

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM TEJADA and EDUARDO ROSA, Individually and on
Behalf of All Other Past and Present Similarly Situated
Employees,

Plaintiffs,

-against-

OTTOMANELLI'S CAFÉ FRANCHISING CORP. d/b/a
OTTOMANELLI BROTHERS NY GRILL, NICOLO OTTOMANELLI
and JOSEPH OTTOMANELLI,

Defendants.

**CASE NUMBER:
11 CV 2112**

**DEFENDANTS' RULE 26(a)(1)
INITIAL DISCLOSURES**

Defendants, OTTOMANELLI'S CAFÉ' FRANCHISING CORP. d/b/a OTTOMANELLI BROTHERS NY GRILL, (Ottomanell's Café), NICOLO OTTOMANELLI and JOSEPH OTTOMANELLI, through their attorney, the Law Office of Allen B. Breslow, submit this disclosure statement pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. Please be advised that pursuant to Federal Rules of Civil Procedure 26(e), Defendants reserve their right to supplement the disclosures made herein in anticipation of further investigation and the discovery process:

1. **POTENTIAL WITNESSES.** The names of potential witnesses and their contact information, if known are as follows:

1. The named Defendant Nicolo Ottomanelli. Defendant should only be contacted through his attorney, the Law Office of Allen B. Breslow.

2. The named Plaintiff William Tejada. Plaintiff should only be contacted through his attorney, Law Office of William Cafaro.

3. The named Plaintiff Eduardo Rosa. Plaintiff should only be contacted through his attorney, Law Office of William Cafaro.

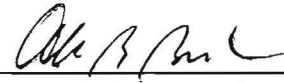
2. **DOCUMENTS.** Whatever documents and information relevant to Plaintiffs' claims in this action exist are in the possession, custody and control of either the Plaintiffs or the Defendants.

3. **DAMAGES.** Plaintiff purports to proceed via a Collective Action under the Fair Labor Standards Act ("FLSA") and a Class Action pursuant to New York State Labor Law ("NYLL"). The amount of damages, if any, of each individual Plaintiff will be ascertained at trial. Damages, if any, are calculated based upon the duration of the employment of each individual employee, the individual employee's workweek schedule and the individual employee's rate of pay. Plaintiffs' claim that they have been underpaid and, that they have not received either minimum wages or overtime. Defendants contend that the known Plaintiff William Tejada was an exempt employee and is not entitled to any damages because he was paid all of the amounts owed to him. It is Defendants' contention that all employees who were hourly and not exempt were paid in accordance with FLSA and NYLL and that no damages are due to any of them. Since the number of employees is exceedingly small, Defendants further contend that this matter represents individual claims owed and should not be pursued as either a class action or a collective action.

Plaintiffs additionally seek pre and post judgment interest and reasonable attorneys' fees, which would only be payable in the event Plaintiffs recover any sums from the Defendants.

4. **INSURANCE AGREEMENTS.** Defendants have no insurance agreements relevant to this case.

Dated: Commack, New York
June 10, 2011



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