

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MONIQUE ALSTON, individually and on  
behalf of all others similarly situated,

Plaintiff,

-against-

RÉMY COINTREAU USA, INC.,

Defendant.

**No: 15-cv-03374 (LGS) (MHD)**

**COURT-AUTHORIZED NOTICE OF LAWSUIT REGARDING UNPAID OVERTIME**

**If you have been employed as a Non-Exempt employee (including but not limited to any non-exempt Administrative Assistant and Clerical positions and/or “Career Band 5” positions) at RÉMY COINTREAU USA, INC. between April 30, 2009 and the present, please read this notice.**

**A collective action lawsuit may affect your legal rights.**

*This is a court-authorized notice.*

*This is not a solicitation from a lawyer.*

The purpose of this Notice is to advise you of the a lawsuit that have been filed against  
RÉMY COINTREAU USA, INC., (the “Defendant”),  
and to advise you of your legal rights in connection with the suit.

- The lawsuit claims that the Defendant failed to pay Non-Exempt employees at RÉMY COINTREAU USA Inc., (“Rémy”) overtime pay required by the federal Fair Labor Standards Act (“FLSA”). The lawsuit seeks to recover money owed in back wages and additional damages known as “liquidated damages,” along with interest, attorneys’ fees, and costs.
- Defendant denies any wrongdoing or violation of the FLSA and maintains that they paid employees appropriately.
- The Court has authorized the parties to send out this notice of the lawsuit. The Court has not decided who is right and who is wrong. Your legal rights may be affected, and you have a choice to make now.

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

<b>ASK TO BE INCLUDED</b>	<p>If you choose to be included in this case, you keep the possibility of getting money that may come from a trial or a settlement in this lawsuit. If you opt to be included and the Plaintiff is successful, you will be notified about how to ask for a share of any money obtained from the Defendant.</p> <p><b><u>If you wish to be included, you must complete and return the form at the end of this Notice. If you plan to complete this form, please do so as soon as possible.</u></b></p>
<b>DO NOTHING</b>	<p>By doing nothing, you will not be included in this lawsuit. This means that you give up the possibility of getting money that may come from a trial or settlement in this lawsuit if the Plaintiff is successful. If you do nothing, you retain the right to bring your own case.</p>

Your options are explained in this notice. To ask to be included in this lawsuit, you must act before **January 4, 2016**.

**This notice contains information that affects your rights. Please read it carefully.**

### 1. Why did I get this notice?

You are getting this notice because the Defendant's records show that you work or worked at Rémy as a Non-exempt employee between April 30, 2009 and the present.

### 2. What is this lawsuit about?

This lawsuit is about whether the Defendant properly paid Non-exempt employees at Rémy in accordance with federal and state labor laws. In particular, this notice relates to claims that the Defendant violated federal law by failing to pay Non-exempt employees overtime pay – at a rate 1.5 times the minimum wage rate – for all hours worked in excess of 40 per workweek. The Court has not made any determination as to the merits of these allegations.

### 3. What damages is the lawsuit seeking?

The lawsuit is seeking to recover unpaid overtime pay and “liquidated damages,” which doubles the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys’ fees.

#### 4. What is a Collective Action?

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit that includes others who have similar claims. One Court resolves the issues for everyone who decides to join the case.

#### 5. Why is this lawsuit a Collective Action?

The Court has conditionally authorized this case to proceed as a collective action under § 216(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b). Specifically, the Court found that the Plaintiff who filed this lawsuit is potentially “similarly situated” to other Non-exempt employees who worked at Rémy.

#### 6. What happens if I join this lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or favorable judgment.

While this lawsuit is pending, you may be asked to respond to written questions, produce documents, or give testimony either before trial at a deposition or during trial. If you join the lawsuit, you must preserve all documents relating to your employment at Rémy that are currently in your possession.

By joining this lawsuit, you agree to have the named Plaintiff and her counsel act as your representatives and to make decisions on your behalf concerning this case, including approving any settlement. Decisions made and agreements entered into by Plaintiff relating to the lawsuit will be binding on you if you join the lawsuit.

#### 7. Can the Defendant and/or my current employer retaliate or fire me if I join the lawsuit?

No. It is a violation of Federal law for the Defendant or any other employer to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case.

#### 8. How do I ask the Court to include me in the case?

Enclosed is a form called “Plaintiff Consent Form.” **If you choose to join this lawsuit, you must read, sign, and promptly return the Plaintiff Consent Form.** An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent Form must be sent to the following address:

**Hach Rose Schirripa & Cheverie LLP  
185 Madison Avenue, 14<sup>th</sup> Floor  
New York, New York 10016**

The Plaintiff Consent Form can also be faxed to (212) 779-0028 or (212) 428-6811, or scanned and emailed to [fschirripa@hrsclaw.com](mailto:fschirripa@hrsclaw.com) or [KJKatz@KatzMelinger.com](mailto:KJKatz@KatzMelinger.com).

