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Condo Strikes \$912K Deal To End Workers' OT Suit

By **Irene Spezzamonte**

Law360 (March 29, 2022, 12:59 PM EDT) -- A New York City condominium will pay \$912,500 to 35 service staff members who claimed they were paid based on their scheduled shifts regardless of the actual time they worked, after a New York federal judge approved the deal.

U.S. District Judge Vernon S. Broderick signed off on the deal Monday, ending a 2020 class action alleging that the Monarch Condominium and its property manager Lasala Management Inc. denied workers straight and overtime pay in violation of the Fair Labor Standards Act and New York Labor Law.

"The court finds that the settlement is rationally related to the strength of plaintiff's claims given the risk, expense, complexity, and duration of further litigation," Judge Broderick said.

The workers, led by named plaintiff Emanuel Preldakaj, and Monarch asked the court in a March 9 joint motion to give the settlement the final green light after Judge Broderick preliminarily approved the deal in November 2021.

The deal, which was reached after three mediation sessions, will include \$304,167 in attorney fees; \$2,806 in litigation costs; a \$12,012 payment to the settlement administrator; and a \$10,000 service award to Preldakaj, Judge Broderick said.

After those deductions are made, the net settlement will be distributed among the 35 class members, resulting in an average \$16,800 award for each member, according to the motion for final approval.

The dispute stems from a lawsuit Preldakaj filed in November 2020, alleging that during his employment as a doorman, he was not compensated for all the time he worked, including for pre- and post-shift work and work he performed during his meal breaks.

He also alleged that he and other workers were required to work on their days off.

The parties agreed to stay the suit pending the mandatory mediation required by the class members' bargaining agreement.

After several mediation sessions, the workers and Monarch struck the settlement agreement in April 2021.

Brett R. Gallaway of McLaughlin & Stern LLP, who is representing the workers, said Tuesday: "We believe the settlement to be an excellent result and recovery on behalf of aggrieved building employees at The Monarch Condominium."

Stephen P. Pischl of Clifton Budd & DeMaria LLP, who is representing the Monarch Condominium

and Lasala, declined to comment Tuesday.

The Monarch Condominium and Lasala could not be reached for comment Tuesday.

Preldakaj and the workers are represented by Jason S. Giaimo, Lee S. Shalov and Brett R. Gallaway of McLaughlin & Stern LLP.

The Monarch Condominium and Lasala are represented by Stephen P. Pischl of Clifton Budd & DeMaria LLP.

The case is Preldakaj v. The Monarch Condominium et al., case number 1:20-cv-09433, in the U.S. District Court for the Southern District of New York.

--Editing by Abbie Sarfo.

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