

**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

This is not an attorney solicitation. This is a notice authorized by the United States District Court for the Eastern District of New York.

If you are or were employed by Mitad del Mundo Bar Restaurant Corp, as a server, and you are currently employed in that position or were employed in that position within three years prior to the date of this notice, and you were not paid the minimum wage or overtime wages, please read this notice.

1. WHY DID I GET THIS NOTICE?

The purpose of this legal notice is to inform you that a lawsuit has been filed against Mitad del Mundo Bar Restaurant Corp. for unpaid minimum wages and overtime wages, and that you may be eligible to join the lawsuit.

This notice has been sent so that other individuals who may be “similarly situated” to the plaintiffs can become aware of their rights and join the lawsuit – or not – at their choice.

This notice advises you about how your rights may be affected by this lawsuit and how you may participate in this lawsuit, if you wish to do so and are eligible to do so.

2. WHAT IS THE LAWSUIT ABOUT?

Plaintiffs Vilma “Carolina” Hernandez and Mary Cruz Garcia, both of whom claim that they were former servers for Mitad del Mundo Bar Restaurant Corp., filed a lawsuit against this restaurant on November 16, 2015. They allege that the restaurant violated the Federal Fair Labor Standards Act and New York Labor Law by not paying them the minimum wage, or overtime compensation at the rate of time and one-half for all hours worked in excess of 40 hours in a week. Defendants disagree, and claim they properly paid their employees all wages they were owed. The lawsuit is in the discovery phase and the court has not made any rulings as to any of the parties’ claims or defenses.

3. WHO MAY JOIN THE LAWSUIT?

If you are currently employed, or were employed within three years prior to the date of this notice, as a server for Mitad del Mundo Bar Restaurant Corp. and you did not receive the minimum wage or overtime wages, then you may be eligible to join this lawsuit. Joining this lawsuit does not mean that you necessarily are entitled to any money. The determination of whether you will be entitled to any money will be made by the judge.

You have a right to participate in this lawsuit even if you are undocumented or were paid off-the-books or in cash. You do not need to have paystubs or other records in order to participate.

4. HOW DO I JOIN?

If you fit within the definition of the eligible plaintiffs described above, you may join this lawsuit **in either of two ways:**

(1) You may join this lawsuit by completing and returning the attached blue “Consent to Become Party Plaintiff” form to plaintiffs’ counsel at the address listed below. The return envelope is pre-addressed and postage-paid for your convenience, or you may fax your signed copy back. Should the enclosed Consent form be lost or misplaced, you may contact plaintiffs’ counsel:

David Stein
SAMUEL & STEIN
38 West 32nd Street, Suite 1110
New York, NY 10001
Telephone: (212) 563-9884
Facsimile: (212) 563-9870
Email: dstein@samuelandstein.com

The Consent form must be sent to plaintiffs’ counsel in sufficient time to have plaintiffs’ counsel file it with the Court on or **before [60 days]**.

-OR-

(2) You may also join the lawsuit by retaining another lawyer of your own choosing. If you do so, your chosen attorney, must file an “opt-in” consent form with the Court on or **before [60 days]**. The address of the Court is:

U.S. District Court for the Eastern District of New York
Attn: Clerk of the Court
225 Cadman Plaza East
Brooklyn, New York 11201

The Clerk of the Court cannot give legal advice about this lawsuit. No phone calls to the Court are permitted concerning this lawsuit.

If you fail to file the “opt-in” consent form with the court or return the return the blue “Consent to Become Party Plaintiff” form to plaintiffs’ counsel on or before the above deadline, you may not be able to participate as a plaintiff in this lawsuit.

5. WHAT HAPPENS IF I JOIN?

If you choose to join in this lawsuit, you will be bound by the Judgment in this lawsuit, whether it is favorable or unfavorable to you.

If you join the lawsuit by signing and returning the blue “Consent to Become Party Plaintiff” form, the lawyers for the plaintiffs will represent you. These lawyers are representing the plaintiffs on a contingency basis. They will not get paid unless they obtain money for you and the plaintiffs. If there is a recovery, the plaintiffs’ lawyers will receive a part of any settlement obtained or money judgment obtained in favor of all plaintiffs. The amount they will get paid will be determined by the Court.

If you choose to join this suit and agree to be represented by the named Plaintiffs through their attorney, your counsel in this action will be:

David Stein
SAMUEL & STEIN
38 West 32nd Street, Suite 1110
New York, NY 10001
Telephone: (212) 563-9884
dstein@samuelandstein.com

If you retain another attorney of your own choosing you will need to make arrangements as to payment directly with that attorney.

If you join this lawsuit, you may be asked to give sworn testimony and information about your work for Mitad del Mundo Bar Restaurant Corp., to help the Court decide whether you are owed money.

6. AND IF I DO NOT JOIN?

If you do not wish to be part of the lawsuit, you do not need to do anything. If you do not join the lawsuit, you will not be part of the lawsuit in any way and will not be bound or affected by the result of the lawsuit (whether favorable or unfavorable).

If you decide not to join the lawsuit, you retain your right to bring a similar lawsuit on your own at a future time. However, claims under the Fair Labor Standards Act must be brought within 2 *years* of the date the claim accrues, unless the employer’s violation of the law is deemed to be “willful,” in which case the claim must be brought within 3 *years*.

7. NO RETALIATION PERMITTED

Federal and State law prevent anyone from retaliating against you based on your decision to either join or not join this lawsuit. Defendants are prevented from taking any action against you. Specifically, defendants are prohibited from discharging you from your position of employment or in any other manner penalizing you or discriminating against you because you received this notice or join this lawsuit, or because you in any other way exercise your rights under the Fair Labor Standards Act.

8. COUNSEL FOR DEFENDANTS

The attorneys for Defendants in this case are:

Victor J. Molina, Esq.
Law Office of Victor J. Molina
930 Grand Concourse
Bronx, NY 10451
Telephone: (718) 401-1600
juris_ben@msn.com

9. FURTHER INFORMATION

Additional information can be obtained from the lawyers listed in Paragraphs 5 and 8. You may also examine the Court file in this case, in person, at the U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York, NY 11201. You may also view the case file via the Internet, for a fee, using the Court's PACER service. Go to www.pacer.psc.uscourts.gov for more information.

Other than in-person requests to examine the file at the Clerk's Office, no inquiries concerning this case should be directed to the Court or to the Clerk of the Court.

DATED: May ___, 2016

THE COURT TAKES NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES.