

## **NOTICE OF CLASS ACTION**

*Daniel Rosario, et al., v. The Hallen Construction Co., Inc.,  
Supreme Court for the State of New York, New York County  
Index No.: 157141/2021*

**If you were employed by THE HALLEN CONSTRUCTION CO., INC., and performed construction work on Hallen's construction projects from August 21, 2015 to the present, this Notice is to advise you of this Class Action lawsuit, and to further advise you of certain rights you may have with respect to this action.**

### **WHO IS IN THE CLASS?**

The class includes all individuals employed in New York since August 21, 2015 by THE HALLEN CONSTRUCTION CO., INC. ("Hallen") who performed construction work and were not compensated for all time spent working at Hallen's yard in the morning, and for time spent traveling from Hallen's yard to the first job site and from the last job site back to Hallen's yard ("Class").

### **WHAT ARE CLASS MEMBERS SUING FOR?**

This action was started by Daniel Rosario and Dean Lewis, the designated Class Representatives, and is for alleged unpaid regular wages and overtime compensation under the New York Labor Law. It is alleged that Hallen failed to pay its workers for time spent working at Hallen's yards in the morning, along with travel time from Hallen's yards to the first job site and from the last job site back to Hallen's yard. Hallen denies that Plaintiffs' claims have merit.

The Court has not decided the merits of any claims or defenses asserted by any party to this lawsuit or whether any party is right or wrong. Even if you are in the class there is no guarantee that you are entitled to payment.

### **WHO REPRESENTS THE CLASS MEMBERS?**

The Court appointed Virginia & Ambinder, LLP to represent you as "Class Counsel." You do not have to pay Class Counsel, or anyone else, to participate. If Class Counsel recovers money for the Class, Class Counsel may (i) ask the Court for reasonable attorneys' fees and costs, which would be paid by Hallen, or (ii) payment of reasonable attorneys' fees and costs may be made from the amount recovered for the Class. You may hire your own lawyer to represent you, but you may be responsible for paying that attorney.

### **WHAT ARE YOUR OPTIONS?**

If you fit within the Class definition, you are automatically a Class Member. You do not need to take any further action. If you remain in the Class, you will be legally bound by all orders and judgments of the Court, and you won't be able to sue, or continue to sue, Hallen in any other lawsuit for the claims alleged in this action. If money

or benefits are obtained, you will be notified about how to collect your share.

You may ask to be excluded from the Class and from this lawsuit. If you ask to be excluded from the Class, you cannot collect any money or benefits from this lawsuit if any are awarded, but you will keep any rights to sue Hallen for claims alleged in this lawsuit, so long as they are valid and timely, and will not be bound by any orders or judgments of the Court. To ask to be excluded you must send an e-mail with your name, address, and telephone number to [jnewhouse@vandallp.com](mailto:jnewhouse@vandallp.com) stating your intention to exclude yourself from the "Hallen Class Action, Index No. 157141/2021" or send a letter with that information to the attention of Jack Newhouse, Virginia & Ambinder, LLP, 40 Broad Street, 7<sup>th</sup> Floor, New York, NY 10004. Please include the index number, "Index No. 157141/2021," or your request to opt-out may be deemed invalid.

While you are not required to do anything, if you choose to participate in this action, you may be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You are entitled to participate in or opt-out of this action, free from coercion. If you feel you are being encouraged one way or another against your will, you may contact Class Counsel to discuss this matter confidentially.

### **FOR MORE INFORMATION**

If you have questions about this Notice or other rights you may have in this lawsuit, you may contact Class Counsel. These communications will be strictly confidential and privileged.

#### ***Class Counsel***

Lloyd Ambinder, Esq. or Jack Newhouse, Esq.

**VIRGINIA & AMBINDER, LLP**

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***PLEASE DO NOT CONTACT THE COURT  
ABOUT YOUR CLAIM.***