

Plaintiffs,

Class Action

v.

Case No. 04-Civ-6962
(CM)(LMS)

MONGIELLO'S ITALIAN CHEESE SPECIALTIES, LLC, *et al.*
Defendants

**NOTICE OF PROPOSED SETTLEMENT
NOTICE OF FAIRNESS HEARING
CLAIM FORM**

TO: All workers who were employed at Mongiello's Italian Cheese Specialties, LLC's and/or Formaggio Italian Cheese Specialties, Inc.'s (we will call these companies "Formaggio Cheese") factory, or in the construction of the factory, at any time between January 1, 2003 and August 27, 2004

YOUR RIGHTS MAY BE AFFECTED IF YOU DO NOT RETURN THE SETTLEMENT FORM AT THE END OF THIS NOTICE BY September 3, 2008.

1. What is this notice about?

This Notice is an official court notice to let you know about a "class action" lawsuit in which you may be a "class member" if you worked at Formaggio Cheese at any time between January 1, 2003 and August 27, 2004.

As a "class member", you may be able to get money from a settlement of the lawsuit if you fill in, check "YES", sign, and return the last page of this form by September 3, 2008.

If you fill in, check "YES", sign, and return the last page of this form by September 3, 2006, you may be able to get extra settlement money, called "liquidated damages."

If you check "NO", or if you do not return the last page of this form by September 3, 2008, you will not be able to receive any money from the settlement of this lawsuit.

If you do not think the settlement is fair, you can object to the Court, and this Notice will tell you how to make such an objection.

2. What is the lawsuit about?

Anibal Mauricio Reyes, Carlos Rodriguez, Jesus Leon, and Oscar Romero (we will call them "the Plaintiffs") worked at the Formaggio Cheese factory in Sullivan County, New York, or in the construction of the factory, in 2003 and/or 2004. They sued Formaggio Cheese, claiming that they were not paid overtime at a rate of time-and-one-half for weeks when they worked over 40 hours, as well as other required wages. They also claim the factory workers had an illegal deduction from their wages for uniform cleaning.

The Plaintiffs filed this case as a "class action", which means that they filed it for themselves and for all of the other workers at Formaggio Cheese who were "similarly situated" to them.

This lawsuit was brought in the United States District Court for the Southern District of New York.

3. Why did I get this notice?

You received this notice because the lawyers for Plaintiffs and/or Formaggio Cheese have information that may indicate that you are eligible to receive money from the settlement of this case.

If you know other workers who worked at the Formaggio Cheese factory, or in the construction of the factory at any time between January 1, 2003 and August 27, 2004, you may tell them to call the Plaintiffs' lawyers at (845)331-6615 to get a copy of this notice.

4. What is the settlement?

After negotiating, the Plaintiffs and Formaggio Cheese reached a settlement, which means that they reached an agreement to resolve the case. As part of the settlement, Formaggio Cheese is not admitting that they broke any laws.

For the settlement to apply to "class members", the Court must still decide if the settlement is fair. **This settlement could affect your rights, so you should read this Notice carefully to decide whether you think the settlement is fair.**

The total amount that Formaggio Cheese will pay to settle this case is \$278,260.00. Of that money, \$258,260 will be distributed to the Plaintiffs and the "class members". The Plaintiffs' lawyers, the Workers' Rights Law Center of New York, Inc., will receive \$20,000 to cover their fees and costs in the case.

If you are a "class member" who worked in the Formaggio Cheese factory, the amount of money you will be able to receive from the settlement will be calculated as follows:

$$\begin{aligned} &(\text{Number of weeks worked through August 27, 2004} \times \$7)^1 \\ &+ \\ &(\text{Number of weeks worked through April 1, 2004} \times \frac{1}{2} \text{ the hourly wage} \times 29 \text{ hours})^2 \\ &+ \\ &(\text{Number of weeks worked through April 1, 2004} \times \$15.45)^3 \end{aligned}$$

If you are a "class member" who worked in the construction of the Formaggio Cheese factory, the amount of money you will be able to receive from the settlement will be calculated as follows:

$$(\text{Number of weeks worked through April 1, 2004} \times \frac{1}{2} \text{ the hourly wage} \times 25 \text{ hours})^4$$

Also, \$35,000.00 of the settlement fund is called "liquidated damages", which will be given only to the "class members" who return their claim form by September 3, 2006. Of the liquidated damages, \$10,870 will go to the four Plaintiffs. The rest of the "liquidated damages" will go to the "class members" based on the following:

¹ This is for the uniform cleaning charge.

² This is for the overtime wages.

³ This is for "spread of hours" wages.

⁴ This is for overtime wages.

(Number of weeks worked through April 1, 2004 x 1/2 the hourly wages x 25 hours)

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("class members" who return their form by September 3, 2006)

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(\$24,130.00)

The settlement money will be paid to the "class member" over a period of 2 1/2 years.

