

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIA LOJA, on behalf of herself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

JASCO DESIGNS, INC.,

Defendant.

Docket No.: 18-cv-6190-AMD-VMS

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for Jasco Designs, Inc. (“Defendant”) at any time between November 3, 2015 and the present, *please read this Notice.*

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

- Maria Loja (“Plaintiff”) is a former employee of the Defendant who worked as a packer and whom Defendant paid on an hourly basis.
- Plaintiff started this lawsuit against Defendant on behalf of herself and all other current and former employees who worked for Defendant and were paid on an hourly basis at any time between November 3, 2015 and the present. Plaintiff claims that she worked in excess of forty hours per week and that Defendant did not pay her overtime pay at the rate of time and one-half her regular hourly rate of pay for all hours that she worked over forty each week, in violation of the federal Fair Labor Standards Act and the New York Labor Law.
- Defendant denies any wrongdoing and maintains that it paid all of its employees in accordance with federal and New York law.
- The Court has authorized Plaintiff to send out this Notice. The Court has not yet 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 lawsuit now, you must complete the “Consent to Join Lawsuit” form at the end of this Notice. You may then share in money from a settlement or judgment if Plaintiff and others bringing the claims against Defendants are successful. If you join this lawsuit, you give up any rights to separately sue the Defendant for the same legal claims in this lawsuit. |
| DO NOTHING | By doing nothing, you will not be included in this lawsuit, and the statute of limitations on your federal claims continues to run. |

1. Why did I get this notice?

You are getting this notice because Defendant’s records show that you may have worked for Defendant between November 3, 2015 and the present in a job similar to the one held by Plaintiff and that you were paid on an hourly basis.

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 themselves and others who have similar claims. People with similar claims to Plaintiff’s claims may be permitted to join and participate in that lawsuit. One court resolves the issues for everyone who joins the case.

3. What is this collective action lawsuit about?

Plaintiff alleges that Defendant’s compensation practices violated federal and New York law. Plaintiff claims that she and others who worked for Defendant are entitled to unpaid overtime wages, liquidated damages, attorneys’ fees and costs.

Defendant denies any wrongdoing and/or liability and maintains that all of its 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 informing those persons who wish to be involved in this lawsuit about the action.

If you choose to join this lawsuit, and Plaintiff successfully obtains a settlement or a judgment, you may be entitled to some portion of the money. There are no assurances that any money will be awarded.

5. How do I join this collective action lawsuit?

If you were employed by the Defendants as an hourly wage employee at any time between November 3, 2015 and the present, you are eligible to join the case. You are not required to join this lawsuit but may choose to join it.

Enclosed is a form called “Consent to Join Lawsuit.” **If you choose to join this lawsuit, it is extremely important that you read, sign, and promptly return the Consent to Join Lawsuit form.** You must return the completed Consent to Join Lawsuit form by either mail or hand delivery to the Clerk of the Court no later than May 18, 2020 at the following address:

CLERK OF COURT
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

If you do not mail or deliver to the Court the Consent to Join Lawsuit form on or before May 18, 2020, you may not be able to participate in this lawsuit.

6. If I choose to join this lawsuit, will I have to participate in any legal proceeding?

Most likely, if you choose to join this lawsuit, you will be required to provide information and answer questions under oath relating to your employment with Defendant. You may be required to testify at a deposition or at a trial, respond to written questions, and/or produce documents relevant to the case. For this reason, if you join the lawsuit, you should preserve all documents relating to your employment with Defendant that are currently in your possession, custody or control. Plaintiff’s attorneys will assist you with these requirements if you choose for them to represent you as your lawyers, as explained below in section 10.

7. 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. Your decision not to join this case will not affect your right to bring a similar case on your own at a future time. The limitations period on your claims will continue to run. You are informed that claims under the Fair Labor Standards Act typically must be brought within two years of the date the claim accrues, unless the employer’s violation of the law was “willful,” in which case the claim must be brought within three years. Claims under the New York Labor Laws typically must be brought within six years of the date the claims accrue.

8. Can I participate in this 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 both prohibit Defendant from discharging or in any other manner retaliating against you because you joined this case or have in any other way exercised your rights under federal and New York law.

10. Do I have a lawyer in this case?

Plaintiff is represented by Alexander T. Coleman, Caitlin Duffy and Michael J. Borrelli of Borrelli & Associates, P.L.L.C., 910 Franklin Avenue, Suite 200, Garden City, New York 11530, (516) 248-5550.

If you choose to join this lawsuit and are interested in hiring an attorney to represent you, you may contact Plaintiffs directly to discuss representation. You may arrange for this law firm to represent you on a contingency fee basis, meaning that the lawyers would only be paid if they are successful in winning the case or obtaining a settlement. It may be that the Court will need to review the amount of the money to be paid to the attorneys before they can receive their money.

You do not have to be represented by this law firm and may instead hire another attorney, or you may represent yourself. If you intend to retain your own lawyer or to represent yourself, you should so indicate on the “Consent to Join Lawsuit” form. **If you do not indicate on the form that you choose Borrelli & Associates, P.L.L.C. as your lawyers, the Court will assume that you represent yourself.**

11. This Notice has been authorized by the Court

This notice and its contents have been authorized by Magistrate Judge Vera M. Scanlon of the United States District Court for the Eastern District of New York, located in Brooklyn, New York.

The Court has not decided whether Plaintiff or Defendant is correct. By conditionally authorizing the Collective Action and allowing the issuance of this Notice of Lawsuit, the Court is not suggesting that Plaintiff will win the case or that Plaintiff, you, or any other employee of Defendant is entitled to a monetary recovery.

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
EASTERN DISTRICT OF NEW YORK

MARIA LOJA, on behalf of herself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

JASCO DESIGNS, INC.,

Defendant.

Docket No.: 18-cv-6190-AMD-VMS

CONSENT TO JOIN LAWSUIT

IF YOU WANT TO JOIN THIS LAWSUIT, YOU MUST:

1. COMPLETE THIS FORM; AND
2. NOT LATER THAN MAY 18, 2020, MAIL OR HAND DELIVER THE FORM TO:

CLERK OF THE COURT
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

I consent to join the lawsuit brought pursuant to the Fair Labor Standards Act, the New York State Labor Law, and the New York Code of Rules and Regulations.

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.

___ By Borrelli & Associates, P.L.L.C.

SIGNATURE

PRINT NAME

Address

City, State, Zip Code

Telephone Number

Email Address

Start Date of Employment with Defendant

End Date of Employment of Defendant