

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAMIAN VASQUEZ, on behalf of himself,
individually, and on behalf of all others similarly
situated,

Plaintiff,

-against-

PINE MANAGEMENT, INC., and TOM
ROHLMAN, an individual, and DANIEL
ROHLMAN, an individual, and JASON
ROHLMAN, an individual,

Defendants.

Docket No.: 16-cv-9714 (WHP)

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for PINE MANAGEMENT, INC. (“Pine”), TOM ROHLMAN, DANIEL ROHLMAN and/or JASON ROHLMAN (collectively as “Defendants”), at any time between December 16, 2013 and the present, ***please read this Notice.***

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

- Plaintiff, Damian Vasquez, is a former employee of Defendants’ property management company Pine Management, Inc., where he worked as a building services employee.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former employees who he alleges worked for Defendants as building services employees at any time between December 16, 2013 and the present. Plaintiff alleges he worked in excess of forty hours per week and that Defendants did not pay him for all hours worked in excess of forty per week at the legal overtime rate, in violation of the Fair Labor Standards Act. Defendants deny any wrongdoing and maintain that Pine’s employees were paid in accordance with applicable federal 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. You will become a Plaintiff in this case. You may be required to participate in the case as set forth below, and you may share in any proceeds from a settlement or judgment if your claims are successful, but you give up any rights to separately sue the Defendants for the claims asserted in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit.

1. Why did I get this notice?

You are getting this notice because Defendants’ records show that you may have worked for them at some point between December 16, 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 individuals that are being sued are called the Defendants.

3. What is this collective action lawsuit about?

Plaintiff alleges that Defendants’ compensation practices violated federal law. Plaintiff claims that he and others who worked for Defendants are entitled to unpaid overtime wages, liquidated damages, attorneys’ fees, and costs.

Defendants deny any wrongdoing and/or liability and maintain that all of Pine’s employees were paid in accordance with applicable federal law.

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

This notice advises you of your rights and obligations with respect to this lawsuit, so that you can determine whether to join it.

If you elect to join this proceeding, you may be required to participate in the litigation, and you may share in any settlement or judgment if your claims are 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 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 filed with the Court by August 28, 2017. If your signed Consent to Join form is not filed with the Court by August 28, 2017, you may not be allowed to participate in this lawsuit.

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

Most likely, if you choose to join this lawsuit, you may be required to provide information and answer questions relating to your employment with the Defendants. You may be required to testify at a deposition or at trial, respond to written questions, and produce documents relevant to the case. For this reason, if you join the lawsuit, you should preserve all documents relating to your employment with the Defendants currently in your possession. Plaintiff’s attorneys will assist you with these requirements.

7. 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 claim 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 law prohibits Defendants from discharging or in any other manner retaliating against you because you join this case or have in any other way exercised your rights under federal law.

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 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 yourself, 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.

11. This Notice has been authorized by the Court

This notice and its contents have been authorized by District Judge William H. Pauley, III 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 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. 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.

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

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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
2. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS
BELOW SO THAT IT CAN BE FILED WITH THE COURT NOT LATER THAN
AUGUST 28, 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 Damian Vasquez
and Borrelli & Associates, P.L.L.C. to
act on my behalf in all matters relating
to this action, including any settlement
of my claim.

___ 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 Damian Vasquez 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