

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Panagiotis Kasseris, individually and on behalf of all other similarly situated employees v. ZA & D Service Station, Inc.; Anthony Koulizakis; Nikolas Koulizakis

Kasseris · No. 23-cv-06281 (NCM) (SDE) · Decided January 12, 2026

SUMMARY

The Eastern District of New York considers defendants’ motion for summary judgment and sanctions in an action alleging unpaid minimum wages and overtime under the Fair Labor Standards Act and New York Labor Law. The court holds that factual disputes concerning the plaintiff’s employee or independent-contractor status, work schedule, and working relationship preclude summary judgment on the FLSA claims. Summary judgment is granted in part and denied in part, and the court defers ruling on sanctions.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Natasha C. Merle
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	January 12, 2026
DOCKET	23-cv-06281 (NCM) (SDE)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment and sanctions in an action asserting claims under the Fair Labor Standards Act and New York Labor Law. The court granted summary judgment in part, denied it in part, dismissed Nikolas Koulizakis, dismissed the FLSA minimum-wage claim and certain NYLL claims, and ordered plaintiff to show cause why the NYLL wage-notice and wage-statement claims should not be dismissed for lack of Article III standing.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views evidence in the light most favorable to the nonmoving party, may not resolve credibility disputes or weigh evidence, and considers only admissible evidence.

TOPICS

flsa

wage and hour

summary judgment

statute of limitations

subject matter jurisdiction

PRACTICE AREAS

employment law

wage and hour

civil procedure

summary judgment

subject matter jurisdiction

QUESTIONS PRESENTED

1. Whether plaintiff's evidence created a genuine dispute as to whether he was an employee rather than an independent contractor under the FLSA and NYLL.
2. Whether Anthony Koulizakis was an employer individually liable under the FLSA and NYLL.
3. Whether Nikolas Koulizakis was an employer individually liable under the FLSA and NYLL.
4. Whether defendants were entitled to summary judgment on plaintiff's FLSA and NYLL overtime claims.
5. Whether defendants were entitled to summary judgment on plaintiff's FLSA and NYLL minimum-wage claims.
6. Whether the court needed to decide the applicable FLSA willfulness-based limitations period.
7. Whether plaintiff abandoned his NYLL claims for weekly and timely payment by failing to oppose summary judgment.
8. Whether plaintiff established Article III standing for his NYLL wage-notice and wage-statement claims.
9. Whether defendants' motion to preclude expert witnesses was moot.

HOLDINGS

1. Summary judgment was improper because disputed evidence concerning control, scheduling, permanence, compensation, supervision, and the integral nature of plaintiff's work could allow a reasonable juror to find that plaintiff was a ZAD employee under the FLSA.
2. Defendants were not entitled to summary judgment on Anthony Koulizakis's status as an FLSA employer because the evidence could support a finding that he hired plaintiff, controlled his schedule and work, set his pay, oversaw payroll, and exercised general operational authority over ZAD.
3. Nikolas Koulizakis was not an employer under the FLSA or NYLL as a matter of law, and he was dismissed from the case.
4. Summary judgment was denied on plaintiff's FLSA and NYLL overtime claims because plaintiff's testimony that he worked 57 hours per week without overtime compensation, combined with defendants' failure to maintain adequate records, created a triable issue.
5. Summary judgment was granted to defendants on plaintiff's FLSA minimum-wage claim because, even accepting plaintiff's evidence that he worked 57 hours per week and received approximately \$600 weekly, his average hourly wage exceeded the federal minimum wage.

6. Summary judgment was denied on plaintiff's NYLL minimum-wage claim because disputed evidence concerning hours worked and compensation could allow a reasonable juror to find that plaintiff's hourly rate fell below New York's higher minimum wage.
7. The court declined to decide whether defendants' alleged FLSA violations were willful and therefore subject to a three-year rather than two-year limitations period because plaintiff's remaining FLSA overtime claim was timely under either period and the NYLL provided the longer limitations period for recovery.
8. Plaintiff abandoned his NYLL claims for failure to pay weekly wages and failure to provide timely payments by failing to respond to defendants' arguments, so summary judgment was granted and Counts V and VI were dismissed.
9. The court found that plaintiff had not established Article III standing for his NYLL wage-notice and wage-statement claims because he alleged statutory violations without identifying a concrete downstream injury or causal connection, but it ordered plaintiff to show cause before dismissal.

