

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN PORTILLA, on behalf of himself,
individually, and on behalf of all others similarly-situated,

Plaintiff,

-against-

Docket No.:
17-cv-02549
(JMA) (AYS)

BRIDGEHAMPTON STONE, INC., and BRIDGEHAMPTON
STONE & BRICK, INC., and DANIEL MESSINA,
an individual, and CESAR VILLANSACA, an individual,

Defendants.

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COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for Bridgehampton Stone & Brick, Inc. (Bridgehampton) and/or Cesar Villansaca, (Villansaca) (collectively as Defendants) at any time between July 26, 2016 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.*

- Plaintiff, John Portilla is a former employee of Bridgehampton Stone & Brick, Inc. and Cesar Villansaca, where he worked as a construction laborer. Plaintiff, John Portilla brought this lawsuit against Bridgehampton and Villansaca on behalf of himself and all other potential, current, and former similarly situated construction laborers employed by the Defendants as of July 26, 2016. Plaintiff claims that he worked in excess of forty hours per week and Defendants did not pay him and other hourly employees overtime wages due to them for hours worked over forty at the rate of time and one-half their regular rates of pay, in violation of the Fair Labor Standards Act and New York Labor Law.
- Defendants deny any wrongdoing and/or liability and maintain that all of their employees are paid in compliance with the Fair Labor Standards Act and New York Labor Law.
- THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFF'S CLAIMS OR OF THE DEFENDANTS' DEFENSES.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you choose to be included in this collective action, you will be bound by any ruling, settlement or judgment in this case. You may also share in any proceeds from a settlement or judgment if those bringing the claims are successful. If you choose to be included you will give up any rights to separately sue the Defendants about the same legal claims in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit for the purpose of asserting an overtime claim 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 overtime claims under federal law asserted in this lawsuit, if those bringing the lawsuit are successful.

1. Why did I get this notice?

You are getting this notice because Defendants' records of show that you may have worked as a construction laborer at Bridgehampton at some time between July 26, 2016 and the present. Plaintiff sued the Defendants claiming that they violated federal and New York overtime and other related laws.

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 he has 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?

This collective action lawsuit is about whether Defendants' compensation practices violate federal and state overtime laws. The lawsuit alleges that Defendants violated overtime law by not paying Plaintiff and other employees similarly situated all overtime wages owed to them and instead paid them their regular rate of pay for overtime hours. Plaintiff is seeking to recover unpaid 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 and state law.

4. How do I join this collective action lawsuit?

To participate in this lawsuit through the Plaintiff's attorney, you must fill out the enclosed form called "Consent to Join" and mail it in the enclosed, postage-paid envelope to Plaintiff's lawyers. Should the enclosed envelope be lost or misplaced, the "Consent to Join" form must be sent to:

Borrelli & Associates, P.L.L.C.
Re: Portilla v. Bridgehampton, *et al.*
910 Franklin Avenue, Suite 200
Garden City, New York 11530
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 e-mailed by June 8, 2019. If your signed "Consent to Join" form is not postmarked, faxed, or e-mailed by June 8, 2019, you may not be allowed to participate in the federal law portion of this lawsuit.

As discussed in section 8 below, you have a right to be represented by your own attorney, but you will be responsible for making arrangements for payment of the fees of the attorney you select. The attorney you hire must file with the court a "Consent to Join" form by June 8, 2019 and must enter a formal appearance as attorney on your behalf.

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 will be entitled to some portion of the recovery.

If you join this lawsuit and send your "Consent to Join" form to Plaintiff's attorneys, Borrelli & Associates, P.L.L.C., you agree to have the Plaintiff and his counsel act as your representative and make decisions on your behalf concerning the case, including approving any settlement. Decisions made and agreements entered into by the Plaintiff and his counsel will be binding on you if you join this lawsuit, subject only to the Court's discretion. If you hire your own attorney, you will be bound by decisions and agreements that your attorney makes on behalf of this lawsuit.

If you join this lawsuit, you may be asked to give testimony and information about your work for Bridgehampton to help the Court decide whether you are owed any money. Plaintiff's counsel will assist you with this process. For this reason, if you join this lawsuit, you should preserve all documents relating to your employment currently in your possession.

6. What happens if I do nothing at all?

You will not be included in this lawsuit for the purpose of asserting an overtime claim under federal and state law. Therefore, you will not be entitled to any recovery in this case should there be any for those claims. The limitations period on your claims continues to run.

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

The law prohibits Defendants from discharging or retaliating against you because you join this case or have in any other way exercised your rights under the law.

8. 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 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 return 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.

9. 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.

10. This Notice has been authorized by the Court

This notice and its contents have been authorized by The Honorable Anne Y. Shields of the United States District Court for the Eastern District of 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 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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Plaintiff,

-against-

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STONE & BRICK, INC., and DANIEL MESSINA,
an individual, and CESAR VILLANSACA, an individual,

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 JUNE 8, 2019.

Borrelli & Associates, P.L.L.C.
Re: Portilla v. Bridgehampton, *et al.*
910 Franklin Avenue, Suite 200
Garden City, New York 11530

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 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