

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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REMI YAZER and LUIS R. GONZALEZ, on behalf of  
themselves, individually, and on behalf of all others  
similarly-situated,

Plaintiffs,

Docket No.:16-cv-1679 (CBA)(VMS)

-against-

SSN HOTEL MANAGEMENT, LLC d/b/a RED  
ROOF INN, and SHRI HARI NEW YORK, LLC d/b/a  
RED ROOF INN, and PETER BHAIASWALA a/k/a  
PETER BHAI a/k/a PIYUSH BHAIASWALA,  
individually,

Defendants.

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**COURT AUTHORIZED NOTICE OF LAWSUIT**

If you worked at SSN HOTEL MANAGEMENT, LLC d/b/a RED ROOF INN and SHRI HARI NEW YORK, LLC d/b/a RED ROOF INN, located at 3805 Hunters Point Avenue, Long Island City, New York 11101 from July 31, 2014 to the present as an hourly non-managerial employee, please read this Notice.

*Important: You are NOT being sued. The Court has authorized the parties to send this Notice.*

- Plaintiffs, Remi Yazer and Luis R. Gonzalez (collectively, “Plaintiffs”), are former employees of SSN Hotel Management, LLC d/b/a Red Roof Inn, and Shri Hari New York, LLC d/b/a Red Roof Inn (collectively, “Defendants”). Plaintiffs brought this lawsuit against Defendants on behalf of themselves, individually, and on behalf of all other similarly-situated non-managerial hourly employees, employed by Defendants from July 31, 2014 to the present. Plaintiffs claim that they worked in excess of forty hours per week, that Defendants did not pay them for all the overtime hours worked and that they were paid less than minimum wage as required by the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”). Defendants deny all wrongdoing or that they violated the law. Defendants maintain that its employees were all paid their proper legal wages and deny that they violated the law. Defendants also deny that they owe any wages, liquidated damages, costs, attorneys’ fees, interest or other amounts. The Court has not commented on whether Plaintiffs’ claims or Defendants’ defenses have any merit.
- Your legal rights may be affected by this litigation, 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 and sign the consent form attached to this Notice and either mail or hand-deliver it to the Clerk of Court no later than October 9, 2017. 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 Defendants about the same legal claims in this lawsuit.
DO NOTHING	If you choose to do nothing, you will not be included in this lawsuit for the purpose of asserting wage and hour claims under federal law. This means that you give up the possibility of getting money or benefits that may come from a trial or settlement of the claims under federal law asserted in this lawsuit, if those bringing the lawsuit are successful. However, you will retain any right you currently possess to bring your own separate action under federal and state law.

**1. Why did I receive this notice?**

You received this notice because Defendants’ records show that you may have worked as a non-managerial hourly employee for Defendants between July 31, 2014 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 individuals who brought this lawsuit are called the Plaintiffs. The corporate entities and individuals that Plaintiffs have 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?**

Plaintiffs allege that Defendants’ compensation practices violated federal and state law. Specifically, Plaintiffs claim that Defendants failed to pay Plaintiffs and other employees who are similarly situated to them all overtime wages owed to them and paid employees less than the minimum wage. Plaintiffs are seeking to recover unpaid overtime and minimum wages, in addition to 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 law and state law.

**4. How do I join this collective action lawsuit?**

To participate in this lawsuit, you must timely complete and return the enclosed “Consent to Join” Form and mail it in the enclosed, postage-paid envelope to the address below. Should the enclosed envelope be lost or misplaced, the Consent to Join form must be sent to:

Clerk of Court  
Eastern District of New York  
225 Cadman Plaza East, 505 North  
Brooklyn, New York 11201  
Re: 16-cv-1679 (CBA)(VMS)

The signed Consent to Join form must be postmarked by October 9, 2017. If your signed Consent to Join form is not postmarked by October 9, 2017, you may not be allowed to participate in the federal law portion of this lawsuit. However, you will retain your ability to file your own lawsuit against Defendants for any alleged unpaid overtime or alleged violation of minimum wage laws as long as you file your lawsuit within the statutes of limitation.

