

Exhibit B

FILED: QUEENS COUNTY CLERK 11/27/2017 11:38 AM

INDEX NO. 716341/2017

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**NEW YORK STATE SUPREME COURT
COUNTY OF QUEENS**

Stephanie Sedhom, Individually, and on behalf of all others similarly situated, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> Pro Custom Solar LLC, <p style="text-align: center;">Defendant.</p>	<p>Index #: 716341/2017</p> <p><u>Complaint</u></p> <p>Date Filed: 11/27/2017</p> <p>Jury Trial Demanded</p>
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Plaintiff Stephanie Sedhom (“Plaintiff,” or “Sedhom”), on behalf of himself and all others similarly situated, by Abdul Hassan Law Group, PLLC, his attorneys, complaining of the Defendant Pro Custom Solar LLC (“Defendant” or “PCR”), respectfully alleges as follows:

NATURE OF THE ACTION

1. Plaintiff alleges pursuant to the NY Civil Practice Law and Rules 901 et seq., on behalf of herself and classes of other similarly-situated current and former employees of Defendant, that he and she were not paid required overtime wages, were subject to unlawful wage deductions in the form of unreimbursed business expenses, and were not paid weekly as required for manual workers – they seek the recovery of wages, liquidated damages, attorney’s fees and costs.

2. Plaintiff is also entitled to recover his unpaid wages under Article 6 of the New York Labor Law including Section 191, 193, and compensation for not receiving notices and statements required by NYLL 195, under Article 6 of the New York Labor Law and is also entitled to maximum liquidated damages, interest, and attorneys’ fees pursuant to Section 198 of the New York Labor Law.

3. Upon information and belief, the damages/recovery sought by Plaintiff and the putative class, exceed and satisfies the jurisdictional amount of this Court – Plaintiff and the putative class are also seeking declaratory and injunctive relief.

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THE PARTIES

4. Plaintiff Stephanie Sedhom (“Plaintiff” or “Simeon”) is an adult, over eighteen years old, who currently resides in Queens County in the State of New York.
5. Upon information and belief and at all times relevant herein, Defendant Pro Custom Solar LLC was a for-profit corporation duly authorized to do business in New York.
6. Upon information and belief, and at all times relevant herein, Defendant PCS had a place of business at 45 Fairchild Avenue, Plainview, NY 11803 – Plaintiff worked for Defendant within New York, including Queens County.
7. At all times relevant herein, Plaintiff was employed by Defendant.

STATEMENT OF FACTS

8. Upon information and belief, and at all relevant times herein, Defendant was in the business of providing solar energy to building owners including in New York State, including Queens County.
9. Upon information and belief, and at all relevant times herein, Defendant employed about 20 or more employees at given time and a total of about 80 employees during the class period in New York, as to all classes combined.
10. At all times relevant herein, Plaintiff was employed by Defendant as a manual worker – engaged in motor vehicle operation, walking, and handling materials all day in the process of promoting Defendant’s solar services – the putative class members performed the same or similar manual work.
11. Plaintiff Sedhom was employed by Defendant from in or around March 2017 to on or about November 3, 2017.
12. Upon information and belief and at all times relevant herein, Plaintiff was paid at an effective hourly rate of about \$13.33 an hour or less at during various times of her employment with

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Defendant.

13. At all times relevant herein, Plaintiff and the putative class were paid on a bi-weekly basis.
14. At all times relevant herein, Plaintiff worked approximately 70-80 hours a week for Defendant, and sometimes more. Plaintiff worked six days a week for Defendant and during some periods, worked seven days a week. Plaintiff would start her day as early as 8AM or before and end her workday for Defendant as late as 10PM or after.
15. At all times relevant herein, Plaintiff and the putative class members were paid on a biweekly basis in violation of NYLL 191 (1)(a)(i).
16. At all times relevant herein, Plaintiff and the putative class were required to use their own vehicle to make deliveries for Defendant. Plaintiff spent about \$130 a week for gas in order to perform work for Defendant and was not reimbursed for such work-related expenses. Plaintiff also had to incur other employment-related costs such as other costs associated with the use of her vehicle to perform work for Defendant.
17. Defendant's treatment of Plaintiff during her employment, and the circumstances of Plaintiff's termination are currently under investigation and review, and Plaintiff may assert wrongful termination and other claims at a later time.
18. Upon information and belief, and at all relevant times herein, Defendant failed to display federal and state minimum wage/overtime posters as required by the FLSA and NYLL.
19. Upon information and belief, and at all relevant times herein, Defendant failed to notify Plaintiff of his state minimum wage and overtime rights and failed to inform Plaintiff that he could seek enforcement of such rights through the government enforcement agencies.
20. The "present" or the "present time" as used in this complaint refers to the date this complaint was signed.

