

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

.....X
AHMED HEGAZY, SHRIEF SROR, RAMIZ :
SHEHATTA, WALID SOLTAN, AHMED :
ABOUELKHAIR, and AHMED MONEIM on :
behalf of themselves and all others similarly :
situated, :

Index No.

Plaintiffs,

COMPLAINT

v.

THE HALAL GUYS, INC., ALL 53 SW INC., :
NIGHT 53 SE INC., THE HALAL GUYS :
FRANCHISE INC., ALTAWHID FOOD :
SUPPLY INC., AHMED ELSAKA, :
ABDELBASET ELSAYED, MOHAMED X
ABOUELENEIN a/k/a MOHAMMED
ABOUELENEIN, AHMED ABOUELENEIN, and
ABDULLAH ABOUELENEIN,

**FLSA COLLECTIVE ACTION
& RULE 23 CLASS ACTION**

Defendants.

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Plaintiffs AHMED HEGAZY, SHRIEF SROR, RAMIZ SHEHATTA, WALID
SOLTAN, AHMED ABOUELKHAIR, and AHMED MONEIM (“Plaintiffs”), by and through
their attorneys, on behalf of themselves and all others similarly situated, allege, upon personal
knowledge as to themselves, and upon information and belief as to all other matters, as follows:

PRELIMINARY STATEMENT

1. Plaintiffs bring this action, on behalf of themselves and other employees similarly
situated, against Defendants THE HALAL GUYS, INC., ALL 53 SW INC., NIGHT 53 SE INC.,
THE HALAL GUYS FRANCHISE INC., ALTAWHID FOOD SUPPLY INC., AHMED
ELSAKA, ABDELBASET ELSAYED, MOHAMED ABOUELENEIN, AHMED
ABOUELENEIN, and ABDULLAH ABOUELENEIN, (collectively referred to herein as
“Defendants”) to remedy violations of the Fair Labor Standards Act, as amended (“FLSA”), 29

U.S.C. § 201 *et seq.* Plaintiffs seek, for themselves and similarly situated employees, declaratory and injunctive relief, unpaid wages including unpaid overtime, liquidated damages, reasonable attorneys' fees, costs, and all other appropriate legal and equitable relief, pursuant to the FLSA and other applicable federal law.

2. Plaintiffs also bring this action, on behalf of themselves and other employees similarly situated, to remedy violations of the New York Labor Law ("NYLL"), including NYLL § 190 *et seq.*, § 650 *et seq.*, including 663(1), and 12 NYCRR § 146. Plaintiffs seek, for themselves and all other similarly situated employees, declaratory and injunctive relief, unpaid wages including unpaid overtime, unpaid spread of hours pay, reimbursement of the costs of purchasing required uniforms, tips/gratuities retained by Defendants, interest, reasonable attorneys' fees, costs, liquidated damages, and all other appropriate legal and equitable relief, pursuant to the NYLL §§ 198, 663 and the supporting New York State Department of Labor regulations.

3. Plaintiffs also bring this action, on behalf of themselves and other employees similarly situated, to remedy violations of NYLL § 195(1) and (3). Plaintiffs seek, for themselves and all other similarly situated employees, statutory damages, costs, and reasonable attorneys' fees, and all other appropriate legal and equitable relief, pursuant to the NYLL § 198(1-b) and (1-d).

JURISDICTION AND VENUE

4. Jurisdiction of the Court over Plaintiffs' FLSA claims is invoked pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

5. Jurisdiction of this Court over Plaintiffs' NYLL claims is invoked pursuant to 28 U.S.C. § 1367(a) in that the NYLL claims are so related to Plaintiffs' FLSA claims as to form the

same case or controversy under Article III of the United States Constitution.

3. Venue is proper within this District, pursuant to 28 U.S.C. § 1391, because Defendants do business in, and accordingly reside in, this District. Venue is further proper within this District pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claims occurred within this District.

PARTIES

6. Plaintiff AHMED HEGAZY resides in the County of Queens in the State of New York.

7. Plaintiff Hegazy was employed by Defendants as a Food Server/Food Vendor, as described herein, from in or about July, 2014 until in or about the end of March, 2020.

