

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Daniel Barahona v. Hebrew Academy of the Five Towns and Rockaway, et al.

Barahona · No. 22-CV-0594-SJB-ARL · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of New York addresses Defendants’ motion for summary judgment in Daniel Barahona’s action alleging unpaid overtime under the FLSA and NYLL, NYLL pay-frequency violations, and age discrimination under the NYSHRL. The court grants summary judgment on several abandoned claims and against David Leibtag, but denies summary judgment on the unpaid-overtime claims, Ari Solomon’s employer status, willfulness, the age-discrimination claim, and the NYLL Section 191 claim because material factual disputes remain.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Sanket J. Bulsara
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 11, 2026
DOCKET	22-CV-0594-SJB-ARL
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on all claims asserted by a former employee under the Fair Labor Standards Act, New York Labor Law, and New York State Human Rights Law.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court must resolve ambiguities and draw reasonable inferences against the moving party, may not weigh evidence or assess credibility, and must rely on admissible evidence.
PRECEDENTIAL VALUE	Unknown
PARTIES	Daniel Barahona v. Hebrew Academy of the Five Towns and Rockaway, David Leibtag, Ari Solomon

TOPICS

flsa

wage and hour

age discrimination

employment discrimination

summary judgment

PRACTICE AREAS

employment law

wage and hour

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on Barahona's FLSA and NYLL unpaid-overtime claims.
2. Whether Ari Solomon could be considered an employer under the FLSA and NYLL.
3. Whether the evidence supported a finding that any FLSA violation was willful.
4. Whether Barahona's NYSHRL age-discrimination claim could proceed on summary judgment.
5. Whether HAFTR was a nonprofit organization exempt from the NYLL § 191 weekly-pay requirement.
6. Whether Barahona's abandoned minimum-wage and NYLL § 195 claims and his claims against David Leibtag should be dismissed.

HOLDINGS

1. Summary judgment was denied because Barahona presented sufficient evidence from which a reasonable jury could infer that he worked uncompensated overtime and because the parties disputed the accuracy of defendants' time records.
2. Summary judgment was denied on whether Ari Solomon was an employer under the FLSA and NYLL.
3. Summary judgment was granted to defendants on willfulness because Barahona offered no evidence that defendants knew their conduct violated the FLSA or recklessly disregarded that possibility.
4. Summary judgment was denied on Barahona's NYSHRL age-discrimination claim because he established a prima facie case and the conflicting testimony about why he was not recalled presented a credibility issue for the jury.
5. Summary judgment was granted on the NYLL § 191 claim because HAFTR qualified as a nonprofit organization exempt from the weekly-pay requirement for manual workers.
6. The minimum-wage claims, NYLL § 195(1) and § 195(3) claims, and all claims against David Leibtag were dismissed with prejudice because Barahona conceded or abandoned them.

KEY QUOTATIONS

“Barahona’s testimony that he occasionally worked 42 hours per week, an amount of time not reflected in Defendants’ records, coupled with his testimony that Defendants only paid him for overtime if he worked more than ten hours in a day, is sufficient to show the amount and extent of his uncompensated work as a matter of just and reasonable inference.” (Discussion, Part I)

“For the reasons explained above, Defendants’ motion for summary judgment is granted in part and denied in part.” (Conclusion)

FACTUAL BACKGROUND

Barahona worked as a maintenance worker for defendants from 2013 until HAFTR closed because of the COVID-19 pandemic in March 2020. His regular schedule was 40 hours per week, but he testified that he occasionally worked 42 hours and was paid overtime only when he worked more than 10 hours in a day. The parties disputed the accuracy of HAFTR's time records, whether Barahona was asked to return in August 2020, and whether Ari Solomon exercised operational control over maintenance workers. Barahona testified that his supervisor told him he was not asked to return because of his age.