AS AND FOR A FIRST CAUSE OF ACTION

12 NYCRR 142-2.2 - Unpaid Overtime Wages

21. Plaintiff alleges on behalf of himself and all others similarly-situated and incorporates by

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reference the allegations in paragraphs 1 through 20 above.

22. The class of similarly-situated individuals as to the second cause of action under the NYLL is defined as current and former employees who worked for the Defendant within the State of New York and who: 1) worked more than 40 hours in a week; and 2) were not paid at least 1.5 times their regular rate of pay for each and all hours over 40 hours in a week; and 3) were not paid at least 1.5 times the applicable New York minimum wage rate for each and all hours over 40 hours in a week, within at least the six-year period, preceding the filing of this complaint to the date of disposition of this action.
23. The class definition will be refined as is necessary, including after discovery if necessary.
24. Although the precise number of putative class members is unknown, and facts on which the calculation of that number is based are presently within the sole control of Defendant, upon information and belief, there are about 80 members of the class during the class period.
25. Upon information and belief, the putative class is so numerous that joinder of all members is impracticable.
26. Upon information and belief, there are questions of law or fact common to the class – whether Plaintiff and the putative class members were paid at least 1.5 times their regular rate and 1.5 times the applicable New York minimum wage rate for each and all hours over 40 in a week.
27. Upon information and belief, the claims of the representative party are typical of the claims of the class.
28. The representative party will fairly and adequately protect the interests of the class.
29. The Defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.
30. There are questions of law and fact common to the class which predominate over any

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questions solely affecting individual members of the class, including:

(a) Whether, the putative class members were paid by Defendant at least 1.5 times their regular rate and 1.5 times the applicable New York minimum wage rate for each and all hours over 40 in a week.

31. A class action is superior to other available methods for the fair and efficient adjudication of the controversy - particularly in the context of wage and hour litigation where individual plaintiffs lack the financial resources to vigorously prosecute a lawsuit in court against corporate defendants and in light of the large number of putative class members.

32. At all times relevant to this action, Plaintiff and all those similarly-situated as class members, were employed by Defendant within the meaning of the New York Labor Law, including 12 NYCRR § 142, NYLL §§ 650 et Seq., 190 et Seq. and the regulations thereunder.

33. At all times relevant herein, Defendant failed and willfully failed to pay Plaintiff and the putative class members at least 1.5 times their regular rate and 1.5 times the applicable New York minimum wage rate for each and all hours over 40 in a week, in violation of 12 NYCRR § 142-2.2.

Relief Demanded

34. Due to Defendant's violations of 12 NYCRR § 142-2.2, Plaintiff, and all those similarly situated, are entitled to recover from Defendant, their unpaid overtime wages, maximum liquidated damages (for the period after April 9, 2011), plus attorneys' fees, and costs of the action, pursuant to NYLL §§ 198, 663.

AS AND FOR A SECOND CAUSE OF ACTION

(NYLL § 191, 198 - Untimely Wage Payments)

35. Plaintiff alleges on behalf of himself and all others similarly-situated and incorporates by reference the allegations in paragraphs 1 through 34 above.

36. The class of similarly-situated individuals as to the first cause of action under the NYLL is defined as current and former employees who worked for the Defendant as manual workers

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within the State of New York and who: 1) were not paid their non-overtime and/or overtime wages weekly as also explained above, within at least the six-year period, preceding the filing of this complaint to the date of disposition of this action.

37. The class definition will be refined as is necessary, including after discovery if necessary.
38. Although the precise number of putative class members is unknown, and facts on which the calculation of that number is based are presently within the sole control of Defendant, upon information and belief, there are about 80 members of the class during the class period.
39. Upon information and belief, the putative class is so numerous that joinder of all members is impracticable.
40. Upon information and belief, there are questions of law or fact common to the class – whether Plaintiff and the putative class members were paid wages weekly.
41. Upon information and belief, the claims of the representative party are typical of the claims of the class.
42. The representative party will fairly and adequately protect the interests of the class.
43. The Defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.
44. There are questions of law and fact common to the class which predominate over any questions solely affecting individual members of the class, including:
 - (b) Whether, Defendant failed and/or refused to pay the Plaintiff and the putative class members their wages weekly, as required by NYLL § 191(1)(a).
45. A class action is superior to other available methods for the fair and efficient adjudication of the controversy - particularly in the context of wage and hour litigation where individual plaintiffs lack the financial resources to vigorously prosecute a lawsuit in court against

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corporate defendants and in light of the large number of putative class members.

