

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIARA ESPERANZA, on behalf of herself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

DYCKMAN BAR, CORP., MARY K. MAC, INC.,
and JOSE F. GALEAS, individually,

Defendants.

Docket No.:
17-cv-8766 (AJN)

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for DYCKMAN BAR, CORP., and/or MARY K. MAC, INC., and/or JOSE F. GALEAS, individually, (all together as “Defendants”), at any time between November 10, 2011 and the present as a bartender and/or waiter/waitress, please read this Notice.

Important: You are NOT being sued. This Notice is NOT a solicitation from a lawyer. The Court authorized this Notice but the Court has expressed no opinion regarding the validity of the claims contained therein.

- Plaintiff Kiara Esperanza (“Plaintiff”) alleges that she is a former employee of Defendants, for whom she worked as a bartender and waitress.
- Plaintiff brought this lawsuit against Defendants on behalf of herself and all other current and former bartenders/waiters/waitresses who worked for any of the Defendants at any time between November 10, 2011 and the present.
- Plaintiff claims that she worked in excess of forty hours per week and that Defendants did not pay her overtime for all hours that she worked, in violation of the Fair Labor Standards Act and New York law. Defendants deny any wrongdoing and maintain that they paid and pay all of their employees in compliance with federal and state law.
- 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 and you have a choice to make now.

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. If the claim is successful, you may be entitled to damages and may share in any proceeds from a settlement or judgment, but you give up any rights to separately sue the Defendants for the same legal claims in this lawsuit. If you choose to join in this lawsuit, you may be required to participate in discovery.
CHOOSE NOT TO BE INCLUDED	You can choose to not join this lawsuit and 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 one or all of them as a bartender/waiter/waitress at some point between November 10, 2011 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 individual who brought this lawsuit is called the Plaintiff. The corporate entities 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 she and other employees who are similarly situated to her are entitled to unpaid overtime wages, liquidated damages, attorneys’ fees, and costs.

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

4. What is the purpose and effect of this notice?

This notice is for the sole purpose of determining those persons who wish to be involved in this case.

If you elect to join this case, you may share in any settlement or judgment if the Plaintiff is successful. There are no assurances that any recovery will be awarded.

You should be aware that a claim under the FLSA must be brought within two years of the date the claim accrues, unless you can prove that your employer’s violation was “willful,” in which case the claim must be brought within three years.

5. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to fill out the enclosed “Consent to Join” form 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.
Re: Dyckman Bar Case
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 If your signed “Consent to Join” form is not postmarked, faxed, or emailed by June, 26, 2018, you may not be allowed to participate in this lawsuit.

6. 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, 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 including with respect to settlement. 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.

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 any of the Defendants currently in your possession. Plaintiff’s attorneys will assist you.

7. What happens if I do not join this collective action lawsuit?

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. Your rights will not be affected in any way. The limitations period on your claims continues to run.

8. 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.

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

No. Federal and New York law both prohibit Defendants from discharging or in any other manner retaliating against you because you join this case.

10. 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 attorneys' 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" 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.

11. This Notice has been authorized by the Court

This notice and its contents have been authorized by District Judge Alison J. Nathan of the United States District Court for the Southern District of New York, located in New York, 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, 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.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIARA ESPERANZA, on behalf of herself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

DYCKMAN BAR, CORP., MARY K. MAC, INC.,
and JOSE F. GALEAS, individually,

Defendants.

Docket No.:
17-cv-8766 (AJN)

CONSENT TO JOIN

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

1. COMPLETE AND SIGN THIS CONSENT TO JOIN FORM; AND
2. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN JUNE, 26, 2018

Borrelli & Associates, P.L.L.C.
Re: Dyckman Bar Case
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, Kiara Esperanza, 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 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

Start Date of Employment

End Date of Employment