

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

DENIS ESCOBAR and ABEL ZORRILLA MENA,
individually and on behalf of all other persons similarly
situated,

Index No.: 151803/2024

Plaintiffs,

-against-

24 WEST FOOD CORP. d/b/a FOOD DYNASTY, 2343
JEROME FOOD CORP. d/b/a FOOD DYNASTY
SUPERMARKET, and any other related entities and ABDEL
ABUZHARIEH and MOHAMMED ABUZHARIEH,
individually.

Defendants.

NOTICE OF CLASS ACTION LAWSUIT

TO: All current and former *non-exempt* employees of 24 West Food Corp. d/b/a Food Dynasty Supermarket, 2343 Jerome Food Corp. d/b/a Food Dynasty Supermarket, Abdel Abuzahrieh, and Mohammed Abuzahrieh who performed grocery market related in classifications that *include but are not limited to* grocery clerks, produce department clerks, meat department clerks, dairy department clerks, frozen department clerks, delivery clerks, cashiers and baggers from February 2018 to the present

The purpose of this Notice is to advise you that a lawsuit has been filed against the Defendants alleging claims under New York law and to advise you of the legal rights you may have with respect to this lawsuit.

DESCRIPTION OF THE LAWSUIT

Plaintiffs Denis Escobar and Abel Zorilla Mena, (“Plaintiffs”) worked for 24 West Food Corp. d/b/a Food Dynasty Supermarket, 2343 Jerome Food Corp. d/b/a Food Dynasty Supermarket, Abdel Abuzahrieh, and Mohammed Abuzahrieh (hereinafter “Defendants”), filed a lawsuit in state court under New York law alleging that Defendants did not pay them and other workers for all hours worked, including minimum wages, overtime wages at the rate of one-and-one-half times (1.5x) their regular rate of pay for all hours worked over forty hours per week, and spread-of-hours pay of an additional hour’s wage on the days they worked a shift that exceeded ten hours.

The Court has allowed this action to proceed as a class action lawsuit and has authorized publication of this Notice to advise you about the status of this lawsuit. The Court has not decided

whether the claims in the lawsuit are valid or have any merit. Defendants deny that Plaintiffs' claims have any merit and have asserted various defenses against Plaintiffs' claims. Defendants vigorously deny any wrongdoing or liability to Plaintiffs or any past or present employee who may allege that they were underpaid.

WHY DID I GET THIS NOTICE?

You received this notice because records indicate that you worked for one or more of the following companies or individuals between February 28, 2018 and today: 24 West Food Corp. d/b/a Food Dynasty Supermarket, 2343 Jerome Food Corp. d/b/a Food Dynasty Supermarket, Abdel Abuzahrieh, and Mohammed Abuzahrieh.

WHAT IS A CLASS ACTION?

A class action is a lawsuit where one or more persons sue not only for themselves, but also for other people who have similar claims. These other people are known as Class Members. In a class action, one court resolves the issues for all Class Members, except for those who exclude themselves from the Class. Justice Lyle E. Frank of New York State Supreme Court, New York County is presiding over this class action.

HOW DO I JOIN THIS LAWSUIT?

If you worked for one of the Defendants, performing grocery market related work including but not limited to grocery clerks, produce department clerks, meat department clerks, dairy department clerks, frozen department clerks, delivery clerks, and cashiers between approximately February 2018 through present, you are a member of the Class, and do not need to do anything to join this lawsuit.

DO I HAVE A LAWYER IN THIS CASE?

The law firm of Virginia & Ambinder, LLP, 40 Broad Street, 7th Floor, New York, New York, 10004, www.vandallp.com has been designated as class counsel to represent you and the other Class Members ("Plaintiffs' Counsel").

If you are represented by Plaintiffs' Counsel, any attorney fees will be paid out of a recovery that is obtained. If there is a recovery, the fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the court to be paid by one or more of the Defendants. If you are represented by Plaintiffs' Counsel, and Plaintiffs do not recover anything in this lawsuit, you will not have to pay any attorneys' fees. You have the right to consult with an attorney of your own choosing and to initiate your own action if you do not wish to participate in this class action lawsuit. This action does not seek recovery of statutory penalties under New York Labor Law §198. These penalties potentially would be recoverable by individual employees bringing their own claims separately.

HOW DO I EXCLUDE MYSELF FROM THIS LAWSUIT?

You may opt-out and be excluded from the Class by sending a signed letter stating “I elect to exclude myself from the class in *Escobar et al., v. 24 West Food Corp. d/b/a Food Dynasty* Index No. 151803/2024, pending in the Supreme Court of New York for New York County.” You must also include your name, address, telephone number, and signature. Your request to exclude yourself from the Class must be mailed by First Class U.S. mail to Leonor H. Coyle, Esq. and Paige I. Piazza, Esq. of Virginia & Ambinder, LLP, located at 40 Broad Street, New York, NY 10004, www.vandallp.com, lcoyle@vandallp.com. You must follow these procedures precisely in order to exclude yourself from this lawsuit. If you decide not to participate in this lawsuit, you may not be eligible to receive any benefits in the event that recovery is obtained, but you will retain the right to sue the Defendants, separately and on your behalf for the claims asserted in the lawsuit. Virginia & Ambinder, LLP, has been designated as Class Counsel to represent the Class in this case. You can obtain further information about Class Counsel by visiting their websites or contacting Leonor H. Coyle, Esq. or Paige I. Piazza, Esq., 40 Broad Street, 7th Floor, New York, N.Y. 10004 lcoyle@vandallp.com, ppiazza@vandallp.com, www.vandallp.com, telephone number (212) 943-9080, fax (212) 943-9082. If you require Spanish translation, please ask for Ines Cruz.

IF I DON'T EXCLUDE MYSELF FROM THIS LAWSUIT, CAN I SUE ONE OF MORE DEFENDANTS FOR THE SAME THING LATER?

If you do not exclude yourself from this lawsuit, you give up any rights to sue any of the named Defendants for the New York Labor Law claims brought in this case or which could have been brought in this case, or in the future in the event there is a change in existing law. However, if you exclude yourself from this lawsuit, you have the right to bring a similar claim on your own behalf separately.

CAN ANY OF THE DEFENDANTS RETALIATE AGAINST ME FOR JOINING THIS LAWSUIT?

New York law prohibits your employer from retaliating against you because you are a class member in this lawsuit.

WHAT IF I STILL HAVE QUESTIONS?

You can obtain further information about Class Counsel by visiting their websites or contacting Leonor H. Coyle, Esq. or Paige I. Piazza, Esq., 40 Broad Street, 7th Floor, New York, N.Y. 10004 lcoyle@vandallp.com, ppiazza@vandallp.com, www.vandallp.com, telephone number (212) 943-9080, fax (212) 943-9082. If you require Spanish translation, please ask for Leonor H. Coyle or Ines Cruz.

**ALL COMMUNICATIONS AND DISCUSSIONS WITH VIRGINIA & AMBINDER ARE
CONFIDENTIAL AND WILL NOT BE DISCLOSED WITHOUT YOUR CONSENT.**

**PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS INVOLVING THIS
LAWSUIT**

**YOU HAVE THE RIGHT TO PARTICIPATE IN THIS LAWSUIT EVEN IF YOU ARE
AN UNDOCUMENTED IMMIGRANT**