

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSE BENAVIDES, on behalf of himself,
individually, and on behalf of all others
similarly-situated,

Plaintiff,

-against-

VERDI EQUITIES, INC., and R.G.G.
ENTERPRISES, INC., and GIUSEPPE “JOE”
ROCCO, individually, and JOHN SACCO,
individually, and ROCCO SACCO,
individually,

Defendants.

Docket No.: CV-20-00850(JS)(AKT)

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for Verdi Equities, Inc. (doing business as “Verdi’s of Westbury”), and/or R.G.G. Enterprises, Inc. (doing business as “Verdi’s of Whitestone”), and/or Giuseppe “Joe” Rocco, and/or John Sacco, and/or Rocco Sacco, at either 680 Old Country Road, Westbury, New York 11590, or at 149-58 Cross Island Parkway, Whitestone, New York 11357, as a prep cook, line cook, or in a similar role, at any time between February 17, 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 Jose Benavides (“Plaintiff”) is an employee of Defendants, for whom he works as a prep cook.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former employees who worked for Defendants as prep cooks, line cooks, or in similar roles, at any time between February 17, 2014 and the present. Plaintiff claims that he worked in excess of forty hours per week and that Defendants did not pay him overtime compensation at the rate of one and one-half times his regular hourly rate for all hours that he worked in excess of forty per week, in violation of the federal Fair Labor Standards Act and the New York Labor Law. Defendants deny any wrongdoing and maintain that they paid all of their employees in accordance with federal and New York law.
- The Court has authorized Plaintiff to send out this Notice, but 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 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.

1. Why did I get this notice?

You are getting this notice because Defendants’ records show that you may have worked for one or more of them at some point between February 17, 2014 and the present, in a job similar to the one held by Plaintiff.

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 New York law. 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 and/or liability and maintain that they paid all of their employees 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.

If you elect to join this proceeding, you may share in any settlement or judgment if the Plaintiff is successful and you are entitled to a portion of the recovery under the law. There is no guarantee that joining this lawsuit will result in your receiving any compensation.

You should be aware that a claim under the Fair Labor Standards Act must be brought within two years of the date that 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.

5. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to fill out 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 [THURSDAY, JUNE 24, 2021]. If your signed “Consent to Join Lawsuit” form is not filed with the Court by [THURSDAY, JUNE 24, 2021], 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 proceeding?

Most likely, if you choose to join this lawsuit, you will be required to provide information and answer questions relating to your employment with Defendants. 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 the Defendants currently in your possession. Plaintiff’s attorneys will assist you with these requirements should you elect for them to represent you as set forth below.

Additionally, 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.

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. The limitations period on your claims continues to run.

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 and/or New York 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. 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 from any such settlement or judgment.

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 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 Magistrate Judge A. Kathleen Tomlinson of the United States District Court for the Eastern District of New York, located in Central Islip, 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, 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

JOSE BENAVIDES, on behalf of himself, individually,
and on behalf of all others similarly-situated,

Plaintiff,

-against-

VERDI EQUITIES, INC., and R.G.G. ENTERPRISES,
INC., and GIUSEPPE "JOE" ROCCO, individually, and
JOHN SACCO, individually, and ROCCO SACCO,
individually,

Defendants.

Case No.: CV-20-00850(JS)(AKT)

CONSENT TO JOIN LAWSUIT

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 [THURSDAY, JUNE 24, 2021].

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

You can also: fax the "Consent to Join Lawsuit"
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, the New York State Labor Law, and the New York Code of Rules and Regulations; and I elect to be represented by [choose ONE]:

____ Borrelli & Associates, P.L.L.C.
I authorize Plaintiff Jose Benavides 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 Jose Benavides 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

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EASTERN DISTRICT OF NEW YORK

JOSE BENAVIDES, on behalf of himself,
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Plaintiff,

-against-

VERDI EQUITIES, INC., and R.G.G.
ENTERPRISES, INC., and GIUSEPPE “JOE”
ROCCO, individually, and JOHN SACCO,
individually, and ROCCO SACCO,
individually,

Defendants.

Case No.: CV-20-00850(JS)(AKT)

**REMINDER – DEADLINE TO JOIN LAWSUIT IS
[THURSDAY, JUNE 24, 2021]**

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The Court authorized this Notice.*

This notice is to remind you that the deadline to opt-in to the wage-and-hour lawsuit currently pending against VERDI EQUITIES, INC., R.G.G. ENTERPRISES, INC., GIUSEPPE “JOE” ROCCO, individually, JOHN SACCO, individually, and ROCCO SACCO, individually, (together as “Defendants”), is [*THURSDAY, JUNE 24, 2021*]. If you want to participate in the lawsuit as detailed in the prior “Court Authorized Notice of Lawsuit” that was mailed to you on [*MONDAY, MAY 10, 2021*], and is also enclosed herewith for your convenience, you must take two steps:

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

STEP 2: MAIL THE “CONSENT TO JOIN LAWSUIT” FORM TO THE ADDRESS BELOW TO ALLOW FOR FILING BY ON OR BEFORE [THURSDAY, JUNE 24, 2021]:

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

You can also: fax the Consent to Join
Lawsuit 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.