

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

MARIANELLA VELASQUEZ, individually and on behalf
of those similarly situated

Plaintiffs,

- against -

SUNSTONE RED OAK, LLC d/b/a RENAISSANCE
WESTCHESTER HOTEL, SUNSTONE RED OAK
LESSEE, INC., SUNSTONE HOTEL TRS LESSEE, INC.,
HIGHGATE HOTELS, L.P., JOHN V. ARABIA; PAUL
R. WOMBLE; RICKEY WHITWORTH; BRYAN A.
GIGLIA; ROBERT SPRINGER; and any other related
entities,

Defendants.

Index No.: 51015/2016

**NOTICE OF WAGE & HOUR
CLASS ACTION LAWSUIT**

To: All individuals who performed work as servers, attendants, bussers, bartenders, food runners, captains, or in related service positions at Defendants' catered and banquet events from January 2010 to the present ("the Relevant Period"), including those at the facility commonly known as the Renaissance Westchester Hotel.

- This notice has been authorized by the Honorable Lewis J. Lubell, J.S.C. and may affect your legal rights. This is not a solicitation from a lawyer.
- Plaintiff Marianella Velasquez ("Plaintiff") performed work in food service positions at the hotel and banquet facility commonly known as the Renaissance Westchester Hotel, and has brought this lawsuit on behalf of herself and other current and former service employees to seek payment of alleged unpaid gratuities owed under New York Labor Law.
- Defendants deny any wrongdoing and/or liability.
- Receipt of this notice does not indicate that you are entitled to receive any monetary recovery. No determination has been made by the Court that you are owed any unpaid gratuities and the Court is not endorsing the merits of this lawsuit or the defenses at this time.

1. Why did I get this notice?

The purpose of this notice is to inform you of the existence of this lawsuit, and to advise you of how your rights may be affected by this lawsuit.

2. What is a class action?

A class action is a lawsuit where one or more persons sue not only for themselves, but also for other people who have similar claims. These other people are known as Class Members. In a class action, one court resolves the issues for all Class Members, except for those who exclude themselves from the Class. Honorable Justice Lewis J. Lubell, New York Supreme Court, Westchester County, is presiding over this class action.

3. How do I join this lawsuit?

If you performed work at the Renaissance Westchester Hotel in West Harrison as a server, attendant, busser, bartender, runner, or in any other related service position for catered and banquet events at any time from January 2010 to the present you are a member of the Class, and do not need to do anything to join this lawsuit. It is suggested that you speak with a representative of Leeds Brown Law, P.C., the attorneys appointed as Class Counsel. Leeds Brown Law is located at One Old Country Road, Suite 347, Carle Place, New York, 11514, www.leedsbrownlaw.com and can be contacted via phone at (516) 873-9550. You have the right to consult with an attorney of your own choosing at your own expense and to initiate your own action if you do not wish to participate in this class action lawsuit. The attorneys working on the case are Brett R. Cohen, Michael A. Tompkins, and Jeffrey K. Brown. You can also email them at bcohen@leedsbrownlaw.com, mtompkins@leedsbrownlaw.com, or jbrown@leedsbrownlaw.com.

You are still eligible to be a member of this class action even if you worked for the Renaissance Westchester Hotel through a staffing agency.

4. How do I exclude myself from this lawsuit?

If you wish to opt-out and be excluded from the Class, then you must take steps to exclude yourself from this case.

If you intend to exclude yourself, you must mail a written, signed statement to Class Counsel by mail or facsimile sent to Brett R. Cohen, Esq., of Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York, 11514, or via fax at (516) 747-5024.

If you decide to exclude yourself from this lawsuit, you may not be eligible to receive any benefits in the event that a settlement or judgment is obtained.

5. If I don't exclude myself from this lawsuit, can I sue Defendants for the same thing later?

If you do not exclude yourself from this lawsuit, you give up any rights to sue Defendants for the New York Labor Law claims brought in this case or potentially those which could have been brought in this case, or in the future in the event there is a change in existing law.

However, if you exclude yourself from this lawsuit, you have the right to bring a similar lawsuit on your own behalf.

6. Do I have a lawyer in this case?

The law firm of Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514 has been designated as legal counsel to represent you and the other Class Members. These lawyers are called Class Counsel.

If you are represented by Leeds Brown Law, P.C., any attorney fees will 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 Plaintiff, or may be ordered by the court to be paid by the Defendants, or may be a combination of both. If you are represented by Leeds Brown Law, P.C. and Plaintiff does not recover anything in this lawsuit, **you will not have to pay any attorneys' fees.**

7. Can the Defendants fire me or otherwise retaliate against me for joining this lawsuit?

No. New York law prohibits Defendants from retaliating against you because you are a class member in this lawsuit.

8. What if I still have questions?

If you have any questions about this lawsuit, or would like further information about this notice, you can contact Class Counsel Brett R. Cohen, Esq. of Leeds Brown Law, P.C. at **(516) 873-9550**.

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

PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS INVOLVING THIS LAWSUIT