

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIBERTO ALVAREZ, on behalf of himself,
individually, and on behalf of all others similarly-situated,

Plaintiff,

Docket No.: 15-CV-08277 (JMF)

-against-

PRONTO PIZZA & GRILL, INC.,

Defendant.

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COURT AUTHORIZED NOTICE OF LAWSUIT

If you worked for Pronto Pizza & Grill, Inc. in a non-managerial capacity between October 21, 2012 and the present, please read this Notice.

Important: You are NOT being sued. This Notice is NOT a solicitation from a lawyer. The Court authorized this Notice.

- Plaintiff Eliberto Alavarez is a former employee of Defendant Pronto Pizza & Grill, Inc., where he worked as a non-managerial delivery and food preparation employee.
- Plaintiff brought this lawsuit against Defendant Pronto Pizza & Grill, Inc., on behalf of himself and all other current and former similarly-situated non-managerial employees employed. Mr. Alvarez claims he worked in excess of forty hours per week and that Pronto Pizza & Grill, Inc. did not pay him for all hours worked, including all overtime wages due. Defendant denies any wrongdoing and/or liability and claims that Mr. Alvarez was paid for all hours that he worked.
- The Court has authorized the parties to send out this Notice. The Court has not decided who is right or who is wrong. However, your legal rights may be affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you choose to be included in this collective action, you must complete the consent form at the end of this Notice. You may then share in any proceeds from a settlement or judgment if those bringing the claims are successful, but you give up any rights to separately sue the Defendant about the same legal claims in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit relating to claims under the Fair Labor Standards Act.

1. Why did I get this notice?

You are getting this notice because Pronto Pizza & Grill, Inc.'s records show that you may have worked as a non-managerial employee at some point between October 21, 2012 and the present in a job similar to the one held by Plaintiff.

2. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons can bring a lawsuit on behalf of others who have similar claims. The individual who brought this lawsuit is called the Plaintiff. The corporate entity that is being sued is called the Defendant. One Court resolves the issues for everyone who decides to join the case.

3. What is this collective action lawsuit about?

Plaintiff alleges that Defendant's compensation practices violated federal and state law. Plaintiff claims that he and others employed as non-managerial pizzeria employees are entitled to unpaid wages, liquidated damages, attorneys' fees, and costs.

Defendant denies any wrongdoing and/or liability and maintains that all of its employees were paid in accordance with federal and state law.

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to fill out the enclosed form called "Consent to Join Lawsuit" and mail it in the enclosed, postage-paid envelope to Plaintiff's Counsel, Borrelli & Associates, P.L.L.C. Should the enclosed envelope be lost or misplaced, the Consent to Join form must be sent to:

Borrelli & Associates, P.L.L.C.
1010 Northern Blvd., Suite 328
Great Neck, New York 11021

The signed Consent to Join form must be postmarked by June 12, 2016. If your signed Consent to Join form is not postmarked by June 12, 2016, you may not be allowed to participate in this lawsuit.

5. What happens if I join the collective action lawsuit?

You will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. If there is a favorable resolution, either by settlement or judgment, and you qualify under the law, you may be entitled to some portion of the recovery. By joining this lawsuit, you designate Plaintiff Eliberto Alvarez or his counsel, to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiff relating to the lawsuit will be binding on you if you join the lawsuit.

Alternatively, you may join this lawsuit and hire another attorney of your choosing, at your own expense, or represent yourself *pro se* without the assistance of a lawyer.

While this lawsuit is pending, you may be asked to provide documents or information relating to your employment with Defendant, which may include responding to written questions or answering

questions in person under oath. For this reason, if you join the lawsuit, you should preserve all documents relating to your employment with Pronto Pizza & Grill, Inc. currently in your possession. Plaintiff's attorneys will assist you.

6. What happens if I do nothing at all?

You will not be included in this lawsuit and you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. The limitations period on your federal claims continue to run.

7. Can I participate in this collective action lawsuit regardless of my immigration status?

Yes. You have a right to participate in this Lawsuit regardless of your immigration status.

8. If I join, will there be any impact on my employment?

Federal law prohibits Defendant from discharging or in any other manner retaliating against you because you join this case.

9. Do I have a lawyer in this case?

Plaintiff is represented by Borrelli & Associates, P.L.L.C. If you choose to join this Lawsuit, Borrelli & Associates, P.L.L.C. will represent you on a contingency fee basis, meaning you will not owe any attorneys' fees unless Plaintiff is successful and wins the case or obtains a settlement.

You do not have to be represented by Borrelli & Associates, P.L.L.C. and may instead hire another attorney of your choosing, at your own expense, or represent yourself *pro se* without the assistance of a lawyer. If you intend to retain your own lawyer or to represent yourself, you should indicate this on the "Consent to Join Lawsuit" form. If you sent back your form but do not indicate that you intend to retain your own lawyer or to represent yourself, the Court will assume that you want Borrelli & Associates, P.L.L.C. to represent you.

10. This Notice has been authorized by the Court

This notice and its contents have been authorized by Judge Jesse M. Furman of the United States District Court, Southern District of New York. The Court has not yet ruled on whether Plaintiff's claims or Defendant's defenses have any merit.

PLEASE DO NOT WRITE OR CALL THE COURT OR THE CLERK OF THE COURT ABOUT THIS NOTICE

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

If you have any questions, you may contact Plaintiff's attorneys, Borrelli & Associates, P.L.L.C, by telephone at (516) 248-5550 or in writing at Borrelli & Associates, P.L.L.C, 1010 Northern Boulevard, Suite 328, Great Neck, New York 11021.

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Plaintiff,

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CONSENT TO JOIN LAWSUIT

IF YOU RECEIVED THIS FORM AND WANT TO JOIN THIS LAWSUIT, PLEASE COMPLETE THESE TWO STEPS:

1. COMPLETE AND SIGN THIS CONSENT TO JOIN LAWSUIT FORM; AND
2. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN JUNE 12, 2016.

Borrelli & Associates, P.L.L.C.
1010 Northern Blvd., Suite 328
Great Neck, New York 11021

_____ I consent to join the collective action; and I elect to be represented by:

_____ Borrelli & Associates, P.L.L.C. I authorize Plaintiff Eliberto Alvarez and Borrelli & Associates, P.L.L.C. to act on my behalf in all matters relating to this action, including any settlement of my claims.

_____ Another attorney of my choosing, who shall promptly file a notice of appearance on my behalf.

_____ Myself *pro se* without the assistance of an attorney.

If you do not select any of the representation options above, you will automatically be represented by Plaintiff's lawyers, Borrelli & Associates, P.L.L.C. Moreover, failure to select a representation option above will authorize Eliberto Alvarez and Borrelli & Associates, P.L.L.C. to act on your behalf in all matters relating to this action, including any settlement of your claims.

I understand that I am permitted to proceed with alternative counsel of my own choosing at my own expense or to represent myself *pro se* without the assistance of an attorney.

SIGNATURE

PRINT NAME

Address

City, State, Zip Code

Telephone Number

Email Address

Start Date of Employment

End Date of Employment