

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OSCAR MUÑOZ, on behalf of himself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

MAGAN FOOD ENTERPRISES, INC. d/b/a
HUBBA'S, and CARLOS MAGAN, individually,

Defendants.

Docket No.: 16-CV-3143

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for Magan Food Enterprises, Inc. d/b/a Hubba's as a non-managerial employee at any time between April 27, 2013 and the present, please read this Notice.

THIS IS A COURT-AUTHORIZED NOTICE THAT A COLLECTIVE ACTION MAY AFFECT YOUR LEGAL RIGHTS.

The purpose of this Notice is to advise you of a lawsuit that has been filed against Magan Food Enterprises, Inc. d/b/a Hubba's and Carlos Magan under the Fair Labor Standards Act and of legal rights you have in connection with that lawsuit. The Court has not decided whether anyone is owed anything in this lawsuit. The Court is not endorsing the merits of the lawsuit or advising you to participate in this lawsuit; likewise, the Court is not endorsing the defenses being raised in this lawsuit. You are under no legal obligation to respond to this notice.

Important: You are NOT being sued.

- Plaintiff, OSCAR MUÑOZ, is a former employee of Defendants MAGAN FOOD ENTERPRISES, INC. d/b/a HUBBA'S ("Hubba's"), and CARLOS MAGAN, for whom he worked as a non-managerial employee.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former non-managerial employees who worked for Hubba's at any time between April 27, 2013 and the present. Mr. Muñoz 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 wages due, in

violation of the Fair Labor Standards Act. Defendants deny any wrongdoing or liability and have asserted a number of defenses, including that Mr. Muñoz was paid for all hours that he worked.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	You may be eligible to join this lawsuit if you: (1) worked for Hubba's and were a non-managerial employee at any time from April 27, 2013 to the present; and (2) you worked more than 40 hours per week and were not paid overtime at one-and-a-half times your regular hourly rate of pay for any work performed in excess of 40 hours per week. If you satisfy the eligibility criteria above, you may choose to be included in this collective action by completing 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. By joining this lawsuit, you 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 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 for them as a non-managerial employee at some point between April 27, 2013 and the present, in a job similar to the one held by Plaintiff.

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 entity and individual 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 employed as non-managerial employees are entitled to unpaid overtime wages, liquidated damages, attorneys' fees, and costs.

Defendants vehemently deny any wrongdoing or liability and maintain that all of their employees 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 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 Oscar Muñoz, 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 relating to the lawsuit will be binding on you if you join the lawsuit.

While this lawsuit is pending, you may be asked to provide documents or information relating to your employment 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 your employment with Defendants currently in your possession. Plaintiff's attorneys will assist you.

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 statute of limitations 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?

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 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 you, 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 Judge Vincent L. Briccetti of the United States District Court for the Southern District of New York, located in White Plains, New York. The Court has not yet ruled on whether Plaintiff's claims or Defendants' defenses have any merit.

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

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SOUTHERN DISTRICT OF NEW YORK

OSCAR MUÑOZ, on behalf of himself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

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HUBBA'S, and CARLOS MAGAN, individually,

Defendants.

CONSENT TO JOIN FORM

Docket No.: 16-CV-3143

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 DECEMBER 24, 2016.

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

_____ I consent to join the collective action; and I elect to be represented by:

_____ Borrelli & Associates, P.L.L.C.
I authorize Plaintiff Oscar Muñoz 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 Plaintiff's lawyers, Borrelli & Associates, P.L.L.C. Moreover, failure to select a representation option above will authorize Oscar Muñoz 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. You are permitted to proceed with alternative counsel of your own choosing at your own expense or to represent yourself *pro se* without the assistance of an attorney.

SIGNATURE

PRINT NAME

Address

City, State, Zip Code

Telephone Number

Email Address

Start Date of Employment

End Date of Employment