46. At all times relevant to this action, Plaintiff and all those similarly-situated as class members, were employed by Defendant within the meaning of the New York Labor Law, §§ 190 et Seq., including NYLL § 191 and the regulations thereunder.

47. At all times relevant herein, Defendant failed to pay and willfully failed to pay Plaintiff and all those similarly-situated as class members, their wages including overtime and non-overtime wages weekly, in violation of the NYLL § 191(1)(a).

Relief Demanded

48. Due to Defendant's violations of NYLL § 191(1)(a), Plaintiff, and all those similarly situated, are entitled to recover from Defendant, maximum liquidated damages (for the period after April 9, 2011), and interest on wages paid later than weekly, plus attorneys' fees, and costs of the action, pursuant to NYLL § 198.

AS AND FOR A THIRD CAUSE OF ACTION

(NYLL § 191, 193, 198 - Unlawful Deductions/Expenses)

49. Plaintiff alleges on behalf of himself and all others similarly-situated and incorporates by reference the allegations in paragraphs 1 through 48 above.

50. The class of similarly-situated individuals as to the second cause of action under the NYLL is defined as current and former employees who worked for the Defendant within the State of New York and who: 1) were not reimbursed by Defendant for employment-related expenses such as gasoline, as also explained above, within at least the six-year period, preceding the filing of this complaint to the date of disposition of this action.

51. The class includes but is not limited to current and former employees of Defendant used their own vehicle to perform their work for Defendant.

52. The class definition will be refined as is necessary, including after discovery if necessary.

53. Although the precise number of putative class members is unknown, and facts on which the

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calculation of that number is based are presently within the sole control of Defendant, upon information and belief, there are about 80 members of the class during the class period.

54. Upon information and belief, the putative class is so numerous that joinder of all members is impracticable.

55. Upon information and belief, there are questions of law or fact common to the class – whether the putative class was reimbursed for employment related expenses such as gas.

56. Upon information and belief, the claims of the representative party are typical of the claims of the class.

57. The representative party will fairly and adequately protect the interests of the class.

58. The Defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

59. There are questions of law and fact common to the class which predominate over any questions solely affecting individual members of the class, including:

(c) Whether, Defendant failed and/or refused to reimburse Plaintiff and the putative class members for employment-related expenses, in violation of NYLL 193, 12 NYCRR 146-2.7 and 12 NYCRR 142-2.10.

60. A class action is superior to other available methods for the fair and efficient adjudication of the controversy - particularly in the context of wage and hour litigation where individual plaintiffs lack the financial resources to vigorously prosecute a lawsuit in court against corporate defendants and in light of the large number of putative class members.

61. At all times relevant to this action, Plaintiff and all those similarly-situated as class members, were employed by Defendant within the meaning of the New York Labor Law, including 12 NYCRR 142, NYLL §§ 190 et Seq., including NYLL 193 and the regulations thereunder.

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62. At all times relevant herein, Defendant failed to pay and failed to reimburse Plaintiff and all those similarly-situated as class members, for employment-related expenses such as gas, in violation of NYLL 193 and 12 NYCRR 142-2.10.

Relief Demanded

63. Due to Defendant's violations of 12 NYCRR 142-2.10, NYLL 193 and the regulations thereunder, Plaintiff, and all those similarly situated, are entitled to recover from Defendant, their unreimbursed employment-related expenses, maximum liquidated damages (for the period after April 9, 2011), plus attorneys' fees, and costs of the action, pursuant to NYLL §§ 198, 663.

AS AND FOR A FOURTH CAUSE OF ACTION

(NYLL § 195 and 198 Wage Notice/Statement)

64. Plaintiff alleges, and incorporates each and every allegation contained in paragraphs 1 through 62 above with the same force and effect as if fully set forth at length herein.
65. At all times relevant to this action, Plaintiff was employed by Defendant within the meaning of the New York Labor law, §§ 190 et seq., including §§ 191, 193, 195 and 198 and the applicable regulations thereunder.
66. At all times relevant herein, Defendant failed and willfully failed to provide Plaintiff, with the notice(s) required by NYLL 195(1) – Plaintiff is therefore entitled to and seek to recover in this action the maximum recovery for this violation, plus attorneys' fees and costs pursuant to NYLL 198 including NYLL 198(1-b), as well as an injunction directing Defendant to comply with NYLL 195(1).
67. At all times relevant herein, Defendant failed and willfully failed to provide Plaintiff with the statement(s) required by NYLL 195(3) – Plaintiff is therefore entitled to and seek to recover in this action the maximum recovery for this violation, plus attorneys' fees and costs pursuant to NYLL 198 including NYLL 198(1-d), as well as an injunction directing

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Defendant to comply with NYLL 195(1).

