



other required wages. He also claimed, personally, that he was owed money for unpaid commissions.

The Plaintiff filed this case as a “class action,” which means that they filed it for themselves and for all of the other workers at Newburgh Auto Spa, Inc. 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 Plaintiff and/or Newburgh Auto Spa, Inc. 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 Newburgh Auto Spa, Inc. in 2005, you may tell them to call the Plaintiff’s lawyers at (845) 331-6615 to get a copy of this notice.

4. What is the settlement?

After negotiating, the Plaintiff and Newburgh Auto Spa, Inc. reached a settlement, which means that they reached an agreement to resolve the case. As part of the settlement, Newburgh Auto Spa, Inc. is not admitting that it 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 Newburgh Auto Spa, Inc. will pay to settle this case is \$13,500. Of that money, \$8,000 will be distributed to the Plaintiff and the class members. The Plaintiff’s lawyers, the Workers’ Rights Law Center of New York, Inc., will receive \$5,500 to cover their fees and costs in the case.

If you are a “class member” who worked at Newburgh Auto Spa, Inc. in 2005, the amount of money you will be able to receive from the settlement will be calculated based on Newburgh Auto Spa, Inc.’s records of your hours of work. Employees of Newburgh Auto Spa, Inc. who were owed overtime wages were mailed checks by Newburgh Auto Spa, Inc. at the end of 2005. If you become a class member, you will be entitled to additional damages

The settlement money will be paid to the class members until November 15, 2007. Settlement money will be distributed on a first-come, first-served manner. This means that settlement money will be distributed to class members in the order in which the class members’ claim forms are received by Plaintiff’s lawyers.

Any settlement money that is not claimed by November 15, 2007 will be given – after December 15, 2007 – to a not-for-profit organizations that benefit low-income people in the Newburgh, New York area. This organization may be St. Patrick’s church in Newburgh (for use in assisting needy families and individuals).

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.

**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.**

**TO CLAIM YOUR SHARE YOU MUST:**

- (1) FILL OUT, SIGN AND MAIL THE ENCLOSED FORM BEFORE NOVEMBER 15, 2007. YOU WILL NOT BE PAID ANY SETTLEMENT MONEY IF THE WORKERS’ RIGHTS LAW CENTER DOES NOT RECEIVE THE RESPONSE FORM BY NOVEMBER 15, 2007, 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.

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 Newburgh Auto Spa, Inc. within the time period allowed under the law.

6. What happens next?

There will be a hearing before Judge Stephen Robinson at **2:00 P.M. on FEBRUARY 14, 2007** 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 5:00 P.M. ON FEBRUARY 7, 2007.**

If you do write the Clerk, you should include in your letter the name of the case (Perez v. Newburgh Auto Spa, Inc.) and the case number (05-Civ-8883).

**YOU DO NOT HAVE TO BE PRESENT AT THE HEARING TO RECEIVE YOUR SHARE OF THE SETTLEMENT MONEY. IF YOU 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 12401

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, THE HONORABLE STEPHEN ROBINSON, UNITED STATES DISTRICT JUDGE. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFF'S CLAIMS OR OF DEFENDANT'S DEFENSES.**

**SETTLEMENT MONEY CLAIM FORM**

Perez v. Newburgh Auto Spa, Inc., Case No. 05-Civ-8883

**MY NAME:** \_\_\_\_\_

**MY ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**MY TELEPHONE NUMBER (if any):**

\_\_\_\_\_

**I worked at Newburgh Auto Spa, Inc. During the following time period:**

**Start date:** \_\_\_\_\_

**End date:** \_\_\_\_\_

**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.

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**PLEASE RETURN THIS FORM BY NOVEMBER 15, 2007 TO:**

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