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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANCELMO SIMEON MENDEZ LOPEZ,
SANTOS NATIVIDAD CALI ZAMBRANO,
on behalf of themselves and all others similarly
situated,

MEMORANDUM AND ORDER

CV 12-6324

Plaintiffs,

(Wexler, J.)

-against-

SETAUKET CAR WASH & DETAIL CENTER,
TLCW, INC., KARP ENTERPRISES, INC.,
STEVEN SAVIANO, and MARK CHAIT,

Defendants.

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APPEARANCES:

FRANK & ASSOCIATES, P.C.
BY: Neil M. Frank, Esq.
500 Bi-Country Boulevard, 112N
Farmingdale, New York 11735
Attorneys for Plaintiffs

ZABELL & ASSOCIATES, P.C.
BY: Saul D. Zabell, Esq.
1 Corporate Drive
Bohemia, New York 11716
Attorneys for Defendants

WEXLER, District Judge:

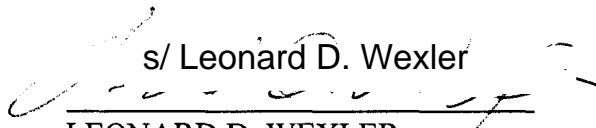
Plaintiffs bring this action alleging violations of Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”) for the failure of Defendants Setauket Car Wash & Detail Center, TLCW, Inc., Karp Enterprises, Inc., Steven Saviano, and Mark Chait (collectively, “Defendants”) to pay overtime and other wages. Defendants move for summary judgment, arguing that Plaintiffs fail to state a claim since they cannot establish individual coverage or that

Defendants generated sufficient gross revenue to satisfy enterprise coverage, as required by the FLSA.

Having reviewed the papers in support of and in opposition to the motion for summary judgment, the Court finds that genuine issues of material fact exist in regard to whether the coverage elements essential to establishing a claim under the FLSA have been satisfied. Such issues of fact preclude the entry of summary judgment at this time. The parties may renew their arguments at the time of trial.

Accordingly, Defendants' motion for summary judgment is denied. Counsel are reminded that jury selection is scheduled for January 4, 2016.

SO ORDERED.


s/ Leonard D. Wexler

LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
September 7 2015