Relief Demanded

68. Due to Defendant's New York Labor Law Article 6 violations including violation of sections 191, 193 and 198, Plaintiff is entitled to recover from Defendant, his entire unpaid wages, maximum liquidated damages – including maximum liquidated damages on all wages paid later than weekly, prejudgment interest, maximum recovery for violations of NYLL 195(1) and NYLL 195(3), reasonable attorneys' fees, and costs of the action, pursuant to N.Y. Labor Law § 190 et seq. including § 198.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

69. Certify this case as a class action pursuant to CPLR § 901 et Seq.;
70. Declare Defendant to be in violation of the Plaintiff's rights under the Article 6 of the New York Labor Law, the New York Minimum Wage Act, and the Regulations thereunder;
71. As to the **First Cause of Action**, order Defendant to pay Plaintiff and the class, their unpaid overtime wages, maximum liquidated damages (for the period after April 9, 2011), plus attorneys' fees, costs and disbursements pursuant to NYLL §§ 663, 198
72. As to the **Second Cause of Action**, order Defendant to pay Plaintiff and the class, maximum liquidated damages (for the period after April 9, 2011), and interest on wages paid later than weekly, plus attorneys' fees, costs and disbursements pursuant to NYLL §§ 191, 198
73. As to the **Third Cause of Action**, award Plaintiff reimbursement for unlawful wage deductions and employment related expenses, reasonable attorneys' fees, and costs of the action, pursuant to 12 NYCRR 142-2.10, NYLL 193; N.Y. Labor Law §§ 198, 663.
74. As to the **Fourth Cause of Action**, award Plaintiff his entire unpaid wages/deductions/expenses, maximum liquidated damages – including maximum liquidated damages on all wages paid later than weekly, prejudgment interest, maximum recovery for violations of NYLL 195(1) and NYLL 195(3), reasonable attorney's fees, and costs of the

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action, pursuant to N.Y. Labor Law § 190 et seq. including § 198, and issue an injunction directing Defendant to comply with NYLL 195(1) and NYLL 195(3).

75. Award Plaintiff prejudgement interest on all monies due;
76. Award Plaintiff and the similarly-situated class members, any relief requested or stated in the preceding paragraphs but which has not been requested in the WHEREFORE clause, in addition to the relief requested in the wherefore clause;
77. Award Plaintiff such other, further and different relief as the Court deems just and proper.

**Dated: Queens Village, New York
November 27, 2017**

Respectfully submitted,

Abdul Hassan Law Group, PLLC

Abdul Hassan

By: Abdul K. Hassan, Esq. (AH6510)
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ATTORNEY FOR THE PLAINTIFF

AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 716341/2017

Purchased/Filed: November 27, 2017

STATE OF NEW YORK

SUPREME COURT

QUEENS COUNTY

STEPHANIE SEDHOM, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

Plaintiff

against

PRO CUSTOM SOLAR LLC

Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

James Perone, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on November 29, 2017, at 11:45am, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

SUMMONS AND COMPLAINT AND E FILE CONFIRMATION NOTICE

on

PRO CUSTOM SOLAR LLC, the

Defendant in this action, by delivering to and leaving with Sue Zouky,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the

Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time

of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service

was made pursuant to Section 303 Limited Liability Company Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

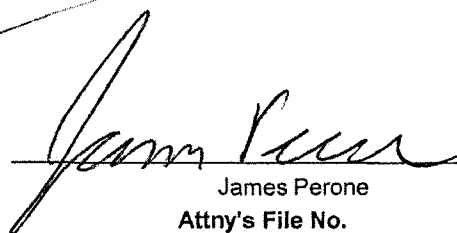
Description of the person served: Approx. Age: 55 Approx. Wt: 125lbs Approx. Ht: 5'1

Color of skin: White Hair color: Red/Blonde Sex: Female Other: _____

Sworn to before me on this

29th day of November, 2017

SCOTT SCHUSTER
NOTARY PUBLIC, State of New York
NO. 01SC6308636, Albany County
Commission Expires July 28, 2018


James Perone
Attny's File No.
Invoice•Work Order # SP1713373

SERVICO. INC. - PO BOX 871 - ALBANY, NEW YORK 12201 - PH 518-463-4179

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Pro Custom Solar Facing Suit Over Alleged Unpaid Overtime, Improper Wage Deductions](#)
