

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELSA CHAVEZ, individually only, and
CARLO ESCAMILLA, on behalf of himself, individually,
and also on behalf of all others similarly-situated,

Plaintiffs,

Docket No.: 17-cv-8484-VB

-against-

MORANO LANDSCAPE GARDEN DESIGNS, LTD.,
and ROSINA MORANO SAGLIOCCO, individually,

Defendants.
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**REMINDER – DEADLINE TO JOIN LAWSUIT IS
AUGUST 10, 2018**

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

This letter is to remind you that the deadline to opt-in to the wage-and-hour lawsuit currently pending against MORANO LANDSCAPE GARDEN DESIGN LTD., and ROSINA MORANO SAGLIOCCO, individually, (together as “Defendants”), is August 10, 2018. If you want to participate in the lawsuit as detailed in the prior “Court-Authorized Notice of Lawsuit” that was mailed to you on or around June 11, 2018, and is also enclosed herein for your convenience, you must take two steps:

STEP 1: COMPLETE AND SIGN THE ATTACHED “CONSENT TO JOIN FORM”; AND

STEP 2: MAIL THE “CONSENT TO JOIN FORM” TO THE ADDRESS BELOW TO ALLOW FOR FILING ON OR BEFORE AUGUST 10, 2018

Borrelli & Associates, P.L.L.C.
1010 Northern Boulevard, 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

If you are receiving this Notice, you should only make your decision to participate in this lawsuit after reviewing the information contained in the “Court Authorized Notice of Lawsuit.” If you have not received the “Court Authorized Notice of Lawsuit” you may contact Borrelli & Associates, P.L.L.C. either by telephone at (516) 248-5550, or by e-mail at mjb@employmentlawyernewyork.com, to request a copy.

THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFF’S CLAIMS OR OF THE DEFENDANTS’ DEFENSES.

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Defendants.

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COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for Morano Landscape Garden Designs Ltd. (the “Company”), at any time between November 2, 2014 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, Carlo Escamilla, is a former employee of the Company. Plaintiff alleges that he worked for the Company as a landscaper.
- Plaintiff brought this lawsuit against the Company and Rosina Morano Sagliocco, individually (collectively the “Defendants”) on behalf of himself and all other current and former employees who worked for the Company as landscapers or in other similar positions, at any time between November 2, 2011 and the present. Plaintiff claims that he worked in excess of forty hours per week and that Defendants did not pay him time and one-half his regular hourly rate for all hours that he worked in excess of forty per week, and further alleges that Defendants paid him at a rate below the minimum wage rate for all hours that he worked per week, in violation of the Fair Labor Standards Act and New York Labor Law. Defendants deny any wrongdoing and maintain that the Company paid its employees in accordance with federal and New York 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 may then share in any proceeds from a settlement and/or be bound by any judgment, whether favorable or unfavorable. By joining this lawsuit, you give up any rights to separately sue the Defendants for the same legal 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 the Company’s records show that you may have worked for the Company at some point between November 2, 2014 and the present as a landscaper, or in a similar position.

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, Carlo Escamilla, who brought this lawsuit is called the Plaintiff. The corporate entity 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 federal and New York law. Plaintiff claims that he and others who worked for the Company are entitled to unpaid overtime and minimum wages, liquidated damages, attorneys’ fees, and costs.

Defendants deny any wrongdoing and/or liability and maintain that all of the Company’s employees were paid in accordance with federal and New York law.

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.

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 10, 2018. If your signed Consent to Join form is not filed with the Court by August 10, 2018, 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?

If you choose to join this lawsuit, you will likely be required to provide information and answer questions relating to your employment with the Company. 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 must preserve all documents relating to your employment with the Company currently in your possession. Plaintiff’s attorneys, or your own attorney, if you hire one, can assist you with these requirements.

7. What happens if I do nothing at all?

If you do nothing, you will not be included in this action. You will not be bound by any settlement or judgment rendered in this case, whether favorable or unfavorable. You will not share in any recovery. You will not give up any rights to separately sue the Defendants for the same legal claims asserted in this lawsuit.

The limitations period on your FLSA claim continues to run. 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.

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 and New York law prohibit 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 or the New York labor 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. can 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 attorneys' fees to be paid.

If you join this Lawsuit and designate Borrelli & Associates, P.L.L.C. to represent you, you are designating the Plaintiff and Borrelli & Associates, P.L.L.C. to make decisions on your behalf concerning the case, including the method and manner of conducting the case, and all other matters pertaining to this Lawsuit, including any proposed settlement. Decisions made and agreements entered into by Plaintiff relating to this Lawsuit will be binding on you. You are also agreeing to the attorney-fee arrangement agreed to by Plaintiff.

You do not have to be represented by Borrelli & Associates, P.L.L.C. and may instead arrange to hire another attorney of your choosing 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 Vincent L. Briccetti of the United States District Court for the Southern District of New York, located in White Plains, 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.

You may also contact Defendants' attorneys, Sara Kula and Steven Schoenfeld at DelBello Donnellan Weingarten Wise & Wiederkehr at (914) 607-3223, or in writing at One North Lexington Avenue White Plains, New York 10601, or by email at sdk@ddw-law.com. If you opt-in to this action, it is not appropriate for you to contact Defendants' attorneys directly.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSA CHAVEZ, individually only, and CARLO ESCAMILLA,
on behalf of himself, individually, and also on behalf of all
others similarly-situated,

Plaintiffs,

- against -

MORANO LANDSCAPE GARDEN DESIGNS, LTD., and
ROSINA MORANO SAGLIOCCO, individually,

Defendants.

Case No. 17-cv-8484-VB

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 FORM; AND
2. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN AUGUST 10, 2018.

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 lawsuit brought pursuant to the Fair Labor Standards Act and I elect to be represented by
[choose ONE]:

___ Borrelli & Associates, P.L.L.C.
I authorize Plaintiff Carlo Escamilla
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 brought
under federal and state laws.

___ 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 Carlo Escamilla and Borrelli & Associates, P.L.L.C. to act on your behalf in all matters relating to this action, including any settlement of your federal and state law 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