

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MAKTUMMA TESHABAEVA, individually and on behalf of all other persons similarly situated who were employed by CONTINENTAL HOME CARE, INC., CONTINENTAL HOME CARE AGENCY, INC., CONTINENTAL CDPAP, INC., INFINITI HOME CARE, INC d/b/a CONTINENTAL HOME CARE and/or any other related entities, and OLEG PINKHASOV, individually,

Plaintiffs,

v.

CONTINENTAL HOME CARE, INC., CONTINENTAL HOME CARE AGENCY, INC., CONTINENTAL CDPAP, INC., INFINITI HOME CARE, INC d/b/a CONTINENTAL HOME CARE and/or any other related entities, and OLEG PINKHASOV, individually,

Defendants.

Index No.: 152572/2018

**NOTICE OF CLASS
ACTION LAWSUIT**

Jury Trial Requested

TO: All individuals who performed work on behalf of Continental Home Care, Inc., Continental Home Care Agency, Inc., Continental CDPAP, Inc., and/or Infiniti Home Care, Inc d/b/a Continental Home Care (“Continental”) as non-residential home health aides and/or personal care assistants in the State of New York from March 22, 2012 to the present.

The purpose of this Notice is to advise you that a lawsuit has been filed against Continental alleging claims under New York law and to advise you of the legal rights you may have with respect to this lawsuit.

DESCRIPTION OF THE LAWSUIT

Plaintiff Maktumma Teshabaeva worked as a home health aide for Continental and filed a lawsuit in state court under New York law alleging that Continental did not pay her and other workers (“Plaintiffs”) for every hour worked during each shift, did not pay them at the minimum wage rate for all hours worked, did not provide all of their overtime compensation, did not pay them “spread of hours” compensation, and failed to pay them for uniform maintenance compensation. Plaintiffs also allege that when they worked a 24-hour shift, they did not always receive 8 hours of sleep, 5 hours of which were uninterrupted, or 3 one-hour meal breaks. Plaintiffs further allege that Continental failed to maintain adequate records of the hours Plaintiffs actually worked, the breaks Plaintiffs were entitled to receive, and the sleeping facilities provided to Plaintiffs. Plaintiffs therefore allege they should be paid for all 24 hours of these shifts. Plaintiffs also allege that they were paid an hourly wage rate below the prevailing wage rate in effect pursuant to the Living Wage Law, N.Y.C. Admin. Code § 6-109 and the New York Home Care Worker Wage Parity Act, New York Public Health Law § 3614-c.

The Court has allowed this action to proceed as a class action lawsuit and has authorized publication of this Notice to advise you about the status of this lawsuit. The Court has not decided whether the claims in the lawsuit are valid or have any merit.

Continental denies that Plaintiffs' claims have any merit and has asserted various defenses against Plaintiffs' claims. Continental vigorously denies any wrongdoing or liability to Plaintiffs or any past or present employee of Continental who may allege that he or she was underpaid.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

A class has been certified for claims arising under New York law seeking wages. You may participate in this case as long as you were employed by Continental in New York at any time between March 22, 2012, to the present and you worked as a non-residential home health aide and/or personal care assistant. If you wish to be included in this lawsuit, or you do nothing in response to this Notice, you will be a member of the Class of persons whose rights will be determined by the lawsuit. As a Class member, you will waive your right to proceed individually and you will also waive any right you may have to liquidated damages, a penalty that the court may decide to impose if it finds that Continental willfully violated the law. As a member of the Class, you will also be legally bound by any decision of the Court in this lawsuit. Regardless of whether Plaintiffs win or lose in this lawsuit, as a member of the Class, you will not be able to sue Continental in a separate action for the claims alleged in this case.

You will be represented by the law firm of Virginia & Ambinder, LLP, the attorneys designated by the Court to represent you ("Class Counsel"). If a settlement or judgment is reached, at the conclusion of the case, Class Counsel will make an application to the Court for the recovery of their legal fees and costs, and the Court will have discretion in the amount to award Class Counsel. Their costs and fees will be paid out of any recovery that may be obtained in this lawsuit. You have a right to consult with an attorney of your own choosing about this matter. If you wish to be represented by other counsel, you have the right to do so.

If you do not wish to participate in this lawsuit, you must send a signed letter stating "I elect to exclude myself from the class in *Teshabaeva v. Continental Home Care, Inc.*, Index No. 152572/2018, pending in the Supreme Court of New York for New York County." You must also include your name, address, telephone number, and signature. Your request must be mailed by First Class U.S. mail or emailed to LaDonna M. Lusher, Esq. of Virginia & Ambinder, LLP, located at 40 Broad Street, 7th floor, New York, New York, 10004, www.vandallp.com, llusher@vandallp.com.

You must follow these procedures precisely in order to exclude yourself from this lawsuit. If you decide not to participate in this lawsuit, you may not be eligible to receive any benefits in the event that recovery is obtained, but you will retain the right to sue Continental separately and on your behalf for the claims asserted in the lawsuit.

Virginia & Ambinder, LLP has been designated as Class Counsel to represent the Class in this case. You can obtain further information about this lawsuit by contacting LaDonna M. Lusher, Esq., 40 Broad Street, 7th Floor, New York, N.Y. 10004, llusher@vandallp.com, telephone number (212) 943-9080, fax (212) 943-9082. If you require Russian translation, please ask for Joel Goldenberg, Esq. If you require Spanish translation, please ask for Ines Cruz. If you require Polish translation, please ask for Iwona Ner.

You have a right to participate in this lawsuit even if you are an undocumented immigrant or you are still working for Continental.

All communications and discussions with Class Counsel are confidential and will not be disclosed without your consent.

DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE WITH QUESTIONS