PROCEDURAL HISTORY

Barahona filed the action on February 1, 2022. On defendants' motion for summary judgment, the court dismissed with prejudice the abandoned minimum-wage and NYLL § 195(1) and § 195(3) claims and all claims against David Leibtag; granted summary judgment on the NYLL § 191 pay-frequency claim and FLSA willfulness; and denied summary judgment on the FLSA and NYLL overtime claims, Ari Solomon's employer status, and the NYSHRL age-discrimination claim.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Nick's Garage, Inc. v. Progressive Casualty Insurance Co., 875 F.3d 107, 113 (2d Cir. 2017)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Tolbert v. Smith, 790 F.3d 427, 434, 438 (2d Cir. 2015)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Farid v. Smith, 850 F.2d 917, 924 (2d Cir. 1988)
- Holtz v. Rockefeller & Co., 258 F.3d 62, 73-74 (2d Cir. 2001)
- Halberg v. United Behavioral Health, 408 F. Supp. 3d 118, 146 (E.D.N.Y. 2019)
- United States v. Rem, 38 F.3d 634, 644 (2d Cir. 1994)
- Taveras v. HRV Management, Inc., 2020 WL 1501777, at *2 (E.D.N.Y. Mar. 24, 2020)
- Lawrence v. Continental Casualty Co., 2013 WL 4458755, at *1 n.1 (E.D.N.Y. Aug. 16, 2013)
- Giannullo v. City of New York, 322 F.3d 139, 142-43 (2d Cir. 2003)
- Rodriguez v. Schneider, 1999 WL 459813, at *1 n.3 (S.D.N.Y. June 29, 1999), aff'd, 56 F. App'x 27, 29 (2d Cir. 2003)
- Pacenza v. IBM Corp., 363 F. App'x 128, 130 (2d Cir. 2010)
- Crawford v. Department of Investigation, 2007 WL 2850512, at *2 (S.D.N.Y. Oct. 1, 2007), aff'd, 324 F. App'x 139, 143 (2d Cir. 2009)
- Woodman v. WWOR-TV, Inc., 411 F.3d 69, 75 (2d Cir. 2005)
- Ziming Shen v. City of New York, 725 F. App'x 7, 17 (2d Cir. 2018)

- Ostroski v. Town of Southold, 443 F. Supp. 2d 325, 340 (E.D.N.Y. 2006)
- LPD New York, LLC v. Adidas America, Inc., 2022 WL 4450999, at *27 (E.D.N.Y. Sept. 24, 2022)
- Cooper v. Fire & Ice Trucking, Corp., 2024 WL 3344001, at *9 (E.D.N.Y. July 9, 2024)
- Lundy v. Catholic Health System of Long Island Inc., 711 F.3d 106, 113-15 (2d Cir. 2013)
- Nakahata v. New York-Presbyterian Healthcare System, Inc., 723 F.3d 192, 200-01 (2d Cir. 2013)
- Dejesus v. HF Management Services, LLC, 726 F.3d 85, 88-90 (2d Cir. 2013)
- Herrera v. Comme des Garcons, Ltd., 84 F.4th 110, 114-17 (2d Cir. 2023)
- Aguilar v. Calexico Cinco LLC, 2024 WL 3837669, at *5 (E.D.N.Y. June 28, 2024)
- Daniels v. 1710 Realty LLC, 497 F. App'x 137, 138-39 (2d Cir. 2012)
- Crawford v. Franklin Credit Management Corp., 758 F.3d 473, 482 (2d Cir. 2014)
- Aponte v. Modern Furniture Manufacturing Co., LLC, 2016 WL 5372799, at *12 (E.D.N.Y. Sept. 26, 2016)
- Donnelly v. Greenburgh Central School District No. 7, 691 F.3d 134, 146 (2d Cir. 2012)
- Pest v. Bridal Works of N.Y., Inc., 268 F. Supp. 3d 413, 426 (E.D.N.Y. 2017)
- Pierre v. Hajar, Inc., 2018 WL 2393158, at *4 (E.D.N.Y. Mar. 28, 2018)
- Barfield v. New York City Health & Hospitals Corp., 537 F.3d 132, 140 (2d Cir. 2008)
- Copantitla v. Fiskardo Estiatorio, Inc., 788 F. Supp. 2d 253, 308 n.21 (S.D.N.Y. 2011)
- Sanchez Juarez v. Siderakis, 2024 WL 5135383, at *2 n.3 (2d Cir. Dec. 17, 2024)
- Gamero v. Koodo Sushi Corp., 272 F. Supp. 3d 481, 498 (S.D.N.Y. 2017), aff'd, 752 F. App'x 33 (2d Cir. 2018)
- Lawrence v. NYC Medical Practice, P.C., 2023 WL 4706126, at *6 (S.D.N.Y. July 21, 2023)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Bucalo v. Shelter Island Union Free School District, 691 F.3d 119, 129 (2d Cir. 2012)
- Payne v. Cornell University, 2022 WL 453441, at *2 (2d Cir. Feb. 15, 2022)
- Ames v. Cartier, Inc., 193 F. Supp. 2d 762, 768 (S.D.N.Y. 2002)
- Knox v. CRC Management Co., LLC, 134 F.4th 39, 48-49 (2d Cir. 2025)
- Walsh v. New York City Housing Authority, 828 F.3d 70, 80 (2d Cir. 2016)