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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
KEVIN GARCIA AND PAULA MARTINEZ,
themselves and all others similarly-situated,

Plaintiffs,

-against-

1800FIX.COM SATELLITES, LLC,
1800FIX.COM DISTRIBUTION, LLC, TONY
BREA, LUIS BREA, and ABEL BREA, in their
individual and professional capacities,

Defendants.
-----X

14 Civ. 2845 (RMB) (SN)

ORDER

Having reviewed the record herein, including, without limitation: (i) the parties' joint proposed "Stipulation Re: the Tolling of the Statutes of Limitations," filed February 13, 2015, and (ii) the parties' joint letter Re: Conditional Collective Certification Order, dated March 3, 2015; and (iii) applicable legal authorities, **the Court hereby orders the following:**

(1) The case meets the criteria for conditional certification of an FLSA collective action under 29 U.S.C. § 216(b). See Guo Qing Wang v. H.B. Restaurant Group, Inc., No. 14-cv-813, 2014 WL 5055813 (S.D.N.Y. Oct. 7, 2014); Espinoza v. 953 Associates LLC, 280 F.R.D. 113 (S.D.N.Y. 2011). And, at a conference held on March 12, 2015, the parties agreed to collective certification. (See Hr'g Tr., dated Mar. 12, 2015, at 2.)

(2) The Court approves the parties' joint proposed tolling of the statutes of limitations from the date of the commencement of this action (April 22, 2014) to May 29, 2015. See Flood v. Carlson Restaurant, Inc., No. 14 Civ. 2740, 2015 WL 260436, at *6 (S.D.N.Y. Jan. 20, 2015) ("[C]ourts have discretion to equitably toll the limitations period in appropriate cases in order to avoid inequitable circumstances.") (citation omitted).

(3) The Court authorizes the Class Notice and Consent Form (attached hereto as Exhibit A) to be sent **forthwith** to all potential collective class action members.

Conclusion & Order

For the foregoing reasons, the parties' proposed stipulation for conditional class certification of an FLSA collective action under 29 U.S.C. § 216(b), the parties' stipulation tolling the statutes of limitations, and the Notice of the collective class action are approved and granted.

The parties are directed to notify the Court in writing when the Notice of the collective class action is sent and to appear at a status conference on Monday, June 1, 2015 at 9:30 a.m.

Dated: New York, New York
March 12, 2015



RICHARD M. BERMAN, U.S.D.J.

EXHIBIT A**NOTICE OF COLLECTIVE ACTION LAWSUIT****A COLLECTIVE ACTION LAWSUIT MAY AFFECT YOUR LEGAL RIGHTS**

ASK TO BE INCLUDED	If you choose to be included in this collective action, you must complete the consent form entitled "Consent to become a Party Plaintiff" at the end of this Notice. If you choose to join the lawsuit, you will be bound by any decision of the Court, whether favorable or unfavorable.
DO NOTHING	By doing nothing, you will not be included in this lawsuit relating to claims under the Fair Labor Standards Act, 29 U.S.C. § 216(b), or affected by any judgment or settlement rendered in this lawsuit.

On April 22, 2014, Mr. Kevin Garcia and Ms. Paula Martinez ("Plaintiffs") commenced a lawsuit in the United States District Court for the Southern District of New York against 1800Fix.com Satellites, LLC, 1800Fix.com Distribution, LLC and Tony Brea, Luis Brea, and Abel Brea ("Defendants") on behalf of themselves and all other current and former similarly situated employees who performed non-managerial work, regardless of their actual title, and were employed by Defendants at any time between April 22, 2011 and the present. Mr. Garcia and Ms. Martinez are former employees of 1800Fix.com Satellites, LLC and 1800Fix.com Distribution, LLC. Mr. Garcia worked as a Technician and Sales Representative and Ms. Martinez worked as a Receptionist.

Mr. Garcia and Ms. Martinez claim that Defendants required them and other employees to work over forty hours per week, but did not pay them for all hours worked, including overtime pay, to which they are entitled under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). Mr. Garcia and Ms. Martinez also claim that Defendants did not permit them to record all of the hours they worked.

Defendants deny any wrongdoing and/or liability.

This lawsuit is currently in the pretrial stage. The court has made no finding on the merits of the claims raised by the Plaintiffs or Defendants' various defenses, and has not decided whether the Plaintiffs or Defendants are ultimately correct.

