

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JOSE CORNEJO and CARLOS CORNEJO on behalf of
themselves and others similarly situated,

Plaintiffs,

- against -

ROSE CASTLE CORP. d/b/a ROSE CASTLE; ROSE
CASTLE PARTY FUNCTION CORP.; ROSE CASTLE
CATERING INC., and ABRAHAM ROSENBERG, and
any other related entities,

Defendants.

Index No.: 500178/2016

**SO-
ORDERED
STIPULATION OF
DISMISSAL WITHOUT
PREJUDICE**

WHEREAS the catering facility known as Rose Castle ceased operations in or around 2017 and records of its operations were not maintained by any known individual, entity, or named Defendant to this matter;

WHEREAS Plaintiffs were employees without the ability to retain or maintain catering and employment records from catered events at the Rose Castle catering facility, given the nature of the relationship between the workers and the facility;

WHEREAS this Court certified this matter as a class action (Doc. 107), but the Appellate Division, Second Department, reversed the Trial Court related to the production of documents identifying and detailing information as to Class Members and their contact information from certain third-party sources including the Department of Taxation and Finance (Doc. 268), and no comprehensive list of Class Members is known to exist;

WHEREAS Defendant Rosenberg is expected to raise issues regarding class certification including under CPLR § 901 through 907;

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WHEREAS the corporate Defendants Rose Castle Corp. d/b/a Rose Castle, Rose Castle Party Function Corp., and Rose Castle Catering Inc., are in default in this action and believed to be insolvent or uncollectable, even if a judgment is had;


IT IS HEREBY STIPULATED AND AGREED by and between Named Plaintiffs JOSE CORNEJO and CARLOS CORNEJO and the Class (“Plaintiffs”) and Defendant ABRAHAM ROSENBERG, through their counsel that:

1. This matter shall be dismissed without prejudice, after reasonable and appropriate notice is provided to the members of the class pursuant to CPLR §§ 907 and 908;
2. The Parties agree that reasonable and appropriate notice under Article 9 and the existing case law, as the best notice practicable, means posting this stipulation onto www.leedsbrownlaw.com's website after this Stipulation is so-ordered and Class Counsel shall provide a copy of this stipulation to any individuals that may have contacted the firm during the course of this litigation, including advising them that they may pursue their claims individually and that nothing in this litigation impacts their ability to pursue asserted claims against Defendants or any other individuals associated with Rose Castle;
3. The statute of limitations for any and all claims asserted in this matter and for any individual class members against any named Defendant, any previously named Defendant, or any entity or individual associated with Rose Castle catering has been tolled from October 1, 2015 until 90 days after this Stipulation and Order is so-ordered, including claims under the New York Labor Law and the implementing regulations such as the Hospitality Wage Order;

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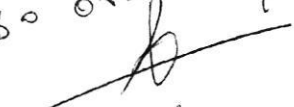
4. Without further order, this case is dismissed without prejudice and can be administratively closed within 30 days after this stipulation is so-ordered.

LEEDS BROWN LAW, P.C.

By: 
Michael A Tompkins, Esq.
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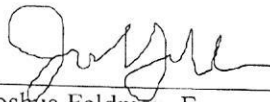
Attorneys for Plaintiffs & the Class

Dated: February 11, 2026

so ordered 3/30/26

JSL

Hon. Steven Z. Mostofsky
Justice, Supreme Court

CERTILMAN BALIN ADLER & HYMAN, LLP

By: 
Joshua Feldman, Esq.
90 Merrick Avenue, 9th Floor
East Meadow, NY 11554
Tel: (516) 296-7000

Attorneys for Defendant Abraham Rosenberg

Dated: February 11, 2026

Dated: March 31, 2026
Brooklyn, NY