

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

Vilma "Carolina" Hernandez and  
Mary Cruz Garcia, on behalf of  
themselves and all other persons  
similarly situated,

Plaintiffs,

- vs. -

Mitad del Mundo Bar Restaurant  
Corp., Segundo Minchala, and  
John Does #1-10,

Defendants.

DOCKET NO. 15-CV-6571  
(MKB) (PK)

**ORDER**

BEFORE Kuo, J., U.S.M.J.:

**THIS MATTER** having been brought before the Court upon the application of the law firm of Samuel & Stein, attorneys for plaintiffs, seeking to conditionally certify a Fair Labor Standards Act collective action and authorize notice to be issued to all persons similarly situated, and the defendants having consented to said application for conditional certification, and the Court, having reviewed the application, and for other good cause,

**IT IS HEREBY ORDERED** that the application by counsel for plaintiffs seeking conditional certification of a Fair Labor Standards Act collective action is hereby granted; and it is **FURTHER ORDERED** that:

1. The collective action notice entitled "NOTICE OF LAWSUIT AND OPPORTUNITY TO JOIN" submitted as Exhibit A attached to plaintiffs' letter of March 28, 2016, and the opt-in form entitled "CONSENT TO JOIN COLLECTIVE ACTION AND BECOME A PARTY PLAINTIFF" submitted as Exhibit B attached to plaintiffs' letter of March 28, 2016, are hereby approved for mailing to potential collective action opt-in plaintiffs, in both English and Spanish;
2. The English and Spanish versions of the collective action notice and opt-in form shall be conspicuously posted in defendants' restaurant;
3. The scope of potential opt-in plaintiffs for the

conditionally-certified collective action shall consist of all individuals employed as servers at Mitad del Mundo Bar Restaurant Corp. at any time on or after March 28, 2013, to the date of this Order;

4. Defendants shall provide to Plaintiff, in machine-readable form, the full names and last-known addresses and email addresses of all potential plaintiffs who worked in the above positions from on or after March 28, 2013 to date no later than ten (10) days after the date of this Order; and
5. Plaintiffs shall mail the notice of collective action to all potential collective action opt-in plaintiffs no later than ten (10) days following defendants' disclosure of their names and last-known addresses. The notice shall be dated the exact date of the initial mailing and the deadline date set forth in the notice shall be the date exactly sixty (60) days thereafter;
6. If any notice to any potential collective action opt-in plaintiff is returned as undeliverable, plaintiffs' counsel is permitted to mail the notice to any such persons again at any other address he may determine is appropriate. However, this shall not extend the sixty (60) day opt-in deadline from the date of the initial mailing; and
7. All potential collective action plaintiffs must opt-in no later than sixty (60) days following the date of the initial mailing of the collective action notice by returning the executed form entitled "CONSENT TO JOIN COLLECTIVE ACTION AND BECOME A PARTY PLAINTIFF" in sufficient time for it to be filed with the Court no later than sixty (60) days from the date of the initial mailing. Plaintiffs' counsel shall thereupon promptly file such executed consents with the Court.

It is on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, **SO ORDERED**:

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Hon. Peggy Kuo, U.S.M.J.