This notice is to tell you about a lawsuit against your current or former employer, advise you of how your rights may be affected by this lawsuit, and instruct you on how you may participate in this lawsuit if you choose to do so. You are getting this notice because you may be a person who is similarly situated to the Plaintiffs. **You may be eligible to join this lawsuit if you were employed by 1800Fix.com Satellites, LLC and 1800Fix.com Distribution, LLC any time between the period of April 22, 2011 to the present as a Technician, Sales Representative, Receptionist or a similar salaried position.**

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, Mr. Garcia and Ms. Martinez, are called the Plaintiffs. The corporate entities, 1800Fix.com Satellites, LLC or 1800Fix.com Distribution, LLC, and individuals, Tony Brea, Luis Brea and Abel Brea, that the Plaintiffs have sued, are called the Defendants.

The Plaintiffs allege that the compensation practices of 1800Fix.com Satellites, LLC and 1800Fix.com Distribution, LLC and Tony Brea, Luis Brea and Abel Brea violated the Fair Labor Standards Act. The Plaintiffs claim that they and other Technicians, Sales Representatives, Receptionists, and similar salaried positions are entitled to unpaid wages, overtime, liquidated damages, attorneys' fees, and costs.

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

To participate in this lawsuit, you need to fill out the enclosed form called "Consent to become a Party Plaintiff" form (at the end of this notice) and mail it in the enclosed, postage-paid envelope to named Plaintiffs' lawyers. The Consent to become a Party Plaintiff form must be sent to:

Borrelli & Associates, P.L.L.C.
Re: 1800Fix.com Case
1010 Northern Boulevard, Suite 328
Great Neck, New York 11021
Tel: (516) 248-5550

You can also fax the Consent to become a Party Plaintiff form to (516) 248-6027 or email it to mrm@employmentlawyernewyork.com


If you sign and send the Consent to become a Party Plaintiff form to the named Plaintiffs' attorneys, the form will be filed with the Court and you may become a Party Plaintiff in this lawsuit.

Your signed Consent to become a Party Plaintiff form must be postmarked, faxed, or e-mailed to the named Plaintiffs' attorneys, Borrelli & Associates, P.L.L.C., by May 22, 2015.


You have the right to retain your own attorney to represent you or represent yourself against the Defendants. If you choose to retain another attorney or to represent yourself, you may have to file a separate lawsuit and you may also have to pay your own attorney. If you choose not to join this lawsuit, be aware that there is a statute of limitations.

If you join this 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 Plaintiffs Kevin Garcia and Paula Martinez and their counsel to make decisions on your behalf concerning this case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into, including settlement agreements, by named Plaintiffs relating to this 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 at 1800Fix.com Satellites, LLC and/or 1800Fix.com Distribution, LLC, or participate in written and/or oral discovery proceedings. If the case goes to trial, you may be asked to appear at trial as a witness. If you join the lawsuit, you should preserve all documents relating to your employment at 1800Fix.com Satellites, LLC and/or 1800Fix.com Distribution, LLC currently in your possession..




You will not be included in the federal portion of this lawsuit and you will not be affected by any settlement or judgment rendered in this aspect of the case, whether favorable or unfavorable. If you choose not to join this lawsuit, you may be able to file your own lawsuit.




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

If you believe you have been retaliated or discriminated against in any manner as a consequence of your receiving this notice, considering whether to join this lawsuit, or actually joining this lawsuit, you should contact the named Plaintiffs' attorneys or another attorney of your choosing.



The named 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.



Further information about this notice or the lawsuit may be obtained from the named Plaintiffs' attorneys: Borrelli & Associates, P.L.L.C., 1010 Northern Boulevard, Suite 328, Great Neck, New York 11021, Tel: (516) 248-5550.

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CONSENT TO BECOME A PARTY PLAINTIFF

IF YOU RECEIVED THIS FORM AND WANT TO JOIN THIS LAWSUIT, PLEASE COMPLETE THESE TWO STEPS:

1. COMPLETE AND SIGN THIS CONSENT TO BECOME A PARTY PLAINTIFF FORM; AND
2. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN MAY 22, 2015.

Borrelli & Associates, P.L.L.C.
 Re: 1800Fix.com Case
 1010 Northern Boulevard, Suite 328
 Great Neck, NY 11021

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

I consent to become a party plaintiff in the lawsuit entitled Garcia et al. v. 1800Fix.com Satellites, LLC et al., S.D.N.Y. Case No. 14-cv-2845.

I hereby designate Borrelli & Associates, P.L.L.C., the named Plaintiffs' attorneys, as my attorneys in this case with respect to any claims I may have.

I understand that Kevin Garcia and Paula Martinez, the named Plaintiffs, and Borrelli & Associates, P.L.L.C., the named Plaintiffs' attorneys, will be my representatives to make decisions on my behalf concerning this litigation, the method and manner of conducting this litigation, the entering of any agreement concerning attorneys' fees and costs, and other matters relating to this action.

SIGNATURE	PRINT NAME
Address	City, State, Zip Code
Telephone Number	Email Address
1800FIX.COM Employment Start Date	1800FIX.COM Employment End Date