

**COURT AUTHORIZED NOTICE OF LAWSUIT**

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*CASE NUMBER 16-CV-03903-VB (S.D.N.Y.)*

*Kenroy Williams, on behalf of himself, individually, and on behalf of all others similarly-situated, Plaintiff,*

*-against-*

*FAIRFIELD FAMILY CARE, LLC, and FAIRFIELD FAMILY CARE HOLDINGS, LLC, and GARY FERONE, individually, Defendants.*

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If you worked as a caregiver in the State of New York for FAIRFIELD FAMILY CARE, LLC, FAIRFIELD FAMILY CARE HOLDINGS, LLC, or GARY FERONE (all, together as “Defendants”), at any time between May 25, 2013 and the present, ***please read this Notice.***

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

- Plaintiff, Kenroy Williams, formerly worked in the State of New York as a caregiver for Defendants.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former caregivers who worked for Defendants in New York at any time between May 25, 2013 and the present. Plaintiff claims that he worked in excess of forty hours per week and that Defendants did not pay him for all hours worked, including all overtime and minimum wage due, in violation of the Fair Labor Standards Act and New York law.
- Defendants deny any wrongdoing and deny that Mr. Williams or any former or current caregiver that worked in New York was underpaid for any hours worked, and Defendants will assert various defenses against any such claims.
- 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.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you choose to be included in this collective action, you must complete the consent form at the end of this Notice. You may then share in any proceeds from a settlement or judgment if those bringing the claims are successful, but you give up any rights to separately sue the Defendants for the same legal claims in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit relating to claims under the Fair Labor Standards Act.

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1. Why did I get this notice?

You are getting this notice because Defendants' records show that you may have worked in New York as a caregiver for them at some point between May 25, 2013 and the present.

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 individual who brought this lawsuit is called the Plaintiff. The corporate entities and owner that are being 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?

Plaintiff alleges that Defendants' compensation practices violated federal and state law. Plaintiff claims that he and others who worked for Defendants as caregivers in the State of New York are entitled to unpaid overtime wages, minimum wage for each hour worked, liquidated damages, attorneys' fees, and costs.

Defendants deny any wrongdoing and/or liability and maintain that all caregivers that worked for them in New York were paid in accordance with federal and state law.

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to fill out the enclosed form called "Consent to Join Lawsuit" and mail it in the enclosed, postage-paid envelope to Plaintiff's Counsel, Borrelli & Associates, P.L.L.C. Should the enclosed envelope be lost or misplaced, the Consent to Join form must be sent to:

Borrelli & Associates, P.L.L.C.  
1010 Northern Boulevard, Suite 328  
Great Neck, New York 11021  
Tel: (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**

The signed Consent to Join form must be postmarked by [60 days from mailing of notice]. If your signed Consent to Join form is not postmarked by [60 days from mailing of notice], you may not be allowed to participate in this lawsuit.

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

You will be included as a Plaintiff in this Lawsuit and 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 designate Plaintiff, or his counsel, to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiff and/or his counsel relating to the lawsuit will be binding on you if you join the lawsuit.

As a Plaintiff in this Lawsuit you may be required to provide documents and information relating to your claims against Defendants, which may include responding to written questions and testifying in person under oath at a deposition and at trial. For this reason, if you join the lawsuit, you should preserve all documents relating to your employment with Defendants currently in your possession. Plaintiff's attorneys will assist you.

This Notice does not mean you are entitled to monetary recovery. Any such determination must still be made by the Court.

6. What happens if I do nothing at all?

You can choose not to participate in this Lawsuit. If you do not want to participate in this Lawsuit then do you not need to sign and return the enclosed "Consent to Join Lawsuit" form. If you choose not to participate in this lawsuit you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. The limitations period on any federal and/or state wage claims that you may have will continue to run.

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

Yes. You have a right to participate in this Lawsuit regardless of your immigration status.

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

Federal law prohibits Defendants from discharging or in any other manner retaliating against you because you join this case.

9. Do I have a lawyer in this case?

Plaintiff is 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 that you will not owe any attorneys' fees unless Plaintiff is successful and wins the case or obtains a settlement, in which case the Court will determine the amount of attorneys' fees to be paid.

You do not have to be represented by Borrelli & Associates, P.L.L.C. Instead, you can hire your own attorney, who may or may not represent you on a contingency fee basis, or you can represent yourself *pro se* without the assistance of a lawyer. If you prefer to retain your own lawyer or to represent yourself, then you should indicate this on the "Consent to Join Lawsuit" form. If you send back the "Consent to Join Lawsuit" form but do not indicate that you intend to retain your own lawyer or to represent yourself, it will be assumed that you want Borrelli &

Associates, P.L.L.C. to represent you.

The Defendants are represented by:

Joseph Maddaloni, Jr., Esq.  
Lentz & Gengaro, LLP  
347 Mt. Pleasant Avenue  
Suite 203  
West Orange, New Jersey 07052  
(973) 669-8900  
[jmaddaloni@lentzgengaro.com](mailto:jmaddaloni@lentzgengaro.com)

11. This Notice has been authorized by the Court

This notice and its contents have been authorized by the Court. The Court has not yet ruled on whether Plaintiff's claims or Defendants' defenses have any merit. Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

**PLEASE DO NOT WRITE OR CALL THE COURT OR THE CLERK OF THE COURT ABOUT THIS NOTICE.**

If you have any questions, you may contact Plaintiff's attorneys, Borrelli & Associates, P.L.L.C, by telephone at (516) 248-5550 or in writing at Borrelli & Associates, P.L.L.C., 1010 Northern Boulevard, Suite 328, Great Neck, New York 11021, or by email at [mjb@employmentlawyernewyork.com](mailto:mjb@employmentlawyernewyork.com).

**CONSENT TO JOIN FORM**

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-against-

*FAIRFIELD FAMILY CARE, LLC, and FAIRFIELD FAMILY CARE HOLDINGS, LLC, and GARY FERONE, individually, Defendants.*

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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 NOT LATER THAN JANUARY 15, 2017.

Borrelli & Associates, P.L.L.C.  
1010 Northern Blvd., 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](mailto:mjb@employmentlawyernewyork.com)

**I consent to join the collective action; and I elect to be represented by [choose ONE]:**

\_\_\_\_\_ Borrelli & Associates, P.L.L.C.  
I authorize Plaintiff Kenroy Williams and Borrelli & Associates, P.L.L.C. to act on my behalf in all matters relating to this action, including any settlement of my claims.

\_\_\_\_\_ Another attorney of my choosing, who shall promptly file a notice of appearance on my behalf.

\_\_\_\_\_ Myself *pro se* without the assistance of an attorney.

If you send back your form without checking one of the options above, you will automatically be represented by Borrelli & Associates, P.L.L.C. Moreover, failure to select a representation option above will authorize Kenroy Williams and Borrelli & Associates, P.L.L.C. to act on your behalf in all matters relating to this Lawsuit, including any settlement of your claims. You can proceed with counsel of your own choosing, who may or may not represent you on a contingency fee basis at your own expense or to represent yourself *pro se* without the assistance of an attorney, but to do so you must check the appropriate option above.

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SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Start Date of Employment

\_\_\_\_\_  
End Date of Employment