KEY QUOTATIONS

“Ultimately, the question is “whether the putative employee is economically dependent on the putative employer.”” (Discussion Part II.A)

“The Second Circuit has explained that “an employee’s burden in this regard is not high.”” (Discussion Part III.A)

“statutorily noncompliant” violations of the NYLL that are “divorced from any concrete harm, . . . do not suffice for Article III standing.” (Discussion Part V.B)

FACTUAL BACKGROUND

ZA & D Service Station is an automotive body shop and repair station in Long Island City, New York, owned and operated by Anthony Koulizakis during the relevant period; Nikolas Koulizakis was the prior owner-operator. Panagiotis Kasseris performed autobody repair work for ZAD from periods between 2018 and 2022, but the parties disputed whether he worked a regular 57-hour weekly schedule as an employee or only performed occasional project-based work as an independent contractor. ZAD did not maintain wage statements, pay stubs, wage notices, or records of Kasseris's hours, and Kasseris testified that he was paid approximately \$600 per week despite working the shop's regular operating hours. Anthony supervised work, set schedules and pay, and oversaw payroll, while the evidence showed Nikolas's role was primarily limited to signing checks at Anthony's direction.

PROCEDURAL HISTORY

Plaintiff originally filed the action in the Southern District of New York in February 2023. The case was transferred to the Eastern District of New York on August 2, 2023, and plaintiff filed two amended complaints. The court previously denied plaintiff leave to file a third amended complaint. Defendants moved for summary judgment on August 7, 2025; the court granted the motion in part, denied it in part, deferred the sanctions motion, denied the expert-preclusion request as moot, dismissed Nikolas Koulizakis, and set a deadline for plaintiff to show cause regarding standing.

DISPOSITION

other

CASES CITED

- Brown v. City of New York, No. 11-cv-01068, 2013 WL 491926, at *1 n.1 (S.D.N.Y. Feb. 8, 2013)
- Giannullo v. City of New York, 322 F.3d 139, 140 (2d Cir. 2003)
- Henry v. McDonald, 531 F. Supp. 3d 573, 583 (E.D.N.Y. 2021)
- Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 13 F.4th 247, 259 (2d Cir. 2021)
- Borley v. United States, 22 F.4th 75, 78 (2d Cir. 2021)
- Dolan v. Cassella, 543 F. App'x 90, 90-91 (2d Cir. 2013)
- Fabrikant v. French, 691 F.3d 193, 205 (2d Cir. 2012)
- Looney v. Macy's Inc., 588 F. Supp. 3d 328, 340 (E.D.N.Y. 2021)
- BMaddox Enters. LLC v. Milad Oskouie, Osko M Ltd., No. 17-cv-01889, 2021 WL 3675072, at *5 (S.D.N.Y. Aug. 18, 2021)
- Williams v. Noel, No. 16-cv-02188, 2022 WL 4292229, at *3 n.5 (S.D.N.Y. Sept. 16, 2022)
- Brandon v. Kinter, 938 F.3d 21, 26 n.5 (2d Cir. 2019)
- Fischl v. Armitage, 128 F.3d 50, 55 (2d Cir. 1997)
- Karatzas v. Herricks Union Free Sch. Dist., No. 15-cv-02888, 2017 WL 3084409, at *20 (E.D.N.Y. July 18, 2017)
- Thomas v. City of New York, No. 09-cv-03162, 2010 WL 5490900, at *9 (S.D.N.Y. Dec. 22, 2010)
- Butler v. Gonzalez, No. 09-cv-01916, 2010 WL 3398150, at *10 (S.D.N.Y. Aug. 26, 2010)
- Vicente v. Ljubica Contractors LLC, No. 18-cv-00419, 2025 WL 100897, at *5-6 (S.D.N.Y. Jan. 14, 2025)
- Glatt v. Fox Searchlight Pictures, Inc., 811 F.3d 528, 534 (2d Cir. 2016)
- Jimenez v. Green Olive Inc., 744 F. Supp. 3d 221, 246 (E.D.N.Y. 2024)
- Velu v. Velocity Express, Inc., 666 F. Supp. 2d 300, 305-06 (E.D.N.Y. 2009)
- Brock v. Superior Care, Inc., 840 F.2d 1054, 1058-61 (2d Cir. 1988)
- Kalloo v. Unlimited Mech. Co., 977 F. Supp. 2d 187, 200, 202 (E.D.N.Y. 2013)
- Saleem v. Corp. Transp. Grp., Ltd., 854 F.3d 131, 139 (2d Cir. 2017)
- Jianjun Chen v. 2425 Broadway Chao Rest., LLC, No. 16-cv-05735, 2019 WL 1244291, at *9 (S.D.N.Y. Mar. 18, 2019)
- Cox v. German Kitchen Ctr. LLC, No. 17-cv-06081, 2023 WL 8648839, at *7 (S.D.N.Y. Dec. 14, 2023)
- Browning v. Ceva Freight, LLC, 885 F. Supp. 2d 590, 598 (E.D.N.Y. 2012)
- Ansoumana v. Gristede's Operating Corp., 255 F. Supp. 2d 184, 192 (S.D.N.Y. 2003)
- Chui v. Am. Yuexianggui of Li LLC, No. 18-cv-05091, 2021 WL 4482656, at *2 (E.D.N.Y. July 26, 2021)
- Borowski v. Mordino, No. 16-cv-00999, 2020 WL 6083425, at *1 (W.D.N.Y. Oct. 15, 2020)
- Irizarry v. Catsimatidis, 722 F.3d 99, 107, 109 (2d Cir. 2013)
- Ramos v. Guaba Deli Groc. Corp., No. 20-cv-04904, 2021 WL 5563714, at *6 (S.D.N.Y. Nov. 29, 2021)

