employees at the time of hiring a notice containing information, such as, “the rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; . . . the regular pay day designated by the employer . . . ; [and] the name of the employer . . . . For

all employees who are not exempt from overtime compensation . . . , the notice must state the regular hourly rate and overtime rate of pay.”

60. Defendant willfully failed to provide Plaintiff and the Putative Class with wage notices, as required by NYLL § 195(1).

61. Through its knowing or intentional failure to provide Plaintiffs with the wage notices required by the NYLL, Defendant has willfully violated NYLL, Article 6, §§ 190, et seq., and the supporting New York State Department of Labor Regulations.

62. Due to Defendant’s willful violations of the N.Y. Labor Law, Plaintiffs are entitled to statutory penalties of \$50 for each workday that Defendant failed to provide them with wage notices, or up to a total of \$5,000, plus reasonable attorneys’ fees, costs, and injunctive and declaratory relief, as provided for by NYLL § 198(1-b).

63. By the foregoing reasons, Defendant is liable to the Plaintiffs in an amount to be determined at trial, plus interest, liquidated damages, attorneys’ fees, and costs.

**WHEREFORE**, the Named Plaintiff, individually and on behalf of all other persons similarly situated, seeks the following relief:

(1) on the first cause of action against Defendant in an amount to be determined at trial, plus interest, liquidated damages, attorneys’ fees, and costs;

(2) on the second cause of action against Defendant in an amount to be determined at trial, plus interest, liquidated damages, attorneys’ fees, and costs;

(3) on the third cause of action against Defendant in an amount to be determined at trial, plus interest, liquidated damages, attorneys’ fees, and costs;

(4) together with such other and further relief the Court may deem appropriate.

Dated: May 23, 2018

NAYDENSKIY LAW FIRM, LLC



# 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.)

**I. (a) PLAINTIFFS**  
**NATALIA KOMAROVA**, individually and on behalf of other persons similarly situated

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

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Naydenskiy Law Firm, 281 Summerhill Rd, Suite 210, East Brunswick, NJ, 08816. 718-808-2224

**DEFENDANTS**  
**REAL CARE, INC**

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.

Attorneys (If Known)

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

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

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

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

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

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 29 USC 201

Brief description of cause:  
 Unpaid Overtime

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

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 05/23/2018    SIGNATURE OF ATTORNEY OF RECORD: /s Gennadiy Naydenskiy

FOR OFFICE USE ONLY

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

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Gennadiy Naydenskiy, counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County?  Yes  No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County?  Yes  No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?  Yes  No
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?  Yes  No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes  No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain)  No

I certify the accuracy of all information provided above.

Signature: \_\_\_\_\_

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

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

NATALIA KOMAROVA, individually and on behalf of
other persons similarly situated who were employed
by REAL CARE, INC., along with other entities
affiliated or controlled by REAL CARE, INC

Plaintiff(s)

v.

REAL CARE, INC., and/or any other related entities

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) REAL CARE, INC.
2625 E 14th Street, Suite 220,
Brooklyn, New York 11235

A lawsuit has been filed against you.

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

Gennadiy Naydenskiy
Naydenskiy Law Firm LLC
281 Summerhill Rd, Suite 210
East Brunswick, NJ, 08816

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

DOUGLAS C. PALMER
CLERK OF COURT

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

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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

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

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

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

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

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

Other *(specify)*:

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

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

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

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

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

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

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Former Real Care, Inc. Employee Accuses Company of Denying OT Pay](#)

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