

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

WEST PALM BEACH DIVISION

CASE NO: 24-cv-80787-DMM/Matthewman

MIA WILLIAMS, BRITTANY
CALVERT, DEDTRA DAVIS,
AND ALISA LEGGETT,

Plaintiff,

v.

RETREAT BEHAVIORAL
HEALTH, LLC, ET AL,

Defendant.
_____ /

ANSWER AND AFFIRMATIVE DEFENSES

The Defendant, CHRISSY GARIANO, by and through her undersigned attorneys, hereby serves this, her Answer and Affirmative Defenses as follows:

Answer

1. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.
2. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.
3. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

Jurisdiction and Venue

4. Admitted for jurisdictional purposes only.

5. Admitted for jurisdictional purposes only.

Parties

6. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

7. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

8. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

9. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

The Corporate Defendants

10. Paragraphs 10 – 82 all pertain to just the Corporate Defendants as such the defendant is without sufficient knowledge to admit or deny the allegations contained within these paragraphs, and thus these paragraphs are denied.

The Individual Defendants

83. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

84. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

85. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

86. Admitted.

87. Defendant is without sufficient knowledge to admit or deny the allegation contained

within this paragraph, thus this paragraph is denied.

88. Admitted as to the role Peter Schorr played within the Retreat Companies. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph as to the role David Silberstein played and as such this is denied.

89. Admitted.

90. Admitted.

91. Admitted.

92. Denied as phrased.

93. Denied.

94. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

95. Admitted.

96. Denied as phrased.

97. Denied.

98. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

99. Denied.

100. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

101. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

102. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

103. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

104. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

105. Denied.

General Allegations

106. Admitted.

107. Admitted.

108. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

109. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

110. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

111. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

112. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

113. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

114. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

115. Denied as phrased.

116. Admitted.

117. Denied as phrased.

118. Admitted.

119. Denied as phrased.

120. Admitted.

121. Admitted.

122. Admitted.

123. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

124. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

125. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

126. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

127. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

128. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

129. Admitted.

130. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

131. Defendant is without sufficient knowledge to admit or deny the allegation contained

within this paragraph, thus this paragraph is denied.

Class Action Allegations

132. Defendant is without sufficient knowledge to admit or deny the allegations contained within this paragraph, thus this paragraph is denied.

133. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

134. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

135. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

136. Denied.

137. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

138. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

139. Denied.

140. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

Count I

141. Paragraphs 141-169 all pertain to Defendants Retreat Behavioral Health, NR Florida, NR Pennsylvania, Receiver Young, NR Connecticut, DRPS, Coal Lake Worth, Coal Florida, Coal Connecticut, Coal New Haven, Coal Capital Ephrata, Coal Capital Group, CLW Holdings, and HFGC, as such the Defendant, Chrissy Gariano, is without sufficient knowledge to

admit or deny the allegations contained in paragraphs 141 – 169, thus those paragraphs are denied.

Count II

170. No response required.

171. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

172. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

173. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

174. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

175. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

176. Denied as phrased.

177. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

178. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

179. Denied as phrased.

180. Denied.

181. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

Count III

182. No response required.

183. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

184. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

185. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

186. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

187. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

188. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

189. Denied.

190. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

191. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

192. Denied.

193. Defendants are without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

Count IV

194. No response required.

195. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

196. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

197. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

198. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

199. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

200. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

201. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

202. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

203. Denied as phrased.

204. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

205. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

206. Denied.

207. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

Count V

208. No response required.

209. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

210. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

211. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

212. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

213. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

214. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

215. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

216. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

217. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

218. Denied as phrased.

219. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

220. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

221. Denied.

222. Defendant is without sufficient knowledge to admit or deny the allegation contained within this paragraph, thus this paragraph is denied.

All averments to the Complaint which are not specifically admitted above, are hereby denied.

Affirmative Defenses

1. As her First Affirmative Defense, the Defendant CHRISSY GARIANO, asserts that the Plaintiffs' Second Amended Complaint fails to state a Cause of Action upon which relief can be granted.

2. The Defendant, Mrs. Gariano, as her Second Affirmative Defense invokes the defenses, protections and limitations of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

3. The Defendant, Mrs. Gariano, was the Chief Regulatory Officer, but was not involved in the operational or day-to-day decisions of the Retreat Entities and therefore is not an Employer as defined in the FLSA, Florida Constitution and applicable Connecticut and Pennsylvania statutes..

4. Mrs. Gariano was not involved in the hiring and firing process of individuals within the Retreat Entities and therefore is not an Employer as defined in the FLSA, Florida Constitution and applicable Connecticut and Pennsylvania statutes.

5. Mrs. Gariano did not set the work schedules, represent herself as an owner of the

Retreat Entities, make any compensation or payroll decisions for the Retreat Entities, and therefore is not an Employer as defined in the FLSA, Florida Constitution and applicable Connecticut and Pennsylvania statutes.

6. Without admitting the existence of an employer/employee relationship, asserts that her conduct, as wrongfully alleged in the Second Amended Complaint and not supported by any evidence thereby, was neither knowingly, nor willfully in violation of the applicable laws and statutes.

7. Mrs. Gariano took no part in the decision to not pay the employees after the deaths of Peter Schorr and Scott Korogodsky, and any conduct by Mrs. Gariano was at the behest of others. At all times she conducted herself in good faith.

8. Liquidated damages are not appropriate as the conduct of Mrs. Gariano, if any, was neither willful or reckless, and the Plaintiff has failed to establish a violation of the FLSA.

WHEREFORE, the Defendant, CHRISSY GARIANO, asks that this Court dismiss the Second Amended Complaint, enter judgment in favor of the Defendants, and grant such further and other relief as this Honorable Court may deem just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed this 22nd day of May 2025, with the Clerk of Court using CM/ECF, which will send a notice of electronic filing to all Parties listed on the Service List.

/s/ Peter Ticktin
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