

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DENIS WILSON and FEABON THOMAS, each on
behalf of themselves, individually, and all others
similarly-situated,

Plaintiffs,

-against-

ETS SERVICES, INC., and LOUISON & PANCHAM
TRANSPORTATION CORP., and ALLIED AIRPORT
SHUTTLE SERVICE, INC., and COLETTE STEVENS and
ALBERT HOYTE, both individuals,

Defendants.

Docket No.: 15-cv-2994
(WFK)(RLM)

NOTICE OF COLLECTIVE ACTION LAWSUIT

If you worked at ETS Services, Inc, Louison & Pancham Transportation Corp., or Allied Airport Shuttle Service, Inc. (“ETS”), as a driver between May 21, 2012, and the present, a collective action lawsuit may affect your legal rights.

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

- Denis Wilson and Feabon Thomas (“Plaintiffs”) are former drivers of ETS. Plaintiffs brought this lawsuit against Defendants on behalf of themselves and all other current and former similarly situated drivers at ETS, who worked for ETS between May 12, 2012 and the present. Plaintiffs claim that ETS did not pay them the applicable minimum wage, in violation of the Fair Labor Standards Act (“FLSA”).
- Defendants deny any wrongdoing and/or liability and maintain that ETS properly paid wages owed to all its drivers in compliance with federal wage laws.
- The Court has authorized the parties to send out this Notice. The Court has taken no position in this case regarding the merits of Plaintiff’s claims or of Defendants’ defenses, including the distinction of whether drivers are owed minimum wage for the periods of time when drivers operated their own vehicles. This means that the Court has not yet made a determination whether a violation of the law has or has not occurred; 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.

1. Why did I get this notice?

You are getting this notice because ETS's records show that you may have worked as a driver for ETS on or after May 21, 2012.

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 themselves and others who have similar claims. The individuals who brought this lawsuit are called the Plaintiffs. The corporate entities and individuals that they have sued are called the Defendants.

3. What is this lawsuit about?

Plaintiffs Denis Wilson and Feabon Thomas ("Plaintiffs") filed this lawsuit against Defendants ETS Services, Inc., Louison & Pancham Transportation Corp., Allied Airport Shuttle Service, Inc., Collette Stevens, and Albert Hoyte on behalf of themselves and other similarly situated drivers employed by ETS. Plaintiffs claim that throughout their employment, they were not paid the applicable minimum wage for the hours that they worked each week. Plaintiffs are seeking payment of unpaid wages, plus liquidated damages, attorneys' fees and costs.

Defendants deny Plaintiffs' claims and maintain that they properly paid Plaintiffs and those similarly situated for all hours worked in accordance with federal wage laws.

The Court has not decided if Defendants have done anything wrong. By authorizing issuance of this Notice, the Court is not suggesting who will win or lose the case. A trial may be necessary to decide whether or not the claims Plaintiffs are making against Defendants are valid.

4. How do I join this lawsuit?

If you worked for the Defendants as a driver at any time between May 21, 2012 and the present, and you wish to join this lawsuit, you may join by completing and returning on or before **[60 days from mailing of notice]** the enclosed form entitled "Consent to Join Lawsuit" by mailing it to the following address:

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

5. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. By joining this lawsuit, you designate Plaintiffs as your representative, and to the fullest extent possible, authorize them to make decisions on your behalf concerning the case, the method and manner of conducting the case, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit.

If this case proceeds as a collective action, the Court will resolve the issues common to those who joined the case, and you may be required to individually establish your claim that the defendants violated the law in addition to the damages you claim to be owed. If you choose to join this lawsuit, your continued right to participate in it may also depend on a later decision by the Court as to whether you and Plaintiffs are “similarly situated” under applicable law and whether or not it is appropriate for this case to proceed as a collective action.

There are two groups of drivers in this action: (i) drivers who owned their vehicles and (ii) drivers who drove ETS vehicles. There may be different results or settlement calculations for each group.

6. If I choose to join this lawsuit, will I have to participate in any legal proceedings?

If you choose to join this lawsuit, you may be required to provide information and documents, as well as answer questions relating to your time as a driver for ETS. You may also be required to testify under oath at a deposition and to provide sworn testimony at trial.

7. What happens if I do nothing at all?

By doing nothing, you will not be included in this lawsuit and will not be affected by any related ruling, judgment or settlement rendered in this case, whether favorable or unfavorable. However, the applicable statute of limitations period will continue to run.

8. Can I participate in this lawsuit regardless of my immigration status?

Yes. Your rights under federal wage law are protected regardless of your immigration status.

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

Federal law prohibits Defendants from discharging or otherwise retaliating against you because you join this case.

10. Do I have a lawyer in this case?

Plaintiffs are represented by Borrelli & Associates, P.L.L.C., however, you may retain your own counsel or represent yourself. If you decide to retain other counsel, you can agree on your own fee arrangement. If you join this case without choosing another counsel, you will be represented by Borrelli & Associates. If Plaintiff wins the case or obtains a settlement, the Court will determine the amount of fees. The fees may be part of a judgment, a part of any settlement amount, or may be ordered by the Court to be paid separately by one or more of the Defendants, or may be a combination of the two.

If Plaintiffs are not successful, Plaintiffs will not be responsible for any attorneys' fees associated with the litigation.

11. What is the Court's position on the lawsuit?

This notice and its contents have been authorized by Chief Magistrate Judge Roanne L. Mann of the U.S. District Court, Eastern District of 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 ABOUT THIS NOTICE

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Plaintiffs,

-against-

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TO JOIN THIS LAWSUIT, YOU MUST TAKE ALL OF THE FOLLOWING STEPS BY [60 DAYS FROM MAILING OF NOTICE]:

STEP 1 - SIGN AND COMPLETE THIS FORM

SIGNATURE: _____ PRINT NAME: _____

Street Address: _____ City, State, Zip Code: _____

Phone Number: _____ E-Mail: _____ @ _____

STEP 2 - CHECK THE BOX TO INDICATE HOW YOU WISH TO BE REPRESENTED:

- I CHOOSE TO BE REPRESENTED BY BORRELLI & ASSOCIATES, P.L.L.C.**
- I CHOOSE TO BE REPRESENTED BY SEPARATE COUNSEL**
- I CHOOSE TO PROCEED WITHOUT COUNSEL**

STEP 3 – MAIL, EMAIL, OR FAX THIS FORM TO:

Borrelli & Associates, P.L.L.C.
Re: ETS Case
1010 Northern Boulevard, Suite 328
Great Neck, New York 11021
Phone: (516) 248-5550
Fax: (516) 248-6027
mjb@employmentlawyernewyork.com

You must complete all of the above steps by [60 days from mailing of notice]. If you do not complete all of these steps by that date, you will not be able to join this lawsuit.