

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WAYNE RICHARDS, on behalf of himself,
individually, and on behalf of all others similarly-situated,

Plaintiff,

-against-

EMPIRE SCAFFOLDING SYSTEMS, INC., and
DEMARI INSTALLATIONS CORP., and DEMARI
SERVICES, INC., and ANTONIOS MAMOUNAS,
individually,

Docket No.:
21-cv-6638-VEC

Defendants.

-----X

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for EMPIRE SCAFFOLDING SYSTEMS, INC., and/or DEMARI INSTALLATIONS CORP., and/or DEMARI SERVICES, INC., and/or ANTONIOS MAMOUNAS (collectively as “Defendants”), at any time between August 5, 2018, 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 Wayne Richards (“Plaintiff”) is a former non-managerial employee who worked for Defendants as a laborer.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former non-managerial employees who worked for Defendants as a laborer or mechanic at any time between August 5, 2018, and the present. Plaintiff claims that he routinely worked in excess of forty hours per week, but that Defendants did not pay him at the overtime rate of one and one-half times his regular rate of pay for those hours that he worked over forty in a week, in violation of, among other things, the federal Fair Labor Standards Act.
- Defendants deny any wrongdoing and maintain that they paid all of their employees in accordance applicable wage and hour laws.
- The Court has authorized Plaintiff 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 lawsuit, you must complete the “Consent to Join Lawsuit” form at the end of this Notice. You may then share in any proceeds from a settlement or judgment if this lawsuit is successful, but you give up any rights to separately sue the Defendants for the same legal claims in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit at this time. You will not be entitled to share in any proceeds if this lawsuit is successful.

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 at some point between August 5, 2018, and the present, as a non-managerial laborer or mechanic.

2. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons 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, among other things, federal law. Specifically, Plaintiff alleges that he and others who worked for Defendants are entitled to unpaid overtime wages, liquidated damages, attorneys’ fees, and costs.

Defendants deny any wrongdoing or liability and maintain that they paid all of their employees in accordance with all applicable wage and hour laws.

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you must complete the enclosed form titled “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 Lawsuit form must be sent to:

Borrelli & Associates, P.L.L.C.
 910 Franklin Avenue, Suite 200
 Garden City, New York 11530
 Tel: (516) 248-5550

You can also: fax the Consent to Join Lawsuit form to (516) 248-6027; or scan and email it to **mjb@employmentlawyernewyork.com**

The signed Consent to Join Lawsuit form must be filed with the court by [SUNDAY, OCTOBER 2, 2022]. If your signed Consent to Join Lawsuit form is not filed with the Court by [SUNDAY, OCTOBER 2, 2022] you may not be allowed to participate in this lawsuit.

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 designate Plaintiff, or his 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. Decisions made and agreements entered into by Plaintiff or his 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 must preserve all documents relating to your employment with Defendants currently in your possession. Plaintiff's attorneys will assist you should you choose for them to represent you as explained below.

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 limitations period on your claims continues to run.

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?

No. Federal law prohibits Defendants from discharging you or retaliating against you in any way because you join the case.

9. Do I have a lawyer in this case?

Plaintiff is represented by Borrelli & Associates, P.L.L.C. ("Borrelli"). If you choose to join this lawsuit, and to be represented by Borrelli, then Borrelli 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 likely determine the amount of attorneys' fees to be paid from any such settlement or judgment.

You do not have to be represented by Borrelli, and may instead hire another attorney of your choosing, or you may represent yourself. If you intend to retain your own lawyer or to represent yourself, you must indicate this on the enclosed Consent to Join Lawsuit form. If you send your form but do not indicate that you intend to retain your own lawyer or to represent yourself, you will be agreeing to be represented by Borrelli & Associates, P.L.L.C.

10. This Notice has been authorized by the Court

This notice and its contents have been authorized by District Judge Valerie E. Caproni of the United States District Court for the Southern District of New York, located in New York, New York. The Court has not 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, 910 Franklin Avenue, Suite 200, Garden City, New York 11530, or by email at mjb@employmentlawyernewyork.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

WAYNE RICHARDS, on behalf of himself,
individually, and on behalf of all others similarly-situated,

Plaintiff,

-against-

CONSENT TO JOIN LAWSUIT

EMPIRE SCAFFOLDING SYSTEMS, INC., and
DEMARI INSTALLATIONS CORP., and, DEMARI
SERVICES, INC., and ANTONIOS MAMOUNAS,
individually,

Docket No.: 21-cv-6638 (VEC)

Defendants.

-----X

IF YOU WANT TO JOIN THIS LAWSUIT, YOU MUST:

1. COMPLETE AND SIGN THIS FORM; AND
2. NO LATER THAN [SUNDAY, OCTOBER 2, 2022] RETURN THIS FORM TO:

Borrelli & Associates, P.L.L.C.
910 Franklin Avenue, Suite 200
Garden City, New York 11530

You can also: fax this Consent to Join Lawsuit
form to (516) 248-6027; or scan and email it to
mjb@employmentlawyernewyork.com

**I consent to join the lawsuit in its entirety as a party plaintiff. Unless you choose to be represented by
Borrelli & Associates, P.L.L.C., you must check one of the boxes below.**

I choose to be represented by:

Another attorney of my choosing, who
will promptly file a notice of
appearance on my
behalf.

Myself *pro se* without the assistance
of an attorney.

If you do not select either option above but send your form to Borrelli & Associates, P.L.L.C., you will be choosing to be represented by Borrelli & Associates, P.L.L.C., and you will be authorizing Borrelli & Associates, P.L.L.C. and Wayne Richards to act on your behalf in all matters relating to this action, including any settlement of your claims. If you want different counsel or if you want to represent yourself, you **must** check one of the selections above.

SIGNATURE

PRINT NAME

Address

City, State, Zip Code

Telephone Number

Email Address

Start Date of Employment

End Date of Employment