

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JORGE IGLESIAS-MENDOZA, ANGELA LEYVA GARCIA,
ANGELICA LUCERO-BELTRAN, and ALVARO LUCERO, on
behalf of themselves and others similarly situated,

Plaintiffs,

CLASS ACTION

v.

Case No. 06 Civ. 1756
(KMK)(GAY)

LA BELLE FARM, INC.; BELLA POULTRY, INC.; B & B FARM,
INC.; SAIPING ENTERPRISE, INC.; BUENA VISTA
ENTERPRISE, INC.; CINDY FARM, INC.; JOSE L. FARM, INC.;
NELSON SARAVIA; HECTOR ABEL SARAVIA; and CHEUK
LEE a/k/a HERMAN LEE,

Defendants.

AMENDED NOTICE OF PENDING CLASS ACTION

NOTE [in English]: If you do not read Spanish, please call (845)331-6615 to get a copy of this Notice in English.

TO: All workers who were employed by La Belle Farm, Inc.; Bella Poultry, Inc.; B & B Farm, Inc.; Saiping Enterprise, Inc.; Buena Vista Enterprise, Inc.; Cindy Farm, Inc.; Jose L. Farm, Inc.; Nelson Saravia; Hector Abel Saravia; and/or Cheuk Lee a/k/a Herman Lee (we will refer to these people and companies as “Defendants”) at Sullivan County, New York poultry facilities at any time between March 3, 2000 and the present and those employees who work or worked at Defendants’ Ellenville, New York poultry facility as a result of a recent outbreak of avian influenza.

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 for any of the Defendants at Sullivan County, New York poultry facilities at any time between March 3, 2000 and the present.

This notice also will advise you of how your rights may be affected by this lawsuit, and will instruct you on your options for participating or not participating in this lawsuit if you so desire.

Although this is an official Court Notice, the Court has not made any rulings on whether the Plaintiffs or Defendants are right. Nothing in this Notice should be understood as a statement about who the Court believes is right or may be right. That decision has not been made and will be made only after further proceedings.

2. What is the lawsuit about?

Jorge Iglesias-Mendoza, Angela Leyva Garcia, Angelica Lucero-Beltran, and Alvaro Lucero (we will call them “the Plaintiffs”) worked at the Defendants’ poultry facilities in Sullivan County, New York between 2003 and 2005. They have sued the Defendants, claiming, among other things, that

- a. they were not paid overtime at a rate of time-and-one-half for weeks when they worked over 40 hours;
- b. they did not earn the federal minimum wage of \$5.15 per hour;
- c. they did not earn the state minimum wage of \$5.15 per hour before December 31, 2004, or \$6.00 per hour through December 31, 2005;
- d. they were not paid an extra hour at the state minimum wage rate when the spread of hours from their start time to their finish time in a day was more than 10 hours;
- e. the employer did not show hours worked on their payroll records.

The Plaintiffs bring these claims as “class action” claims, which means that they have brought them for themselves and those who were “similarly situated” to them in terms of these claims.

Workers who are “similarly situated” worked at one or more of the Defendants’ poultry facilities in Sullivan County, New York between March 3, 2000 and the present or work or worked at Defendants’ Ellenville, New York poultry facility as a result of a recent outbreak of avian influenza.

Defendants are arguing to the Court that they complied in full with all applicable laws and deny any wrongdoing and/or liability to Plaintiffs or any other past or present employee.

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 Defendants have information that may indicate that you are potentially a class member in this case.

If you know other workers who worked for any of the Defendants listed above at Sullivan County, New York poultry facilities at any time between March 3, 2000 and the present and did not get a copy of this Notice, you may tell them to call the Plaintiffs’ lawyers at (845) 331-6615 to get a copy of this notice.

4. What has happened in the case so far?

On January 26, 2007, the Court ruled on Plaintiffs’ motion for class certification under the federal Fair Labor Standards Act and under the state law of New York. The Court gave Plaintiffs permission to send this notice to

All individuals employed by one or more Defendant(s) at Sullivan County, New York poultry facilities at any time between March 3, 2000 and the present.

