

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff,

-against-

JOYERIA ELIZABETH I, CORP., and
JOYERIA ELIZABETH II, CORP., and
JOYERIA ELIZABETH III, CORP., and
JOYERIA ELIZABETH IV, CORP., and
TOMASA IZAQUIRRE, individually, and
MICHELLE IZAQUIRRE, individually,

Defendants.

Case No.: 21-cv-04508 (VEC)

COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for JOYERIA ELIZABETH I, CORP., JOYERIA ELIZABETH II, CORP., JOYERIA ELIZABETH III, CORP., JOYERIA ELIZABETH IV, CORP., TOMASA IZAQUIRRE, and/or MICHELLE IZAQUIRRE (collectively, “Defendants”), at any time between October 3, 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 Hiciano (“Plaintiff”) is a former non-managerial employee that worked for Defendants as a counterman / salesperson at the following store locations: 551 West 207th Street, New York, New York 10034; 1591 St. Nicholas Avenue, New York, New York 10033; 1480 St. Nicholas Avenue, New York, New York, 10033; and the now closed 1495 St. Nicholas Avenue, New York, New York, 10026.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former non-managerial employees who worked for Defendants at any time between October 3, 2014 and the present. Plaintiff claims that he routinely worked in excess of forty hours per week, but that Defendants did not pay him at the overtime rate of one and one-half times his regular rate of pay, 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 applicable wage and hour laws.
- The Court has authorized Plaintiff 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 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 this lawsuit is 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 at this time. 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 one or all of them at some point between October 3, 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 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. Specifically, 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 or liability and maintain that all of their employees were paid in accordance with all applicable wage and hour laws.

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you need complete 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 [TUESDAY, FEBRUARY 15, 2021]. If your signed Consent to Join Lawsuit form is not filed with the Court by [TUESDAY, FEBRUARY 15, 2021], 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 should you choose for them to represent you as explained below.

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 claims 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 the 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 Borrelli 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 likely determine the amount of attorneys' fees to be paid from any such settlement or judgment.

You do not have to be represented by Borrelli, and may instead hire another attorney of your choosing, or you may represent yourself. If you intend to retain your own lawyer or to represent yourself, you must so indicate this on the enclosed Consent to Join Lawsuit form. If you send your form 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.

10. This Notice has been authorized by the Court

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

JOSE HICIANO, on behalf of himself,
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Plaintiff,

-against-

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TOMASA IZAQUIRRE, individually, and
MICHELLE IZAQUIRRE, individually,

Defendants.

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CONSENT TO JOIN LAWSUIT

IF YOU WANT TO JOIN THIS LAWSUIT, YOU MUST:

1. COMPLETE AND SIGN THIS FORM; AND
2. NO LATER THAN [TUESDAY, FEBRUARY 15, 2021] RETURN THIS FORM TO:

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

You can also: fax this 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 and the New York Labor Law. 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 of my choosing, who
will promptly file a notice of
appearance on my
behalf.

_____ Myself *pro se* without the assistance
of an attorney.

If you do not select either option above but send your form to Borrelli & Associates, P.L.L.C., you will be choosing to be represented by Borrelli & Associates, P.L.L.C., and you will be authorizing Borrelli & Associates, P.L.L.C. and Jose Hiciano to act on your behalf in all matters relating to this action, including any settlement of your federal and state law claims. If you want different counsel 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