

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KINGBORN MORRIS, RAFAEL MATEO, and DARNELL PIERRE, on behalf of themselves and others similarly situated,

Plaintiffs,

- against -

ALLE PROCESSING CORP., SCHREIBER PROCESSING CORP., ALBERT WEINSTOCK, EDWIN WEINSTOCK, SAM HOLLANDER and MENDEL WEINSTOCK,

Defendants.

Case No.: 08-CV-4874 (JMA)

NOTICE OF LAWSUIT

**IMPORTANT NOTICE
ADVISING YOU OF
YOUR LEGAL RIGHTS**

TO: All individuals who performed work as food service employees and in other related trades for Defendant Alle Processing Corp. ("ALLE") at their food processing facility in Maspeth, New York from December 3, 2002 through the present (the "Class"). Corporate officers, shareholders, directors, and administrative employees are not part of the Class.

If you worked for ALLE at any time since December 3, 2002 through the present, the purpose of this Notice is to advise you of this class action lawsuit, and to further advise you of certain rights you may have with respect to this action.

Plaintiffs Kingborn Morris, Rafael Mateo, and Darnell Pierre are former employees of ALLE who brought this lawsuit on behalf of all other current and former employees of ALLE who may not have been paid: (1) minimum wages for all hours worked, (2) overtime wages for hours worked over 40 per week, and/or (3) an extra hour of pay at the minimum wage rate upon working more than 10 hours in a single day.

Defendants vigorously deny any wrongdoing and/or liability to plaintiffs or any past or present employee of ALLE who may allege that he or she was underpaid. ALLE strongly denies that any employee was underpaid for his or her work at any time.

YOU MAY BE OWED PAYMENT IF:

1. You worked for ALLE and were not paid wages for all hours that you worked, including wages for any time spent putting on and taking off a required uniform.
2. You worked for ALLE for more than 40 hours per week and you were not paid overtime at time and one-half (1.5x) your normal hourly rate of pay for all hours worked over 40 each week.
3. You did not receive an extra hour of pay at the minimum wage rate upon working more than 10 hours in a single day.

A class has been certified for claims arising under New York law seeking unpaid wages. **You do not need to do anything at this time as you are automatically a member of the Class of workers who have claims arising under New York law.** You may participate in this case as long as you worked for ALLE at any time since December 3, 2002.

If you decide to participate in this lawsuit, you give up the right to sue ALLE, in any other lawsuit, for unpaid wages and other related damages under the New York Labor Law. You will be bound by any decision of the Court in this lawsuit.

If you **do not** wish to participate in this lawsuit, you must send a signed letter stating your intention to exclude yourself from the Class to LaDonna Lusher, Esq. of Virginia & Ambinder, LLP, located at 111 Broadway, Suite 1403, New York, NY 10006 **on or before [90 days from mailing date]**. If you **fail** to mail a signed letter stating your intention to exclude yourself from this lawsuit **on or before [90 days from mailing date]** you will not be excluded from this lawsuit and will be bound by any orders and/or judgments rendered by the Court. **If you decide to exclude yourself from this lawsuit, you may not be eligible to receive any benefits in the event that recovery is obtained.** If you decide to exclude yourself from this lawsuit, you will be free to file or pursue claims against any of the Defendants in your own lawsuit and at your own expense.

The New York Labor Law allows employees to recover unpaid wages as well as liquidated damages. The Court has determined that class members can seek liquidated damages in this class action lawsuit. Defendants have appealed the Court's decision to the United States Court of Appeals for the Second Circuit ("the Second Circuit"). The Second Circuit may determine, on the current appeal or on a later appeal, that class members can only participate in this class action lawsuit if they waive their claims to liquidated damages. If you do not exclude yourself from this lawsuit by [INSERT DEADLINE], and the Second Circuit makes such a determination, you will be bound by the Second Circuit's ruling and will waive your liquidated damages claims. If you exclude yourself from this lawsuit by [INSERT DEADLINE] and file your own lawsuit, you would be able to seek liquidated damages in an individual lawsuit.

The Court has designated attorneys Lloyd Ambinder, Esq. and LaDonna Lusher, Esq. of Virginia & Ambinder, LLP, as Class Counsel to represent the Class. Virginia & Ambinder, LLP is located at 111 Broadway, Suite 1403, New York, NY 10006. If you remain a member of the Class, you will not be required to pay any fee for services provided by Class Counsel. If you are represented by Class Counsel, their costs and fees will be paid by ALLE, or out of any recovery, or a combination of both. You have a right to consult with an attorney about this matter. If you wish to be represented by other counsel, you may retain another attorney, but you may be responsible for paying that attorney.

Further information about this Notice, or answers to other questions concerning this lawsuit may be obtained by contacting the Lloyd Ambinder, Esq., or LaDonna Lusher, Esq. at telephone number (212) 943-9080 or facsimile number (212) 943-9082. If you require Spanish translation, please ask for Yeskenia Polanco or Venus Velez.

You have a right to participate in this action even if you are an undocumented alien or you were paid in cash while working for ALLE.

All communications and discussions with Virginia & Ambinder are confidential and will not be disclosed without your consent.

DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE WITH QUESTIONS

SO ORDERED: _____/s/_____
November 27, 2013 Hon. Joan M. Azrack, U.S.M.J.