

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Dkt. No.:  
JOHN REILLY, PATRICK DEROSA, SEAN O'BRIEN, ADOLFO REDILLO and ALOKO KHAN, on behalf of themselves, individually, and on behalf of all others similarly situated, 1:23-CV-00521 (AS) (VF)



Plaintiffs,

-against-

THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT'S BUILDING MAINTENANCE SECTION,

Defendants.

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**COURT AUTHORIZED NOTICE OF LAWSUIT**

If you worked for The New York City Police Department's Building Maintenance Section ("Defendants" or "BMS") at any time between **January 1, 2020** 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.*

- Plaintiffs worked for BMS in various trade designations throughout New York City.
- Plaintiffs bring this lawsuit against Defendants on behalf of themselves and all other current and former hourly BMS staff who performed the same or similar duties, who worked for Defendants at any time between January 1, 2020 and the present. Plaintiffs claim that they were required to work off-the-clock in the morning, during their lunch breaks, and/or at and after the conclusions of their shifts, resulting in them working in excess of forty hours per week without receiving overtime compensation at the rate of one and one-half times their regular hourly rates of pay for these off-the-clock hours that they worked in excess of forty each week, in violation of the federal Fair Labor Standards Act. Defendants deny any wrongdoing and maintain that they paid all of their employees in accordance with federal and New York law.
- The Court has authorized Plaintiffs 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 lawsuit, you must complete the "Consent to Join Lawsuit" 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 Defendants for the same legal claims in this lawsuit.
DO NOTHING	By doing nothing, you will not be included in this lawsuit, and the statute of limitations on your federal claims continues to run.

### 1. Why did I get this notice?

You are getting this notice because Defendants' records show that you may have worked for Defendants at some point between January 1, 2020 and the present, in a job similar to the one held by Plaintiffs.

### 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 individuals who brought this lawsuit are called the Plaintiffs. The City entities that are being sued are called the Defendants. One court resolves the issues for everyone who decides to join the case.

### 3. What is this collective action lawsuit about?

Plaintiffs allege that Defendants' compensation practices violated federal law. Plaintiffs allege that they and others who worked for Defendants are entitled to unpaid overtime wages, liquidated damages, attorneys' fees, interest, and costs.

Defendants deny any wrongdoing and/or liability and maintain that they paid all of their employees in accordance with federal and New York law.

### 4. What is the purpose and effect of this notice?

This notice is for the sole purpose of determining those persons who wish to be involved in this case.

If you elect to join this proceeding, you may share in any settlement or judgment if the Plaintiffs are successful and you are entitled to a portion of the recovery under the law. There are no assurances that any recovery will be awarded.

You should be aware that a claim under the FLSA must be brought within two years of the date that the claim accrues, unless you can prove that your employer's violation was "willful," in which case the claim must be brought within three years.

### 5. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to fill out the enclosed form titled "Consent to Join Lawsuit" and email it, submit it online, or mail it in the enclosed, postage-paid envelope to Plaintiffs' Counsel, Joseph & Norinsberg, LLC. Should the enclosed envelope be lost or misplaced, the Consent to Join Lawsuit form must be sent to:

Joseph & Norinsberg, LLC  
110 East 59<sup>th</sup> Street, Suite 2300  
New York, NY 10022  
Tel: (212) 227-5700

You can also: fax the Consent to Join Lawsuit form to (212) 656-1889; or scan and email it to [BMSWageCase@employeejustice.com](mailto:BMSWageCase@employeejustice.com)

***Or*** complete your consent-to-join form found at the following link:

<https://employeejustice.com/cases/new-york-police-department/>

The signed Consent to Join Lawsuit form must be sent to Plaintiffs' counsel by [60 days from mailing of notice]. If your signed Consent to Join Lawsuit form is not sent to Plaintiff's counsel by [60 days from mailing of notice], you may not be allowed to participate in this lawsuit.

6. If I choose to join this lawsuit, will I have to participate in any legal proceeding?

Most likely, if you choose to join this lawsuit, you may be required to provide information and answer questions relating to your employment with Defendants. You may be required to provide testimony or respond to written questions, and/or produce documents relevant to the case. For this reason, if you join the lawsuit, you should preserve all documents relating to your employment with Defendants currently in your possession. Plaintiffs' attorneys will assist you with these requirements should you elect for them to represent you, as explained below in section 10.

7. 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 claims continue to run.

8. 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.

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

No. Federal and New York law prohibit Defendants from discharging or in any other manner retaliating against you because you join this case or have in any other way exercised your rights under federal and New York law.

10. Do I have a lawyer in this case?

Plaintiffs are represented by Joseph & Norinsberg, LLC. If you choose to join this lawsuit, Joseph & Norinsberg, LLC will represent you on a contingency fee basis, meaning that you will not owe any attorneys' fees unless Plaintiffs are successful and win the case or obtain a settlement, in which case the Court will likely determine the amount of attorneys' fees to be paid from any such settlement or judgment.

You do not have to be represented by Joseph & Norinsberg, LLC 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 send 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 Joseph & Norinsberg, LLC to represent you.

11. This Notice has been authorized by the Court

This notice and its contents have been authorized by Judge Valerie Figueredo of the United States District Court for the Southern District of New York, located in New York, New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' 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, Joseph & Norinsberg, LLC, by telephone at (212) 227-5700, or in writing at Joseph & Norinsberg, LLC, 110 E. 59<sup>th</sup> Street, Suite 2300, New York, New York 10022, or by email at victoria@employeejustice.com.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN REILLY, PATRICK DEROSA, SEAN O’BRIEN,  
ADOLFO REDILLO and ALOKO KHAN, on behalf of  
themselves, individually, and on behalf of all others similarly  
situated,

Dkt. No.:  
1:23-CV-00521 (AS) (VF)

Plaintiffs,

**CONSENT TO JOIN FORM**

-against-

THE CITY OF NEW YORK and THE NEW YORK CITY  
POLICE DEPARTMENT’S BUILDING MAINTENANCE  
SECTION,

Defendants.

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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. EMAIL, SUBMIT ONLINE, FAX, OR USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM NOT LATER THAN [60 DAYS FROM MAILING OF NOTICE], TO:

Joseph & Norinsberg, LLC  
110 E. 59<sup>th</sup> Street, Suite 2300  
New York, NY 10022  
Tel: (212) 227-5700

You can also: fax the Consent to Join Lawsuit form to (212) 656-1889; or scan and email it to [BMSWageCase@employeejustice.com](mailto:BMSWageCase@employeejustice.com); or Submit it online at the following link: <https://employeejustice.com/cases/new-york-police-department/>

**I consent to join the lawsuit brought pursuant to the Fair Labor Standards Act; and I elect to be represented by choose ONE:**

\_\_\_\_\_ **Joseph & Norinsberg, LLC.** I authorize Plaintiffs and Joseph & Norinsberg, LLC 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 but send back your form to Joseph & Norinsberg, LLC you will automatically be represented by Plaintiff’s lawyers, Joseph & Norinsberg, LLC. Moreover, failure to select a representation option above will authorize Plaintiff and Joseph & Norinsberg, LLC to act on your behalf in all matters relating to this action, including any settlement of your federal and state law claims.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
Address

\_\_\_\_\_  
Trade Designation(s)

Telephone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Start Date of Employment \_\_\_\_\_

End Date of Employment \_\_\_\_\_