

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TARANGINI ANEESA PERSAUD and BENICES
INFANTE, on behalf of themselves, individually, and
on behalf of all others similarly-situated,

Plaintiffs,

Docket No.:15-cv-04341(SJF)(ARL)

-against-

TRI-MED HOME CARE SERVICES, INC., and
VINOD SINHA, an individual.

Defendants.

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COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked at TRI-MED HOME CARE SERVICES, INC. between July 24, 2012 and the present as a non-managerial employee in Tri-Med Home Care Services, Inc.’s Human Resources Department and/or as a Home Health Aide Coordinator, please read this Notice.

***Important: You are NOT being sued. This Notice is NOT a solicitation from a lawyer.
The Court authorized this Notice.***

- Plaintiffs Tarangini Aneesa Persaud and Benices Infante are former employees of Tri-Med Home Care Services, Inc. Ms. Persaud and Ms. Infante claim that Tri-Med Home Care Services, Inc. did not pay them overtime compensation for hours worked in excess of forty per week as required by the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL) or minimum wage for all hours worked.
- Defendants deny any wrongdoing and/or liability and maintain that all of their employees are paid in compliance with federal and state law.
- The Court has authorized the parties to send out this notice. The Court has not decided who is right or who is wrong. However, your legal rights may be affected, and you have a choice to make now. This lawsuit is currently in the early pretrial stage. The Court has made not finding on the merits of the claims raised by Plaintiffs, or Defendants’ various defenses thereto.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

ASK TO BE INCLUDED	If you choose to be included in this collective action, you will be bound by any ruling, settlement, or judgment in this case. You may also share in any proceeds from a settlement or judgment if those bringing the claims are successful. If you choose to be included you will give up any rights to separately sue the Defendants about the same legal claims in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit for the purpose of asserting an overtime claim or minimum wage claim under federal law. This means that you give up the possibility of getting money or benefits that may come from a trial or settlement of the overtime claims or minimum wage claims under federal law asserted in this lawsuit, if those bringing the lawsuit are successful.

1. Why did I get this notice?

You are getting this notice because Tri-Med Home Care Services, Inc.'s records show that you may have worked as a non-managerial employee in Tri-Med Home Care Services, Inc.'s Human Resources Department and/or as a Home Health Aide Coordinator at Tri-Med Home Care Services, Inc. for all or some part of the period of July 24, 2012 to the present. Plaintiffs sued the Defendants claiming that the Defendants violated various provisions of Federal and New York State wage and hour laws.

2. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons can bring a lawsuit on behalf of others who have similar claims. The individuals who brought this lawsuit are called the Plaintiffs. The corporate entity and individuals that they have sued are called the Defendants. One court resolves the issues for everyone who decides to join the case.

3. What is this collective action lawsuit about?

The collective action lawsuit is about whether Tri-Med Home Care Services, Inc.'s compensation practices violate federal law. The lawsuit alleges that Tri-Med Home Care Services, Inc. violated federal law by not paying Plaintiff and other employees who are similarly situated to them all overtime wages and minimum wages owed to them. Plaintiffs are seeking to recover unpaid wages, in addition to liquidated damages, attorneys' fees, and costs.

Defendants deny any wrongdoing and/or liability and maintain that all of their employees were and continue to be paid in accordance with federal law.

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you must fill out the enclosed form called “Consent to Join” and mail it in the enclosed, postage-paid envelope to Plaintiff’s lawyers. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

Borrelli & Associates, P.L.L.C.
Re: Persaud v. Tri-Med Case
1010 Northern Boulevard, Suite 328
Great Neck, New York 11021
(516) 248-5550

You can also fax the Consent to Join form to (516) 248-6027 or scan and email it to:

mjb@employmentlawyernewyork.com
or
lml@employmentlawyernewyork.com

The signed Consent to Join Form must be postmarked, faxed, or e-mailed by February 7, 2017. If your signed Consent to Join Form is not postmarked, faxed, or e-mailed by February 7, 2017, you may not be allowed to participate in the federal law portion of this lawsuit.

5. What happens if I join the collective action lawsuit?

You will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. If there is a favorable resolution, either by settlement or judgment, and you qualify under the law, you may be entitled to some portion of the recovery. By joining this lawsuit, you agree to have the Plaintiffs Tarangini Aneesa Persaud and Benices Infante and their counsel act as your representative and make decisions on your behalf concerning the case, including approving any settlement. All decisions made and agreements entered into by Plaintiffs and their counsel will be binding on you if you join this lawsuit, subject only to the Court’s approval.

While this lawsuit is pending, as part of the discovery process you may be asked to provide documents or information relating to your employment with Defendants, which may include responding to written questions and requests for documents. Plaintiffs’ counsel will assist you with this process. For this reason, if you join this lawsuit, you should preserve all documents relating to your employment currently in your possession. You may also be asked to sit for a deposition where you will testify under oath and/or asked to testify at trial.

6. What happens if I do nothing at all?

You will not be included in this lawsuit for the purposes of asserting an overtime claim or minimum wage claim under federal law. Therefore, you will not be entitled to any recover in this case should there be any for those claims. The limitations period on your claims continues to run.

7. Can I participate in this collective action lawsuit regardless of my immigration status?

Yes. Your rights under federal law are protected regardless of your immigration status.

8. If I join, will there be any impact on my employment?

Federal law prohibits Tri-Med Home Care Services, Inc. from discharging or in any other matter retaliating against you because you join this case or have in any other way exercised your rights under federal law.

9. Do I have a lawyer in this case?

Plaintiffs are represented by Borrelli & Associates, P.L.L.C. If you choose to join this Lawsuit, Borrelli & Associates, P.L.L.C. will represent you on a contingency fee basis, meaning you will not owe any attorneys' fees unless Plaintiffs are successful and win the case or obtain a settlement. The lawyers' fees must be approved by the Court. If you do not want to be represented by Borrelli & Associates, P.L.L.C., you may choose to retain your own counsel (at your own expense) or proceed without an attorney.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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INFANTE, on behalf of themselves, individually, and
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IF YOU RECEIVED THIS FORM AND WANT TO JOIN THIS LAWSUIT, PLEASE COMPLETE
THESE TWO STEPS:

1. COMPLETE AND SIGN THIS CONSENT TO JOIN LAWSUIT FORM; AND
2. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS
BELOW NO LATER THAN FEBRUARY 7, 2017.

Borrelli & Associates, P.L.L.C.
Re: Persaud v. Tri-Med Case
1010 Northern Boulevard, Suite 328
Great Neck, New York 11021

YOU CAN ALSO FAX THE CONSENT TO JOIN FORM TO (516) 248-6027,
OR SCAN AND EMAIL IT TO: mjb@employmentlawyernewyork.com or
lml@employmentlawyernewyork.com

I consent to join the collective action and authorize Plaintiffs and Borrelli and Associates, P.L.L.C. to
act on my behalf in all matters relating to this action, including any settlement of my claims.

SIGNATURE

PRINT NAME

Address

City, State, Zip Code

Telephone Number

Email Address

Start Date of Employment

End Date of Employment