Any settlement money that is not claimed by September 3, 2008 will be given to Hudson Catskill Workforce Development Center, Inc., a not-for-profit organization that benefits workers in the region.

5. What are my rights as a "class member"?

If it is determined that you are a "class member", you may have the right to receive money from the settlement. If you do not want to participate in the settlement, you have the right to be excluded from the class and not receive any money from the settlement. You also have the right to appear in this action through your own legal counsel if you so desire.

IT IS AGAINST THE LAW FOR ANYONE TO RETALIATE AGAINST ANY "CLASS MEMBER" FOR EXERCISING HIS OR HER RIGHTS UNDER THIS SETTLEMENT, INCLUDING CLAIMING SETTLEMENT MONEY. If you think anyone has retaliated against you, or has threatened to retaliate in any way, call the Workers' Rights Law Center immediately at (845)331-6615 (if you are in immediate danger, you should dial 911).

TO CLAIM YOUR SHARE YOU MUST:

(1) FILL OUT, SIGN AND MAIL THE ENCLOSED FORM BEFORE SEPTEMBER 3, 2008. TO RECEIVE LIQUIDATED DAMAGES, YOU MUST FILL OUT, SIGN, AND MAIL THE FORM BEFORE SEPTEMBER 3, 2006. YOU WILL NOT BE PAID ANY SETTLEMENT MONEY IF THE WORKERS' RIGHTS LAW CENTER DOES NOT RECEIVE THE RESPONSE FORM BY SEPTEMBER 3, 2008, AND YOU WILL NOT BE ABLE TO BRING YOUR OWN LAWSUIT AGAINST THE DEFENDANTS ON THESE CLAIMS.

(2) WRITE TO THE WORKERS' RIGHTS LAW CENTER IF YOU CHANGE YOUR ADDRESS.

Without a current address, it may not be possible to deliver your check for your share of the class settlement money. The settlement form should be returned as soon as possible. The "class members" will get their money over the next 2 1/2 years, based on the order the Workers' Rights Law Center receives each person's claim form.

If you do not want to claim your class share of the settlement money and do not want to be a part of the settlement, fill out and mail the enclosed form. Check the box which says, "No, I do not want to receive money from the settlement fund. Please exclude me from the class. Do NOT send me a share of the settlement money." If you choose to be excluded from the class, you will never be able to make any claim for the settlement money; however, you may have the right to bring your own lawsuit against Formaggio within the time period allowed under the law.

6. What happens next?

There will be a hearing before Judge Lisa Margaret Smith at **11:00 a.m.** on **May 25, 2006**, at the United States Courthouse, 300 Quarropas St., White Plains, NY 10601 to decide whether the settlement is fair, reasonable, and adequate. If you want to object to the settlement, you must file your objection with the Clerk of the Court before **May 25, 2006**. If you do write the Clerk, you should include in your letter the name of the case (Reyes v. Mongiello's Italian Cheese Specialties, LLC) and the case number (04-Civ-6962).

YOU DO NOT HAVE TO BE PRESENT AT THE HEARING TO RECEIVE YOUR SHARE OF THE SETTLEMENT MONEY. IF YOUR ARE A "CLASS MEMBER" AND YOU SEND THE COMPLETED FORM CLAIMING YOUR SHARE OF THE SETTLEMENT MONEY, YOU WILL RECEIVE YOUR CLASS SHARE, PROVIDED THE COURT APPROVES THE FINAL CLASS SETTLEMENT.

7. For further information:

If you have questions about the settlement or need help understanding this Notice, you can contact the paralegal in charge of administering this settlement by writing or calling:

Geovanny Triviño
Workers' Rights Law Center of New York, Inc.
101 Hurley Ave., Suite 5
Kingston, NY 12404
Tel.: (845)331-6615

DO NOT CALL THE COURT OR THE CLERK OF THE COURT.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, HONORABLE LISA MARGARET SMITH, FEDERAL MAGISTRATE JUDGE. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES.

SETTLEMENT MONEY CLAIM FORM

Reyes v. Mongiello's Italian Cheese Specialties, LLC, Case No. 04-Civ-6962.

MY NAME: _____

MY ADDRESS: _____

MY TELEPHONE NUMBER (if any): _____

I worked (check all that apply):

_____ In the Formaggio Cheese factory (Start date: _____, 200__ ; End date: _____, 200__)

_____ In the construction of the Formaggio Cheese factory
(Start date: _____, 200__ ; End date: _____, 200__)

CHECK ONE:

- YES**, I wish to receive money from the settlement fund.
- NO**, I do not want to receive money from the settlement fund; please exclude me from the class. **DO NOT** send me a share of the settlement money.

PLEASE RETURN THIS FORM BY SEPTEMBER 3, 2008 (OR BY SEPTEMBER 3, 2006 TO RECEIVE "LIQUIDATED DAMAGES"), TO:

Workers' Rights Law Center of New York, Inc.
101 Hurley Ave., Suite 5
Kingston, New York 12401