

TO BE CIRCULATED IN ENGLISH AND SPANISH

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

*Romero, et. al. v. Sid Boys Corp. d/b/a Kellogg's
Diner, et. al.*
Case No.: 18-cv-06583

NOTICE OF LAWSUIT

To: All current and former employees who performed work as wait staff, bus staff, cooks, food preparers, dishwashers, delivery personnel, and in other restaurant-related occupations, other than office and executive personnel, and who worked for Sid Boys Corp d/b/a Kellogg's Diner, Christos Siderakis and Irene Siderakis, from November 2015 through the present. This does not include supervisors, officers, executive, managerial, or administrative personnel.

- This is a court-authorized notice that a collective action lawsuit may affect your legal rights. This is not a solicitation from a lawyer.
- Plaintiff Esgar Romero ("Named Plaintiff") on behalf of himself and all others similarly situated, filed this lawsuit against Defendants on November 11, 2018. The lawsuit is filed in the Eastern District of New York, Case Number 18-cv-06583. In the portion of the lawsuit brought under Federal Law, the lawsuit alleges that Defendants failed to pay (i) the minimum wages for all hours worked and (ii) all earned overtime wages, at a rate one and one half times the regular rate of pay, for the time in which they worked after the first 40 hours in any given week.
- Defendants vigorously deny any wrongdoing and/or liability and deny that any employee was underpaid for his or her work at any time.
- No determination has been made that you are owed any minimum and/or overtime wages, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.
- **You have a right to participate in this action even if you are an undocumented alien or if you were paid in cash.**

1. Why did I get this notice?

You are getting this notice because Kellogg's Diner's records show that you worked at Kellogg's Diner during the relevant time period.

2. What is this lawsuit about?

This lawsuit is about:

In a collective action, one or more persons can bring a lawsuit on behalf of others who have similar claims. The individuals who brought this lawsuit are called Plaintiffs. The corporate entity (Kellogg's Diner) and individuals they have sued are called Defendants. In this case, Plaintiffs' claim were not paid all minimum wages for all hours worked each week and/or overtime wages at time and one-half their regular hourly wage for every hour they worked over 40 hours in any week. Defendants deny Plaintiffs' claims.

3. How do I join this lawsuit?

If you would like to join this lawsuit, you must sign and promptly return the enclosed "Consent to Join Lawsuit" Form by August 19, 2019. An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Lawsuit Form must be sent to:

VIRGINIA & AMBINDER, LLP
40 BROAD STREET, SEVENTH FLOOR
NEW YORK, N.Y. 10004
RE: Kellogg's Diner

You can also fax the Consent to Join Lawsuit form to 212-943-9082.

If you do not sign and return the Consent to Join Form by August 19, 2019, you may not be able to participate in this lawsuit.

4. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment. You will also share in any proceeds from a settlement or judgment. To join this lawsuit, you must sign and promptly return the enclosed "Consent to Join Lawsuit" Form by **August 19, 2019**.

If you elect to join this case, you may be required to participate in the discovery process under the supervision of this Court, including responding to written interrogatories and document production requests, appearing at a deposition within the Eastern District of New York, and, potentially, testifying at a trial in this matter.

It is entirely your decision whether or not to join the lawsuit. If you do file the consent to join this lawsuit, it is against the law for Defendants to retaliate against you (by way for example firing you reducing your hours or lowering your wages) for doing so.

You have a right to participate in this action even if you are an undocumented alien or if you were paid in cash.

5. What happens if I do nothing?

If you choose not to join this lawsuit, you will not be entitled to share in any amounts recovered by the Plaintiffs if they are successful in obtaining an award from a trial or settlement of this lawsuit. You will also not be affected by any ruling, judgment or settlement rendered in this lawsuit. You have the right to retain your own counsel to represent you and to file an independent lawsuit. However, if you hire your own attorney, you may be responsible for paying that attorney. You should also be aware that your federal wage and hour claims are limited by either a two or three year statute of limitations. Delay in joining this action or proceeding separately may result in some or all of your potential claims expiring as a matter of law.

6. What are the Plaintiffs seeking?

Plaintiffs are seeking to recover unpaid minimum and overtime wages. Plaintiffs are also seeking liquidated damages, attorneys' fees and costs.

7. Will I have a lawyer in this case?

If you choose to join this lawsuit, and you do not appoint your own attorney, you will be represented by lawyers at Virginia & Ambinder, LLP and the Community Development Project. You can reach these lawyers at the following address: 40 Broad Street, Seventh Floor, New York, New York, 10004; telephone (212) 943-9080, facsimile number (212) 943-9082; www.vandallp.com.

If you are represented by Virginia & Ambinder, LLP and the Community Development Project, attorneys' fees will be paid as follows: (1) out of any recovery that is obtained by settlement or money judgment entered in favor of Plaintiffs; or (2) may be ordered by the court to be paid by the Defendants, or (3) a combination of both. If you are represented by Virginia & Ambinder, LLP and the Community Development Project and Plaintiffs do not recover anything in this lawsuit, you will not have to pay any attorneys' fees.

8. What if I still have questions?

If you have any questions about this lawsuit, or would like further information, you can contact the Plaintiffs' attorneys Leonor Coyle or Michele Moreno of Virginia & Ambinder, LLP at (212) 943-9080. If you require Spanish, please ask for Leonor Coyle or Ines Cruz.

PLEASE DO NOT CONTACT THE CLERK OF THE COURT WITH QUESTIONS INVOLVING THIS LAWSUIT

Dated: June 20, 2019