

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

OLENA LAVRENYUK, individually and on behalf of
similarly situated,

Plaintiffs,

- against -

LIFE CARE SERVICES, INC.,

Defendant.

Index No.: 156393/2017

**NOTICE OF CLASS ACTION
LAWSUIT**

TO: All individuals who performed work on behalf of Defendant Life Care Services, Inc. as non-residential home health aides and/or personal care assistants in the State of New York at any time between July 17, 2011 through today (the “Class Period”).

The purpose of this Notice is to advise you that a lawsuit has been filed against Life Care Services 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 Olena Lavrenyuk, who worked as a home health aide for Life Care Services, Inc. (hereinafter referred to as “Life Care Services”) filed a lawsuit in state court under New York law alleging that Life Care Services did not pay her for every hour worked during each shift, did not pay her at the minimum wage rate for all hours worked, did not provide all of her overtime compensation, did not pay her “spread of hours” compensation and did not pay her for all hours she was required to attend mandatory training. Plaintiff also alleges that she was paid an hourly wage rate below the prevailing wage rate in effect pursuant to N.Y.C. Admin. Code § 6-109 (“Living Wage Law”) and New York Public Health Law § 3614-c (“Wage Parity Act”). Plaintiff further alleges that when she worked a 24-hour shift, she was only paid for 12 or 13 hours of work, and that she did not receive 8 hours of sleep, 5 hours of which had to be uninterrupted, and 3 one-hour meal breaks. Therefore, she alleges she should be paid for all 24 hours of these shifts.

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.

Life Care Services denies that Plaintiff’s claims have any merit and has asserted various defenses against Plaintiff’s claims. Life Care Services vigorously denies any wrongdoing or liability to Plaintiff or any past or present employee of Life Care Services 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 Life Care Services in New York as a non-

residential home health aide and/or personal care assistant at any time between July 17, 2011 and today. 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 Life Care Services 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, you will not be able to sue Life Care Services 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 about this matter. If you wish to be represented by other counsel, you may retain another attorney, but you may be responsible for paying that attorney.

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 *Lavernyuk et al. v. Life Care Services, Inc.*, Index No. 156393/2017, 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 to exclude yourself from the Class must be mailed by First Class U.S. mail 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 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 Life Care Services separately and on your behalf for the claims asserted in the lawsuit.

You can obtain further information about Class Counsel by visiting Virginia & Ambinder, LLP’s website www.vandallp.com or contacting LaDonna M. Lusher, Esq., 40 Broad Street, 7th Floor, New York, NY 10004, llusher@vandallp.com, telephone number (212) 943-9080, fax (212) 943-9082. If you require Russian translation, please ask for Joel Goldenberg. If you require Spanish translation, please ask for Leonor Coyle. 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 Life Care Services.

All communications and discussions with Virginia & Ambinder are confidential and will not be disclosed without your consent.

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