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. By joining this lawsuit, you or the counsel of your choosing will 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 you or the counsel of your choosing 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 under oath either at trial or deposition. For these reasons, if you join the lawsuit, you must preserve all documents relating to your employment with Defendants currently in your possession.

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 limitation period on your federal claims continues to run. Thus, you would still be able to sue Defendants on your own for unpaid overtime wages, subject to all applicable statutes of limitations. Claims under the Fair Labor Standards Act typically must be brought within two years of the date the claims accrue, unless the employer's violation of the law was "willful," in which case the claims must be brought within three years of the date the claims accrue. Claims under the New York Labor Laws typically must be brought within six years of the date the claims accrue.

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 Defendants, or anyone acting on their behalf, from discharging or in any other manner retaliating against you because you join this case.

9. Do I have a lawyer in this case?

You may choose to be represented by Plaintiffs' attorney, hire an attorney of your choosing, or represent yourself *pro se* without the assistance of a lawyer. 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, 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 return your form but do not indicate that you intend to retain your own lawyer or represent yourself, the Court will assume that you want Borrelli & Associates, P.L.L.C. to represent you. If you have Borelli & Associates represent you, they will contact you to confirm the terms of their representation of you in this lawsuit.

If you retain your own attorney, you and your attorney must come to an agreement about fees and costs. Your arrangement will be subject to review by the Court. If you represent yourself, you will not receive attorneys' fees, and you must participate in the progress of the litigation.

10. Do the Defendants have a lawyer in this case?

Defendants are represented by Milber Makris Plousadis & Seiden, LLP.

11. What is the legal effect of a possible settlement?

In the event that parties settle and only upon the Court's approval of the settlement, the Court will dismiss this lawsuit with prejudice. This means that if you timely submit the enclosed Consent to Join form, you will be entitled to participate in the resolution of your claims and you may receive compensation for any overtime and minimum wages that you are owed. In exchange, you will fully release and discharge Defendants from certain federal law and state law claims for wages, benefits, and other compensation arising out of or relating to the facts alleged in the litigation. When claims are "released," that means that a person covered by the release cannot sue the defendant for any of the claims that are covered by the release.

If you do not participate in the settlement, you will not receive any compensation from this action and you will not release any of your claims.

12. This Notice has been authorized by the Court

This notice and its contents have been authorized by The Honorable Vera Mary Scanlon, United States Magistrate Judge, of the United States District Court for the 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.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Plaintiffs,

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ROOF INN, and SHRI HARI NEW YORK, LLC d/b/a  
RED ROOF INN, and PETER BHAI DASWALA a/k/a  
PETER BHAI a/k/a PIYUSH BHAI DASWALA,  
individually,

Defendants.

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IF YOU 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 OCTOBER 9, 2017.

Clerk of Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, 505 North  
Brooklyn, New York 11201  
Re: 16-cv-1679 (CBA)(VMS)

**I consent to join the collective action; and I elect to be represented by [choose ONE]:**

\_\_\_\_\_ Borrelli & Associates, P.L.L.C.

I authorize Plaintiffs 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 WANT TO JOIN THIS LAWSUIT, DO NOTHING.

If you do not select any of the representation options above but send back your form to the Clerk of the Court, you will automatically be represented by Plaintiffs' lawyers, Borrelli & Associates, P.L.L.C. You must keep the Court or your attorneys informed of any change in your contact information during the pendency of this lawsuit. Moreover, failure to select a representation option above will authorize Plaintiffs 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.

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**SIGNATURE**

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**PRINT NAME**

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**Address**

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**City, State, Zip Code**

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**Telephone Number**

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**Email Address**

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**Start Date of Employment**

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**End Date of Employment**