

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ANTHONY DRAYTON, ROBERT LEWIS, and SANTOS SEDA,
individually and on behalf of all other persons similarly situated,
Plaintiffs,

-against-

THE CITY OF NEW YORK and the NEW YORK CITY
DEPARTMENT OF EDUCATION,
Defendants.

CIVIL ACTION CASE NO: 18-cv-10138 (ALC)

NOTICE OF LAWSUIT

To: All current and former employees who worked for the New York City Department of Parks and Recreation or Department of Transportation and were classified as non-exempt employees, who worked overtime and received any type of differential payment at any time from September 11, 2017 to the present.

- This is a court-authorized notice that a collective action lawsuit may affect your legal rights. This is not a solicitation from a lawyer.
- Plaintiffs Anthony Drayton, Robert Lewis, and Santos Seda (“Named Plaintiffs”) brought this lawsuit on behalf of themselves all other current and former employees of the City of New York and the New York City Department of Education (“Defendants”) to recover payment of allegedly unpaid overtime wages. You may be owed overtime wages under the Fair Labor Standards Act if you worked for Defendants, were classified as a non-exempt employee, worked overtime, and received any type of differential payment at any time from September 11, 2017 to the present.
- 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 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 Defendants’ records show that you worked for Defendants during the relevant time period, were classified as non-exempt and received one or more differential payments at any time from September 11, 2017 to the present.

2. What is this lawsuit about?

This lawsuit is about whether Defendants’ violated federal overtime laws by allegedly not paying its non-exempt employees overtime wages at time and one-half their regular hourly wage for every hour they worked over 40 hours in any week. These claims were brought under the Federal Fair Labor Standards Act (“FLSA”).

FEDERAL LAW CLAIMS: If you worked for Defendants between September 11, 2017 to the present, you may be entitled to certain protection under the FLSA for all work in excess of 40 hours each week if you received less than one and one-half times (1.5x) your regular hourly wage rate.

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 **APRIL 2, 2021** to:

**VIRGINIA & AMBINDER, LLP
40 BROAD STREET, 7th FLOOR, NEW YORK, N.Y. 10004
RE: DRAYTON V. CITY OF NEW YORK**

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

E-mail it to DraytonFLSA@vandallp.com OR

Access this Notice and a fillable Consent to Join Lawsuit form at www.vandallp.com/Drayton

If you do not sign and return the Consent to Join Form by APRIL 2, 2021, 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. While this lawsuit is pending, you may be asked to provide oral or written discovery and/or testify at trial in this matter. To join this lawsuit, you must sign and promptly return the enclosed "Consent to Join Lawsuit" Form by **APRIL 2, 2021**.

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 overtime wages. Plaintiffs are also seeking liquidated damages, attorney's 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 Lloyd R. Ambinder, James E. Murphy and other lawyers at Virginia & Ambinder, LLP located at 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, any attorney fees will either be paid out of any recovery that is obtained. If there is a recovery, the fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs or may be ordered by the court to be paid by the Defendant or may be a combination of both.

If you are represented by Virginia & Ambinder, LLP and Plaintiffs do not recover anything in this lawsuit, you will not have to pay any attorneys' fees. You may also hire your own attorney to represent you in this lawsuit, however, you may be responsible for paying that attorney.

8. What if the City of New York or the New York City Department of Education retaliates against me for joining this lawsuit?

It is a violation of state and federal law for the City of New York or the New York City Department of Education to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this lawsuit.

If you have any questions about this lawsuit, or would like further information, please contact Virginia & Ambinder, LLP at DraytonFLSA@vandallp.com or (212) 943-9080.

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