

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ONIEL PENA,

Plaintiff,

-v-

SP PLUS CORPORATION,

Defendant.

CIVIL ACTION NO.: 20 Civ. 1370 (GBD) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

The parties' revised Notice of Pendency of Lawsuit Regarding Wages, submitted to this Court on June 4, 2021 (ECF No. 60-1 (the "Notice")) and annexed to this Order, is APPROVED. Plaintiffs are authorized to send the Notice to all potential members of the conditionally certified Collective, as outlined in the Court's May 28, 2021 Amended Opinion and Order (ECF No. 59).

Dated: New York, New York
June 7, 2021

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge

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

ONIEL PENA,
*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

Case No. 20-cv-01370

v.

SP PLUS CORPORATION

**NOTICE OF PENDENCY OF
LAWSUIT REGARDING WAGES**

Defendant.

Please read this notice if you are or were employed as a parking attendant in New York City by SP PLUS CORPORATION, at any time between February 18, 2017 and the present

Former employee ONIEL PENA (“Plaintiff”) has sued SP PLUS CORPORATION (“Defendant”), seeking back wages for (1) unpaid wages, including overtime, due to time shaving and rounding, (2) liquidated damages and (3) attorneys’ fees and costs, in violation of the federal Fair Labor Standards Act (“FLSA”). Defendant denies any wrongdoing and claims that they paid employees the proper compensation for all hours worked, in accordance with the FLSA.

The purpose of this Notice is to advise you of your right to participate in this lawsuit under the FLSA. It has not been decided who is right and who is wrong, but the Court is giving the opportunity to employees who might have been affected by the alleged violations to join this collective action lawsuit.

YOUR LEGAL RIGHTS

If you worked for Defendants as a parking attendant at any time between February 18, 2017 and the present, you may join this lawsuit. If you believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. The right to participate may be subject to a court decision that you are similarly situated to Plaintiff. It is your right to join or not to join this lawsuit. If you decide to join this lawsuit, it is illegal for Defendant to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

If you participate in this lawsuit’s FLSA claim, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You will also be bound by the outcome of this lawsuit’s FLSA claim, whether it is favorable or unfavorable to the plaintiffs. The plaintiffs may obtain nothing by virtue of the lawsuit.

To join this lawsuit, you must sign a “Consent to Sue” form, which is enclosed with this Notice, and send it on or before **60 days from the date notice is sent out**:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181
Email: cklee@leelitigation.com

If you do not join this lawsuit, and instead intend to bring your own lawsuit, you should be aware that the lawsuit must be brought within a specific period of time. Generally, the statute of limitations under the FLSA is two or three years from the date of the violation.

THE LAWYERS REPRESENTING PLAINTIFF

If you join this lawsuit and agree to be represented by Plaintiff through his attorneys, you will be represented by Lee Litigation Group, PLLC. The firm is handling the lawsuit on a “contingency fee” basis, which means that you do not have to pay any attorneys’ fees or expenses for this lawsuit. If the Plaintiff wins a favorable judgment, Lee Litigation Group, PLLC may ask the Court to award it its reasonable lodestar or up to one-third of the monetary recovery, whichever is greater. You are not required to have Lee Litigation Group, PLLC represent you. If you want your own attorney to represent you in this lawsuit, arrangements would have to be made for that attorney’s fees and expenses, and the arrangements could be the same as Lee Litigation Group, PLLC.

GETTING MORE INFORMATION

You can obtain more information about this lawsuit by contacting C.K. Lee, Esq.:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181
Email: cklee@leelitigation.com

Do not call or write the Court or the Clerk’s Office with questions.

Dated: New York, New York, _____

"CONSENT TO SUE" FORM

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

ONIEL PENA,
*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

v.

Case No. 20-cv-01370

SP PLUS CORPORATION

Defendant.

If you are or were employed as a parking attendant in New York City by SP PLUS CORPORATION at any time between February 18, 2017 and the present, complete and mail this Consent Form by 60 days from the date notice is sent out to:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, 8th Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181

I hereby consent to join this lawsuit as a party plaintiff. By signing and returning this consent form, I hereby designate Plaintiff or his counsel Lee Litigation Group, PLLC to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Social Security No.: _____

E-mail Address: _____

SIGNATURE: _____ Date: _____