

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANUEL FERNANDEZ, on behalf of himself,
individually, and on behalf of all others similarly-
situated,

Plaintiff,

-against-

QUARRY TILE MARBLE AND GRANITE, INC., and
QUARRY KITCHEN & BATH, INC., and FRANK
GIARAMITA, individually, and RITA GIARAMITA,
individually, and JONATHAN GIARAMITA,
individually,

Defendants.

Docket No.: 16-CV-07955-JPO

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for QUARRY TILE MARBLE AND GRANITE, INC., QUARRY KITCHEN & BATH, INC., FRANK GIARAMITA, individually, RITA GIARAMITA, individually, and/or JONATHAN GIARAMITA, individually, (all, together, as “Defendants”), at any time between October 11, 2013 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, Manuel Fernandez, is a former employee of Defendants where he worked as a marble finisher in, or out of, Defendants’ fabricating facility located in Queens, New York.
- Plaintiff brought this lawsuit against Defendants on behalf of himself, individually, and on behalf of all other current and former non-managerial, hourly employees who worked for Defendants in, or out of, the fabricating facility located in Queens, New York at any time between October 11, 2013 and the present. Plaintiff claims that he worked in excess of forty hours per week and that Defendants did not pay him overtime wages in violation of the Fair Labor Standards Act and New York law. Defendants deny any wrongdoing.
- 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 and return 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 in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit relating to claims under the Fair Labor Standards Act.

1. Why did I get this notice?

You are getting this notice because Defendants' records show that you may have worked for any or all of them at some point between October 11, 2013 and the present, as a non-managerial, hourly employee who worked in, or out of, the Defendants' fabricating facility located in Queens, New York.

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 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 alleges that Defendants' compensation practices violated federal and state law. Plaintiff claims that he and others who worked for Defendants in, or out of, the fabricating facility located in Queens, New York are entitled to unpaid overtime wages, liquidated damages, other wage-related penalties, attorneys' fees, and costs.

Defendants deny any wrongdoing and/or liability and maintain that all of their employees were paid in accordance with federal and state law.

4. 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 Form" 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 16, 2017. If your signed Consent to Join Form is not postmarked by October 16, 2017, 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, including whether to settle it. Decisions made and agreements entered into by Plaintiff and/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 should preserve all documents relating to your employment with Defendants currently in your possession. Plaintiff's attorneys will assist you.

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 claim 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?

Federal and New York law prohibits Defendants from discharging or in any other manner retaliating against you because you join this case.

9. 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 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 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.

This notice and its contents have been authorized by District Judge J. Paul Oetken of the United States District Court for the Southern District of New York, located in New York, 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.

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SOUTHERN DISTRICT OF NEW YORK

MANUEL FERNANDEZ, on behalf of himself,
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Plaintiff,

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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 16, 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 Manuel Fernandez 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 signed and completed 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 Manuel Fernandez 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