The Court made this ruling so that each person could decide for him or herself whether to join with Plaintiffs in suing under the federal Fair Labor Standards Act. The Court also established a class of people who meet the definition above who are being represented by Plaintiffs in suing the Defendants under the state law of New York. Plaintiffs are sending this notice to you so that you can decide whether to you want to participate in this case, and if so, how you may participate.

If you meet this definition, you are a member of the class, regardless of whether you worked with ducks, chickens, or other animals, and regardless of what jobs you performed. For example, it does not matter whether you worked as a feeder, a slaughterer, a butcher, catching poultry, or any other job, so long as it took place at any of the Defendants’ Sullivan County facilities between March 3, 2000 and the present or at Defendants’ Ellenville, New York poultry facility as a result of a recent outbreak of avian influenza.

The Court has not ruled on the merits of these claims and the decision to certify the class in this case should not be viewed as a prediction that Plaintiffs or the class will ultimately prevail on the merits of the action.

5. Who are the attorneys for the Plaintiffs' class?

The attorneys appointed Class Counsel and representing you are:

Daniel Werner
Lara Kasper-Buckareff
WORKERS' RIGHTS LAW CENTER
OF NEW YORK, INC.
101 Hurley Ave., Suite 5
Kingston, NY 12401
(845) 331-6615

Anyone with questions about, or information regarding, this lawsuit may contact Class Counsel by calling (845) 331-6615.

A Class member may, if the member so desires, enter an appearance in this lawsuit through an attorney other than Class Counsel.

You will not be required to pay any fee for services provided by Class Counsel, except that a portion of any recovery may be approved by the Court as fees and costs. If there is a recovery in this action, Class Counsel intends to apply to the Court for an award of attorneys' fees and reimbursement of reasonable costs and disbursements from the Defendants at the conclusion of this case.

6. What are the decisions that I need to make?

If you are a member of the class described above, you have several options:

a. For claims under federal minimum wage and overtime law:

(1) If you want to be a Plaintiff and sue the Defendants under the minimum wage and overtime protections of the federal Fair Labor Standards Act ("FLSA"), you must fill out the attached "Consent to Sue" form and send it to Class Counsel, at the address below, postmarked no later than January 6, 2008. If you choose this option, you will be a Plaintiff in the case and Class Counsel will be your lawyers. By becoming a Plaintiff, you may be eligible to seek damages, called "liquidated damages" equal to two-times any unpaid federal minimum wages and/or overtime wages. Further, if there is a monetary judgment or settlement in favor of the Plaintiffs on the other class claims in the case, you may be able to receive money from that judgment or settlement. While the suit is proceeding, you may be required to provide information, sit for depositions, and testify in court.

(2) If you want to be a Plaintiff for the FLSA claims in this case, but do not want Class Counsel to be your lawyers, you can hire your own lawyer to represent you for these claims. If you hire your own lawyer, that lawyer should advise you on how to participate in this case and what this will mean for you.

(3) If you do not want to be a Plaintiff for the federal FLSA overtime and minimum wage claims in this case, you need not do anything. If you are not a Plaintiff for the federal FLSA overtime and minimum wage claims, you will not be able to claim any damages under the federal FLSA, including federal minimum wages or overtime wages, if any, or "liquidated damages" equal to two-times any unpaid federal minimum wages and overtime wages.

b. For claims under New York Labor Law's minimum wage, overtime, and spread of hours protections:

(1) If you want to be a class member for claims under New York Labor Law, you need not do anything. This will not make you a Plaintiff in the case, but if there is a monetary judgment in favor of the plaintiff class on the New York Labor Law claims in the case, you may be able to receive money from that judgment or settlement.

(2) If you want to be a class member for claims under New York Labor Law, but you do not want Class Counsel to be your lawyers, you can hire your own lawyer to represent you for these claims. If you hire your own lawyer, that lawyer should advise you on how to participate in this case and what this will mean for you.