The signed Plaintiff Consent Form must be postmarked by **January 4, 2016**. **If your signed Plaintiff Consent Form is not postmarked by January 4, 2016, you may not be able to participate in the federal law portion of this lawsuit or share in a monetary recovery.**

#### **9. Who are the lawyers in this case?**

If you choose to join this lawsuit you will be represented by Plaintiff's Counsel:

Frank R. Schirripa, Esq.  
Hach Rose Schirripa & Cheverie LLP  
185 Madison Avenue, 14<sup>th</sup> Floor  
New York, New York 10016  
Phone: (212) 213-8311  
Website: [www.hrsclaw.com](http://www.hrsclaw.com)

Kenneth J. Katz, Esq.  
Katz Melinger PLLC  
280 Madison Avenue, Suite 600  
New York, New York 10016  
Phone: (212) 460-0047  
Website: [www.katzmelinger.com](http://www.katzmelinger.com)

If you do not want to be represented by these lawyers in connection with this lawsuit, you may retain your own counsel at your own expense.

For your information, Defendant is represented by:

Jeffrey W. Brecher, Esq.  
JACKSON LEWIS, P.C.  
58 South Service Road, Suite 250  
Melville, New York 11747  
(631) 247-0404

#### **10. Should I get my own lawyer?**

You do not need to hire your own lawyer because Plaintiff's Counsel will be working on your behalf. However, you are allowed to hire your own lawyer at your own expense.

**11. How will the lawyers be paid?**

The named Plaintiff has entered into a contingency fee agreement with Plaintiff's counsel. Under this agreement, you are not responsible for paying any of the attorneys' fees or costs expended in this lawsuit. In the event there is a recovery, Plaintiff's counsel will ask the Court for their reasonable attorneys' fees. Plaintiff's counsel may ask for the greater of: (1) their reasonable hourly rates multiplied by the number of hours expended on the lawsuit, or (2) 1/3 of the gross settlement or judgment amount. 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 separately paid by Defendant, or may be a combination of the two. A copy of the contingency fee agreement executed by the named Plaintiff may be obtained upon request from Plaintiff's counsel identified above. If there is no recovery, you pay nothing. The amount of any Plaintiffs attorneys' fees must be determined and approved by the Court.

**12. What happens if I do nothing at all?**

If you choose not to join, you will not be eligible to participate in this lawsuit, and will not be eligible to receive any benefits in the event that a settlement or judgment is obtained. Additionally, the limitations period on your claims continues to run. Each day that you do not take action to protect your claims, they diminish.

**13. This notice has been authorized by the Court.**

This notice and its contents have been authorized by Judge Lorna G. Schofield of the U.S. District Court, Southern District of New York. The Court has not yet ruled on whether Plaintiff's claims or Defendant's defenses have any merit.

**Please do not write or call the Court about this notice.**

DATED: November 24, 2015

**PLAINTIFF CONSENT FORM**

*Please check one box:*

Option #1: I consent to be a party plaintiff in the lawsuit entitled *Alston v. Rémy Cointreau USA, Inc.* No: 15-cv-03374 (LGS) (MHD) in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

By signing and returning this consent form, I designate Hach Rose Schirripa & Cheverie LLP and Katz Melinger PLLC (“the Firms”) to represent me and make decisions on my behalf concerning the litigation and any settlement. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firms will ask the Court for their reasonable attorneys’ fees. The Firms may ask for the greater of: (1) their reasonable hourly rates multiplied by the number of hours expended on the lawsuit, or (2) 1/3 of the gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

Option #2: I will join this lawsuit, but will be represented by other counsel identified below. I do not designate Hach Rose Schirripa & Cheverie LLP and Katz Melinger PLLC to represent me.

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Full Legal Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone Number

**MAIL, FAX OR E-MAIL TO:**

**Hach Rose Schirripa & Cheverie LLP**  
**185 Madison Avenue, 14<sup>th</sup> Floor**  
**New York, New York 10016**  
**Fax: (212) 779-0028**  
**E-mail: [fschirripa@hrsclaw.com](mailto:fschirripa@hrsclaw.com)**

-OR-

**Katz Melinger PLLC**  
**280 Madison Avenue, Suite 600**  
**New York, New York 10016**  
**Fax: (212) 428-6811**  
**E-mail: [KJKatz@KatzMelinger.com](mailto:KJKatz@KatzMelinger.com)**