

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DUNBAR DAVIS and REGAN LAING, on behalf of  
themselves, individually, and on behalf of all others  
similarly-situated,

Plaintiffs,

-against-

UPTOWN COMMUNICATIONS & ELECTRIC,  
INC., and JONATHAN SMOKLER, an individual, and  
DANIEL GREENBERG, an individual,

Defendants.

**Docket No.:**  
**1:16-cv-03990 (NGG)(LB)**

**COURT AUTHORIZED**  
**NOTICE OF LAWSUIT**

If you worked at UPTOWN COMMUNICATIONS & ELECTRIC, INC. between July 18, 2013 and the present as a cable installer/technician, the purpose of this Notice is to advise you of this lawsuit, and to further advise you of certain rights you may have with respect to this action.

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

- Plaintiffs Dunbar Davis and Regan Laing (“Plaintiffs”) allege that they are former cable installers/technicians for Uptown Communications & Electric, Inc. (along with Jonathan Smokler and Daniel Greenberg as “Defendants”).
- Plaintiffs brought this lawsuit against Defendants on behalf of themselves, and on behalf of all other similarly-situated cable installers/technicians who allegedly worked for Defendants at any time between July 18, 2013 and the present. Plaintiffs claim that they worked in excess of forty hours per week and that Defendants did not pay them overtime compensation for all hours worked over forty in violation of the Fair Labor Standards Act and New York law.
- You may be owed payment if you worked for Defendants for more than forty (40) hours per week and you were not paid overtime at time and one-half your normal hourly rate of pay for all hours actually worked over forty (40) hours each week.
- Defendants deny any wrongdoing, deny that Plaintiffs worked overtime, and as a result, deny that Defendants failed to pay them overtime compensation.
- 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.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT**

<b>ASK TO BE INCLUDED</b>	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.
<b>DO NOTHING</b>	By doing nothing, you will not be included in this lawsuit relating to claims under the Fair Labor Standards Act.

**1. Why did I get this notice?**

You are getting this notice because Defendants’ records show that you may have worked as a cable installer/technician for Defendants at some point between July 18, 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 individuals who brought this lawsuit are called the Plaintiffs. The corporate entity and individuals that Plaintiffs 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?**

Plaintiffs allege that Defendants’ compensation practices violated federal and state law. Plaintiffs claim that they and others who performed work as cable installers/technicians are entitled to unpaid overtime wages, liquidated damages, attorneys’ fees, and costs.

Defendants deny any wrongdoing and/or liability and maintain that all cable installers/technicians 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 as directed below. Your Consent to Join Lawsuit form will be filed with the Clerk of the Court on your behalf. If you fail to mail a signed Consent to Join form to the Clerk of Court by March 13, 2017, you may not be eligible to participate in the FLSA portion of this lawsuit.

If you wish to file a claim for unpaid overtime under the Fair Labor Standards Act, you must mail the enclosed Consent to Join form, postmarked by March 13, 2017, to:

Douglas C. Palmer  
Clerk of Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201  
Re: Dunbar Davis v. Uptown  
Case No.: 16-3990

The signed Consent to Join form must be postmarked by March 13, 2017. If your signed Consent to Join form is not postmarked by March 13, 2017, you may not be allowed to participate in 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. If you choose to be represented by Plaintiffs' attorneys, their costs and fees will be paid out of any settlement or money judgment the class receives against Defendants. You have the right to consult with an attorney of your choice about this matter. If you choose to be represented by other counsel, you will need to confer with them regarding their costs and fees. Further information about this Notice, the deadline for joining the lawsuit, the form provided or answers to other questions concerning the lawsuit may be obtained by contacting Plaintiffs' attorney, Michael J. Borrelli, telephone number (516) 248-5550, facsimile number (516) 248-6027, or email [mjb@employmentlawyernewyork.com](mailto:mjb@employmentlawyernewyork.com). Any communication with Borrelli & Associates, P.L.L.C. is **privileged and confidential** and will not be disclosed to anyone without your permission.

You have the right to retain an attorney of your choosing to represent you in this action or another action against the Defendants. If you choose to retain another attorney or to represent yourself, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein.

While this lawsuit is pending, you may be asked to provide documents or information relating to your relationship with Defendants, which may include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you should preserve all documents relating to the Defendants currently in your possession.

6. What happens if I do nothing at all?

You will not be included in this lawsuit and you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. The limitations period on your federal claims continues 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?

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

You do not have to be represented by Borrelli & Associates, P.L.L.C. and may instead hire another attorney of your choosing, at your own expense, or represent yourself *pro se* without the assistance of a lawyer. If you intend to retain your own lawyer or to represent yourself, you should indicate this on the "Consent to Join Lawsuit" form. If you send back your form but do not indicate that you intend to retain your own lawyer or to represent yourself, the Court will assume that you want Borrelli & Associates, P.L.L.C. to represent you.

10. This Notice has been authorized by the Court

This notice and its contents have been authorized by Magistrate Judge Lois Bloom for the Eastern District of New York, located in Brooklyn, New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

**PLEASE DO NOT WRITE OR CALL THE COURT OR THE CLERK OF THE COURT WITH QUESTIONS ABOUT THE CASE.**

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

If you have any questions, you may contact Plaintiffs' attorneys 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).

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DUNBAR DAVIS and REGAN LAING, on behalf of  
themselves, individually, and on behalf of all others  
similarly-situated,

Plaintiffs,

-against-

UPTOWN COMMUNICATIONS & ELECTRIC,  
INC., and JONATHAN SMOKLER, an individual, and  
DANIEL GREENBERG, an individual

Defendants.

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**CONSENT TO JOIN FORM**

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 March 13, 2017.

Douglas C. Palmer  
Clerk of Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201  
Re: Dunbar Davis v. Uptown  
Case No.: 16-3990

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

\_\_\_\_\_ Borrelli & Associates, P.L.L.C.  
I authorize Plaintiffs, Dunbar Davis and Regan  
Laing, 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 do not select any of the representation options above but send back your form to Borrelli & Associates, P.L.L.C., you will automatically be represented by Plaintiffs' lawyers, Borrelli & Associates, P.L.L.C. Moreover, failure to select a representation option above will authorize Dunbar Davis, Regan Laing, and Borrelli & Associates, P.L.L.C. to act on your behalf in all matters relating to this action, including any settlement of your claims.

\_\_\_\_\_  
**SIGNATURE**

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

\_\_\_\_\_  
**Address**

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

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

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