

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLTON DOUGLAS, on behalf of himself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

Docket No.:
18-cv-5789-VEC

ANTHEM PRODUCTIONS, LLC d/b/a ANTHEM
SOUND, STAGE, AND LIGHTING, and ADVANCED
AUDIO TECHNOLOGY, LLC d/b/a ANTHEM SSL, and
EVAGGELOS POULOS a/k/a ANGELO POULOS,
individually, and JOSEPH LODI, individually,
and JASON OJEDA, individually,

Defendants.

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COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for Anthem Productions, LLC d/b/a Anthem Sound, Stage, and Lighting, Advanced Audio Technology, LLC d/b/a Anthem SSL, Evaggelos Poulos (a/k/a Angelo Poulos), Joseph Lodi, or Jason Ojeda (collectively “Defendants”), at any time between June 26, 2015 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, Carlton Douglas, is a former employee of Defendants. Plaintiff worked for Defendants as an audio technician and was paid on an hourly basis.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former employees who worked for Defendants as hourly employees, at any time between June 26, 2015 and the present. Plaintiff claims that when he worked in excess of forty hours per week 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. Plaintiff claims that Defendants only paid him time and one-half his regular hourly rate for hours that he worked in excess of forty-five in a week. Defendants deny any wrongdoing and maintain that they paid all of their employees in accordance with applicable wage and hour laws.
- 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 this lawsuit is successful, but you give up any rights to separately sue the Defendants for the same legal claims asserted in this lawsuit. Inclusion in this lawsuit does not necessarily mean you are entitled to monetary relief.
DO NOTHING	By doing nothing, you will not be included in this lawsuit relating to claims under the Fair Labor Standards Act. 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 either Anthem Productions, LLC d/b/a Anthem Sound, Stage, and Lighting, Advanced Audio Technology, LLC d/b/a Anthem SSL, or both companies, at some point between June 26, 2015 and the present, as an hourly employee.

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 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 law. Specifically Plaintiff claims that Defendants paid overtime wages only for hours worked in excess of forty-five hours a week, instead of for all hours worked in excess of forty-hours a week. Plaintiff claims that he and others who worked for Defendants are entitled to unpaid overtime, liquidated damages, attorneys’ fees, and costs.

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

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to complete the enclosed form called “Consent to Join Lawsuit” and mail it in the enclosed, postage-paid envelope to the Clerk of the Court for the United States District Court for the Southern District of New York. Should the enclosed envelope be lost or misplaced, the Consent to Join form must be sent to:

Clerk of Court
United States Courthouse
500 Pearl Street
New York, New York 10007

The signed Consent to Join form must be filed with the Court by June 10, 2019. If your signed Consent to Join Lawsuit form is not filed with the Court by June 10, 2019, 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.

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?

No. Federal and New York law prohibit Defendants from discharging you or retaliating against you in any way because you join this 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 Borelli 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 attorneys' fees to be paid.

You do not have to be represented by Borrelli and may instead hire another attorney, at your own expense, or you may represent yourself. If you intend to retain your own lawyer or to represent yourself, you **must** so indicate on the “Consent to Join Lawsuit” form. If you send your form to the Clerk of Court 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.

Defendants are represented by Paykin Krieg & Adams LLP. You should not contact them if you decide to participate in this Lawsuit.

10. This Notice has been authorized by the Court

This notice and its contents have been authorized by District Judge Valerie 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

CARLTON DOUGLAS, on behalf of himself, individually, and
on behalf of all others similarly-situated,

Plaintiff,

- against -

ANTHEM PRODUCTIONS, LLC d/b/a ANTHEM SOUND,
STAGE, AND LIGHTING, *et al.*,

Defendants.

Case No. 18-cv-5789-VEC

CONSENT TO JOIN LAWSUIT

IF YOU WANT TO JOIN THIS LAWSUIT, YOU MUST:

1. COMPLETE AND SIGN THIS FORM; AND
2. NOT LATER THAN JUNE 10, 2019 RETURN THIS FORM TO:

Clerk of Court
U.S. Courthouse, 500 Pearl St.
New York, New York 10007

I consent to join the lawsuit brought pursuant to the Fair Labor Standards Act. 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, who will promptly file
a notice of appearance on my behalf.

By myself *pro se* without the assistance of
an attorney.

If you do not select either of the options above but send your form to the Clerk of the Court, you are choosing to be represented by Borrelli & Associates, P.L.L.C. , and you are authorizing Carlton Douglas 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 law claims. If you want different counsel at your own expense 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