8. Plaintiff SHRIEF SROR resides in the County of Queens in the State of New York.

9. Plaintiff Sror was employed by Defendants as a Food Server/Food Vendor, as described herein, from in or about 2009 until in or about July 2017.

10. Plaintiff RAMIZ SHEHATTA resides in the State of Tennessee.

11. Plaintiff Shehatta was employed by Defendants as a Food Server/Food Vendor, as described herein, from in or about May 2013 until in or about March 15, 2020.

12. Plaintiff WALID SOLTAN resides in the County of Kings in the State of New York.

13. Plaintiff Soltan was employed by Defendants as a Food Server/Food Vendor, as described herein, from in or about May 2015 until March, 2018.

14. Plaintiff AHMED ABOUELKHAIR resides in the State of New Jersey.

15. Plaintiff Abouelkhair was employed by Defendants as a Food Server/Food Vendor, as described herein, from in or about December 2010 until in or about March, 2020

16. Plaintiff AHMED MONEIM resides in the State of New Jersey.

17. Plaintiff Moneim was employed by Defendants as a Food Server/Food Vendor starting in or about October of 2015. In addition to employing Plaintiff Moneim as a Food Server/Food Vendor, Defendants also employed Plaintiff Moneim as a hands-on, trainer beginning in 2016.

18. Plaintiff Moneim's employment with Defendants ended in or around November 2020.

19. Defendant THE HALAL GUYS, INC. is a New York Domestic Business Corporation registered in the State of New York with its principal executive office located in Astoria, New York, in the County of Queens.

20. Defendant ALL 53 SW INC. is a New York Domestic Business Corporation registered in the State of New York with its principal place of business in Astoria, New York, located in the County of Queens.

21. Defendant NIGHT 53 SE INC. is a New York Domestic Business Corporation registered in the State of New York with its principal executive office in Astoria, New York, in the County of Queens.

22. Defendant THE HALAL GUYS FRANCHISE INC. is registered to do business in the State of New York as a foreign for profit corporation. Defendant The Halal Guys Franchise Inc. is incorporated in the State of New Jersey.

23. Defendant ALTAWHID FOOD SUPPLY INC. is a New York Domestic Business Corporation registered in the State of New York with its principal executive office in Astoria, New York, in the County of Queens.

24. Defendants THE HALAL GUYS, INC., ALL 53 SW INC., NIGHT 53 SE INC., THE HALAL GUYS FRANCHISE INC., and ALTAWHID FOOD SUPPLY INC. (collectively the “Halal Guys” or the “Corporate Defendants”) operate as a joint enterprise with unified operation and common control to achieve a common business purpose as defined by the FLSA. 29 U.S.C. § 203(r).

25. Defendant AHMED ELSAKA (“Defendant Elsaka”) is the owner, manager, and/or operator of each of the Corporate Defendants.

26. Defendant Elsaka had, and has, the power to hire, fire, and set the wages and hours of all the employees of the Corporate Defendants, including Plaintiffs and others similarly situated, and regularly supervised Plaintiffs and the other employees working for the Corporate Defendants.

27. Defendant ABDELBASET ELSAYED (“Defendant Elsayed”) is the owner, manager, and/or operator of each of the Corporate Defendants.

28. Defendant Elsayed had, and has, the power to hire, fire, and set the wages and hours of all the employees of the Corporate Defendants, including Plaintiffs and others similarly situated, and regularly supervised Plaintiffs and the other employees working for the Corporate Defendants.

29. Defendant MOHAMED ABOUELENEIN a/k/a MOHAMMED ABOUELENEIN (“Defendant Abouelenein”) is the owner, manager, and/or operator of each of the Corporate Defendants.

30. Defendant Abouelenein is registered with the Secretary of State of the State of New York as the Chief Executive Officer of Defendants THE HALAL GUYS, INC. and ALTAWHID FOOD SUPPLY INC.

31. Defendant Abouelenein had, and has, the power to hire, fire, and set the wages and hours of all the employees of the Corporate Defendants, including Plaintiffs and others similarly

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