- Ethelberth v. Choice Sec. Co., 91 F. Supp. 3d 339, 352-53 (E.D.N.Y. 2015)
- Rafter v. Everlast Sign & Serv. Inc., No. 21-cv-04588, 2025 WL 2240446, at *21 (E.D.N.Y. Aug. 6, 2025)
- Carter v. Dutchess Comm. Coll., 735 F.2d 8, 12 (2d Cir. 1984)
- Herman v. RSR Sec. Servs. Ltd., 172 F.3d 132, 139 (2d Cir. 1999)
- Gutierrez v. Skyview Car Wash, Inc., No. 22-cv-00755, 2024 WL 1332632, at *7 (E.D.N.Y. Mar. 28, 2024)
- Tapia v. Blch 3rd Ave LLC, 906 F.3d 58, 61 (2d Cir. 2018)
- Salinas v. Starjem Rest. Corp., 123 F. Supp. 3d 442, 464 (S.D.N.Y. 2012)
- Copantitla v. Fiskardo Estiatorio, Inc., 788 F. Supp. 2d 253, 310 (S.D.N.Y. 2011)
- Chen v. Lilis 200 W. 57th Corp., No. 19-cv-07654, 2023 WL 2388728, at *5 (S.D.N.Y. Mar. 7, 2023)
- Kuebel v. Black & Decker Inc., 643 F.3d 352, 361-62 (2d Cir. 2011)
- Tabriz v. Taste & Sabor LLC, 577 F. Supp. 3d 314, 327 (S.D.N.Y. 2021)
- Vasquez v. NS Luxury Limousine Serv., Ltd., No. 18-cv-10219, 2021 WL 1226567, at *11, *13 (S.D.N.Y. Mar. 31, 2021)
- Feng v. Kelai Corp., 727 F. Supp. 3d 423, 448 (S.D.N.Y. 2024)
- Nakahata v. N.Y.-Presbyterian Healthcare Sys., Inc., 723 F.3d 192, 200 (2d Cir. 2013)
- Alvarez v. Michael Anthony George Const. Corp., 15 F. Supp. 3d 285, 291, 294 (E.D.N.Y. 2014)
- Francois v. Mazer, No. 09-cv-03275, 2012 WL 653886, at *5 (S.D.N.Y. Feb. 28, 2012)
- Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 687-88 (1946)
- Villada v. Grand Canyon Diner, No. 22-cv-02782, 2024 WL 3875778, at *6, *9-10 (E.D.N.Y. Aug. 19, 2024)
- Lassen v. Hoyt Livery, Inc., 120 F. Supp. 3d 165, 173 (D. Conn. 2015)
- Berrios v. Nicholas Zito Racing Stable, Inc., 849 F. Supp. 3d 372, 381 (E.D.N.Y. 2012)
- Island Software & Computer Serv., Inc. v. Microsoft Corp., 413 F.3d 257, 261-62 (2d Cir. 2005)
- Moncion v. Stephen Sondheim Theater, No. 22-cv-01025, 2022 WL 889377, at *2 (S.D.N.Y. Mar. 25, 2022)
- Sanchez v. Ms. Wine Shop Inc., 643 F. Supp. 3d 355, 370-71 (E.D.N.Y. 2022)
- Pineda-Herrea v. Da-Ar-Da, Inc., No. 09-cv-05140, 2011 WL 2133825, at *5 (E.D.N.Y. May 26, 2011)
- Heras v. Metro. Learning Inst., Inc., No. 19-cv-02694, 2025 WL 1166978, at *13 (E.D.N.Y. Feb. 28, 2025)
- Savor Health, LLC v. Day, No. 19-cv-09798, 2022 WL 912236, at *6 (S.D.N.Y. Mar. 29, 2012)
- Garcia Ramos v. DNC Food Serv. Corp., No. 19-cv-02967, 2020 WL 2832776, at *7 (S.D.N.Y. June 1, 2020)
- Abe v. Yamaguchi & Friends, Inc., No. 22-cv-03164, 2024 WL 3875779, at *5 (E.D.N.Y. Aug. 20, 2024)
- Bin Gao v. Jian Song Shi, No. 18-cv-02708, 2019 WL 3936810, at *8 (E.D.N.Y. Aug. 20, 2019)
- Frost v. Lentex Co., LLC, No. 20-cv-05313, 2022 WL 17968058, at *7 (S.D.N.Y. Dec. 27, 2022)
- Paguay v. Buona Fortuna, Inc., No. 11-cv-06266, 2013 WL 3941088, at *4 (S.D.N.Y. July 31, 2013)
- Young v. Cooper Cameron Corp., 586 F.3d 201, 207 (2d Cir. 2009)
- Ramirez v. Rifkin, 568 F. Supp. 2d 262, 273 (E.D.N.Y. 2008)
- Duran v. M.S.T.A.S. Ltd., No. 20-cv-09228, 2023 WL 7304817, at *3 (S.D.N.Y. Sept. 20, 2023)
- Blake v. Race, 487 F. Supp. 2d 187, 217 (E.D.N.Y. 2007)
- Alvarado v. United Hospice, Inc., 631 F. Supp. 3d 89, 110 (S.D.N.Y. 2022)