(3) If you do not want to be a class member for claims under New York Labor Law, you may exclude yourself from the class ("opt out") by mailing a signed and dated Statement of Exclusion to Class Counsel postmarked no later than January 6, 2008 to Class Counsel, at the address below. If you opt out of this case, you will have no right to recover any money under any judgment or settlement in this lawsuit and will not be bound by any such judgment or settlement unless you appear through your own counsel. If you do not "opt-out," you will be included in the class and will be bound by any judgment in this lawsuit, favorable or unfavorable.

7. What are my protections against retaliation?

It is against the law for anyone to retaliate against any potential "class member" for exercising his or her rights in this case. **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.**

YOU HAVE A RIGHT TO PARTICIPATE IN THIS CASE EVEN IF YOU ARE AN UNDOCUMENTED IMMIGRANT.

8. What should I do if my address changes?

WRITE TO THE WORKERS' RIGHTS LAW CENTER IF YOU CHANGE YOUR ADDRESS.
Without a current address, it may not be possible to keep you informed of developments in the case.

9. Who can I contact if I want further information?

If you have questions about the settlement or need help understanding this Notice, you can contact the Workers' Rights Law Center by writing or calling:

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, HON. KENNETH M. KARAS, UNITED STATES DISTRICT JUDGE.

THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JORGE IGLESIAS-MENDOZA, *et al.*

Plaintiffs,

CLASS ACTION

v.

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(KMK)(GAY)

LA BELLE FARM, INC., *et al.*

Defendants.

CONSENT TO SUE

(Only complete and mail this form if you want to be a Plaintiff and sue the Defendants under the minimum wage and overtime protections of the federal Fair Labor Standards Act. If you do not submit this form in a timely manner, you will not be able to pursue claims under the federal Fair Labor Standards Act. If you choose this option, you will be a Plaintiff in the case. By becoming a Plaintiff, you may be eligible to seek damages, called "liquidated damages" equal to two-times any unpaid federal minimum wages or overtime wages. Further, if there is a monetary judgment or settlement in favor of the Plaintiffs on the other class claims in the case, you may be able to receive money from that judgment or settlement. While the suit is proceeding, you may be required to provide information, sit for depositions, and testify in court.)

MY NAME: _____

MY ADDRESS:

MY TELEPHONE NUMBER (if any):

I hereby agree and consent to be a party plaintiff in a lawsuit under the overtime and minimum wage provisions of the Fair Labor Standards Act with respect to my labor with La Belle Farm, Inc.; Bella Poultry, Inc.; B & B Farm, Inc.; Saiping Enterprise, Inc.; Buena Vista Enterprise, Inc.; Cindy Farm, Inc.; Jose L. Farm, Inc.; Nelson Saravia; Hector Abel Saravia; and/or Cheuk Lee a/k/a Herman Lee :

Signature

Date

IF YOU CHOOSE TO PARTICIPATE, PLEASE RETURN THIS TO THE FOLLOWING ADDRESS BY JANUARY 6, 2008.

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JORGE IGLESIAS-MENDOZA, *et al.*

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LA BELLE FARM, INC., *et al.*

Defendants.

STATEMENT OF EXCLUSION

(Only complete this form if you do not want to be a class member for claims under New York Labor Law. If you opt out of this case and do not otherwise appear through your own counsel, you will have no right to recover any money under any judgment or settlement in this lawsuit and will not be bound by any such judgment or settlement.)

MY NAME: _____

MY ADDRESS:

MY TELEPHONE NUMBER (if any):

Please exclude me from this class action. I understand that signing this form means that I will have no right to recover any money under any judgment or settlement in this lawsuit and I will not be bound by any such judgment or settlement unless I appear through my own counsel

Signature

Date

IF YOU DO NOT WANT TO BE A CLASS MEMBER, PLEASE RETURN THIS TO THE FOLLOWING ADDRESS BY JANUARY 6, 2008:

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