

NOTICE OF COLLECTIVE ACTION LAWSUIT

Tepperman v. J & S Kidswear, Inc., d/b/a Denny’s Childrenswear (2:15-cv-07113-(GRB))

If you worked at J & S Kidswear, Inc., d/b/a Denny’s Childrenswear (“Defendant”) at any time between December 14, 2012 and the present as a “Store Manager,” please read this Notice.

Important: You are NOT being sued. This Notice is NOT a solicitation from a lawyer.

- Plaintiff Shari Tepperman (“Plaintiff”) alleges that she is a former “Store Manager” of Defendant.
- Plaintiff brought this lawsuit against Defendant on behalf of herself and all other current and former Store Managers who worked for Defendant in New York, New Jersey, Florida, or Pennsylvania at any time between December 14, 2012 and the present.
- Plaintiff claims that she worked in excess of forty hours per week and that Defendant did not pay her for all hours worked, including all overtime due, in violation of the Fair Labor Standards Act. Defendant denies any wrongdoing and maintains that all of its employees are paid in compliance with the law.
- The Court has authorized the parties to send out this Notice. The Court has not decided who is right or who is wrong. The purpose of this notice is to advise you of your rights.

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 Defendant 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.

1. Why did I get this notice?

You are getting this notice because Defendant’s records show that you may have worked as a store manager at Defendant’s store locations in New York, New Jersey, Florida, or Pennsylvania for all or some part of the period of December 14, 2012 to 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 entity that is being sued is called the Defendant. One court resolves the issues for everyone who decides to join the case.

3. What is this collective action lawsuit about?

This collective action lawsuit is about whether Defendant violated certain federal and state wage and hour laws. The lawsuit alleges that Defendant violated federal law by not paying their employees overtime wages. Plaintiff is seeking to recover unpaid overtime wages in addition to liquidated damages, attorneys' fees, and costs.

Defendant denies any wrongdoing and/or liability and maintains that all of its employees were and continue to be paid in accordance with federal and state law. The Court has not made any ruling in the case about whether Plaintiff or Defendant is correct. The Court has no view on whether you should or should not join this lawsuit.

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, faxed, or emailed by July 10, 2017 or 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. However, joining this lawsuit does not mean that you are automatically entitled to any money, only that the lawyers who represent you will try to obtain money for you. By joining this lawsuit, you designate Plaintiff, or her 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 her counsel relating to the lawsuit will be binding on you if you join the lawsuit.

If you join this lawsuit, you may be asked to provide documents or information relating to your employment with Defendant. If you join this lawsuit, you may be asked to give testimony and information about your work for Defendant, to help the Court decide whether you are owed any money.. If you join the lawsuit, you will be required to preserve all documents in your possession, custody, and control relating to the Defendant and to your employment. 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 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 Defendant from discharging or retaliating against you in any other manner 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. If you wish for Borrelli & Associates, P.L.L.C. to represent you, you must indicate this on the "Consent to Join Lawsuit" form.

You do not have to be represented by Borrelli & Associates, P.L.L.C. You have the right to 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 must 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 Gary R. Brown of the United States District Court for the Eastern District of New York, located in Central Islip, New York. The Court has not yet ruled on whether Plaintiff's claims or Defendant's 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, or whether you should join 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, or by email at mjb@employmentlawyernewyork.com. Defendant is represented in this lawsuit by Tamir Young, Studin Young, PC, 135 Pinelawn Road, Suite 250 South, Melville, NY 11747, (631) 414-7500 and by Ellen R. Storch, Jeffery A. Meyer, and Aaron N. Solomon, Kaufman Dolowich & Voluck, 135 Crossways Park Drive, Suite 201, Woodbury, NY 11797, (516) 681-1100.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHARI TEPPERMAN, on behalf of herself,
individually, and on behalf of all others similarly-
situated,

Plaintiff,

-against-

J & S KIDSWEAR, INC., d/b/a DENNY'S
CHILDRENSWEAR,

Defendant.

Docket No.:
15-cv-07113 (GRB)

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

USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN JULY 10, 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

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 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. Failure to select a representation option above will authorize Plaintiff 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