- Kovaco v. Rockbestos-Surprenant Cable Corp., 834 F.3d 128, 143 (2d Cir. 2016)
- Sevilla v. House of Salads One LLC, No. 20-cv-06072, 2022 WL 954740, at *3 n.7 (E.D.N.Y. Mar. 30, 2022)
- Velarde v. GW GJ, Inc., Velarde v. GW GJ, Inc., 914 F.3d 779, 783 & n.5 (2d Cir. 2019)
- Apple v. Atl. Yards Dev. Co., No. 11-cv-05550, 2014 WL 5450030, at *6 n.4, *10 (E.D.N.Y. Oct. 27, 2014)
- Gao v. Jian Song Shi, No. 18-cv-02708, 2021 WL 1949275, at *8 (E.D.N.Y. Apr. 30, 2021)
- Chuchuca v. Creative Customs Cabinets Inc., No. 13-cv-02506, 2014 WL 6674583, at *7-8 (E.D.N.Y. Nov. 25, 2014)
- Wu v. Chang's Garden of Storrs, LLC, No. 08-cv-00746, 2010 WL 918079, at *6 (D. Conn. Mar. 11, 2010)
- Apple v. Atl. Yards Dev. Co., No. 11-cv-05550, 2014 WL 5450030, at *10 (E.D.N.Y. Oct. 27, 2014)
- Gavin/Solmonese LLC v. D'Arnaud-Taylor, 68 F. Supp. 3d 530, 543 (S.D.N.Y. 2014)
- Joseph v. Leavitt, 465 F.3d 87, 89 (2d Cir. 2006)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 423, 440 (2021)
- Chisolm-Lucas v. Am. Airlines, Inc., 793 F. Supp. 3d 477, 482 (E.D.N.Y. 2025)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 560 (1992)
- Guthrie v. Rainbow Fencing Inc., 113 F.4th 300, 302-03, 306, 308-09 (2d Cir. 2024)
- Fortune v. Vivendi Ticketing US, LLC, No. 24-cv-08415, 2025 WL 2443681, at *5 (S.D.N.Y. Aug. 25, 2025)
- Li v. Dolar Shop Rest. Grp. LLC, No. 16-cv-01953, 2025 WL 2782535, at *2 (E.D.N.Y. Sept. 30, 2025)
- Giancotti v. Pizzarotti LLC, No. 23-cv-03457, 2025 WL 2607606, at *18 (S.D.N.Y. Sept. 9, 2025)
- Nereo v. Shleppers Holdings, LLC, No. 22-cv-09505, 2025 WL 936570, at *11 (S.D.N.Y. Mar. 27, 2025)
- Katz v. Donna Karan Co., 872 F.3d 114, 121 (2d Cir. 2017)
- Safe-Strap Co. v. Koala Corp., 270 F. Supp. 2d 407, 420 (S.D.N.Y. 2003)

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