

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YUSHWANT ROOPNARINE, on behalf of himself, individually, and on behalf of all others similarly-situated,

Plaintiff,

-against-

MODELL COLLATERAL LOANS INC., and ERIC MODELL, individually, and GERALD MODELL, individually,

Defendants.

Docket No.: 16-cv-05822 (CBA)(ST)

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for MODELL COLLATERAL LOANS INC. (“MCL”) and/or for ERIC MODELL and/or for GERALD MODELL (collectively, as “Defendants”), as a porter at any time between October 18, 2012 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.

The purpose of this Notice is to advise you that a collective action lawsuit has been filed against the Defendants and to inform you of your legal rights in connection with that lawsuit (hereinafter, the “Lawsuit”).

- Plaintiff, Yushwant Roopnarine (“Plaintiff”), is a former employee of MCL, where he worked as a porter.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former employees who worked for Defendants as porters at any time between October 18, 2013 and the present. Plaintiff claims that 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 and New York Labor Law.
- Defendants deny Plaintiff’s allegations of unpaid wages or overtime and further deny any wrongdoing, improper pay practices, or liability to Plaintiff or any other porter.
- 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 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 for the same legal claims asserted in this lawsuit. Your complete consent form will be filed with the Court. Additionally, if you participate in this lawsuit, you may be required to provide information about your employment, such as providing documentation and testimony under oath. Plaintiff's attorneys will assist you with these requirements. |
| DO NOTHING | By doing nothing, you will not be included in this lawsuit. You will retain all of your rights to bring your own claims at a future time, subject to the applicable limitations period, which continues to run. |

1. Why did I get this notice?

You received this notice because records show that you may have been employed as a porter for MCL at some point between October 18, 2012 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 entity and individuals 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 is a former employee of MCL. Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former employees who worked for Defendants as porters at any time between October 18, 2013 and the present. Plaintiff claims that 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 and New York Labor Law.

Defendants deny Plaintiff's allegations of unpaid wages or overtime and further deny any wrongdoing, improper pay practices, or liability to Plaintiff or any other porter.

This Notice has been authorized by the Court. The Court has taken no position in this case regarding the merits of Plaintiff's claim, and has made no determinations as to whether Plaintiff, you, or any other individuals are owed any monetary compensation. The Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no

obligation to respond to this notice.

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 choose to 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.

If the case proceeds as a collective action, the Court resolves the issues for everyone who decides to join the case, and you may be required to establish the damages you claim are owed to you.

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 postmarked by October 6, 2017. If your signed Consent to Join form is not postmarked by October 6, 2017, you may not be allowed to participate in this lawsuit.

The Consent to Join form will be filed with the Court following Plaintiff’s counsel’s redaction of your mailing address and email address.

Further information about this Notice or the Consent to Join form can be obtained from Plaintiff’s counsel.

Defendants are represent in this matter by:

Littler Mendelson, P.C.
Guy M. Allen, Esq.*
William H. Ng, Esq.*
290 Broadhollow Road
Melville, NY 11747

* If you decide to join this case, you should not contact Defendants’ counsel directly yourself.

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

Yes. If you choose to join this lawsuit, you may be required to provide information and answer questions relating to your employment with MCL. You may be required to testify under oath 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 MCL 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. You will retain all of your rights to bring your own claim at a future time, subject to the applicable limitations period, which 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.

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 can obtain a copy of the contingency fee agreement executed by Plaintiff by contacting Plaintiff's attorneys.

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 Magistrate Judge Steven L. Tiscione of the United States District Court for the Eastern District of New York, located in Brooklyn, 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 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.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YUSHWANT ROOPNARINE, on behalf of himself, individually, and on behalf of all others similarly-situated,

Plaintiff,

-against-

MODELL COLLATERAL LOANS INC., and ERIC MODELL, individually, and GERALD MODELL, individually,

Defendants.

Docket No.: 16-cv-05822 (CBA)(ST)

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 NOT LATER THAN OCTOBER 6, 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 Yushwant Roopnarine 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 Yushwant Roopnarine 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