

**NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN**

*Arciello et al. v. County of Nassau, Edward Mangano, in his individual and Official capacity*

16-CV-3974 (ADS) (SIL)

United States District Court, Eastern District of New York

**TO: NON-EXEMPT EMPLOYEES OF NASSAU COUNTY**

**RE: OVERTIME COMPENSATION PAYMENT DELAY**

**I. Introduction**

A collective action lawsuit has been filed against the County of Nassau, Edward Mangano, in his individual and official capacity, for the alleged failure to pay overtime compensation in a prompt and timely manner to non-exempt Nassau County employees as required by law. Defendants deny the allegations. You are potentially “similarly situated” to the Plaintiffs in the lawsuit and therefore can join this lawsuit. This letter advises you how this suit may affect your rights and instruct you on the procedure for participating in this suit, if you choose to join.

**II. DESCRIPTION OF THE LAWSUIT**

On July 18, 2016, Robert J. Arciello, Francis J. Gorey, Jr., Diane Mastropaolo, Glen F. Tuifel, Daniel E. Speicher, Lawrence J. Loiselle, Joseph T. Whittaker, James Sharkey, Kirk Fowlkes, John Cloudman, Nicholas Palmese, and John Ochwat sued the County of Nassau, Edward Mangano, in his individual and official capacity, and Nassau County Civil Service Commission for failing to pay overtime compensation in a prompt and timely manner under the Fair Labor Standards Act. This case was filed in Federal Court in the Eastern District of New York and is a matter of public record.

The lawsuit alleged that the County of Nassau, and Edward Mangano, in his individual and official capacity engaged in a compensation policy which caused a four to eight-week delay in employees being compensated for overtime they worked. Plaintiffs are seeking compensation for all the overtime that they worked, plus interest, statutory penalties, reasonable attorney’s fees and litigation costs for himself and for you, if you decide to join this lawsuit.

The Defendants deny any wrongdoing to the Plaintiff or to any past or present employee who allege that they were not paid overtime compensation in a prompt and timely manner. No determination has been made as to whether you are owed any overtime wages or not, and the Court is not endorsing the merits of the lawsuit or advising you to participate in the lawsuit.

**III. WHO CAN JOIN**

The Named Plaintiffs have sued on behalf of themselves and:

All non-exempt employees who worked for the Defendants at any time during the time period of July 18, 2013 to PRESENT.

If you meet this definition, have worked for the Defendants at any time between July 18, 2013 to PRESENT and you received this Notice, you may be eligible to join this action. If you do not meet those criteria, or if you have already brought a lawsuit against the County of Nassau, Edward Mangano, in his individual and official capacity, and Nassau County Civil Service Commission for failure to pay overtime wages in a prompt and timely manner, you may not be eligible for this lawsuit.

**IV. YOUR RIGHT TO PARTICIPATE IN THIS SUIT**

If you fit the definition above and agree to the representation of Plaintiffs' counsel, you may join this suit (that is, you may "opt-in") by faxing the Opt-in Consent Form to 516-742-8603 or mailing it to Plaintiffs' counsel at the following address:

**LAW OFFICES OF LOUIS D. STOBER, JR., LLC**

*Attn: Arciello et al. v. County of Nassau, et al.*

Collective Action

98 Front Street

Mineola, NY 11501

Phone: 516-742-6546

Fax: 516-742-8603

Lstober@stoberlaw.com

This form must be returned by May 1, 2018 for there to be sufficient time to have Plaintiffs' counsel file it with the federal court. Alternatively, you may hire our own attorney to represent you in this matter and may file this form directly with the Clerk of the Court at:

United States District Court

Eastern District of New York

Clerk of the Court

100 Federal Plaza

Central Islip, New York

If you do not return the Opt-In Consent Form to Plaintiffs' counsel or file it with the Clerk before the above deadline, you may not be able to participate in this lawsuit.

**V. EFFECT OF JOINING THE SUIT**

If you choose to join in the suit, you will be bound by the judgment or settlement, whether it is favorable or unfavorable. If there is a recovery, the attorneys for the prospective collective action members will receive a part of any settlement obtained or

money judgment entered in favor of all members of the prospective class. By joining this lawsuit, you designate the class representatives as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

You may be called upon to testify, appear for depositions, and respond to discovery requests. The decisions and agreements made and entered into by the representative Plaintiffs will be binding on you if you join this lawsuit.

Alternatively, you may hire counsel of your own choosing to represent you in this lawsuit. In such case, the class representatives will not be your agent and will not make any decisions on your behalf.

**VI. NO LEGAL EFFECT IN NOT JOINING THIS SUIT**

If you choose not to join this suit, you will not be affected by any judgment or settlement rendered in this case. If you choose not to join in this lawsuit, you are free to file your own lawsuit. The statute of limitations will continue to run on your claim until you join this suit or file your own.

**VII. NO RETALIATION PERMITTED**

Federal law prohibits Defendants from retaliating against you in any discriminating manner because you join this lawsuit.

**VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN**

You are free to be represented by counsel of your own choosing or by Named Plaintiffs' counsel, as counsel for the collective action members. Counsel for the Plaintiff and collective action members are:

Louis D. Stober, Jr., Esq.  
98 Front Street  
Mineola, NY 11501  
Phone: 516-742-6546  
Fax: 516-742-8603  
Lstober@stoberlaw.com

If you choose to hire your own attorney to represent you in this matter, they must file an opt-in consent form with the Clerk of the Court by May 1, 2018.

**IX. FURTHER INFORMATION**

You may obtain further information about this Notice, filing and Opt-in Consent Form, or answers to questions concerning this lawsuit by writing or calling Plaintiffs'

counsel at the number or address stated above. Please do not contact the Court with questions regarding this Notice.

**\*\*PLEASE NOTE\*\***

There is a two (2) year deadline for filing overtime claims, or three (3) years if the violation was willful, running from the date(s) the overtime hours were actually worked. Thus, you should return your Opt-in Consent Form as soon as possible so we may file it with the Court and preserve your claim.

**Complete and Mail To:**  
**LAW OFFICES OF LOUIS D. STOBBER, JR., LLC**  
Attn: Arciello, et al. v. County of Nassau, et al.  
Collective Action  
98 Front Street  
Mineola, NY 11501  
Phone: 516-742-6546  
Fax: 516-742-8603

**OPT-IN CONSENT FORM**  
**CONSENT TO JOIN COLLECTIVE ACTION**

**Complete and Mail To:**  
**LAW OFFICES OF LOUIS D. STOBER, JR., LLC**  
ATTN: Arciello, et al. v. County of Nassau, et al, Collective Action  
98 Front Street  
Mineola, New York 11501  
Phone: 516-742-6546  
Fax: 516-742-8603  
lstober@stoberlaw.com

I, \_\_\_\_\_, attest that I have been employed as a non-exempt employee at any time from July 18, 2013 to the present. I attest that I have read the attached **Notice of Collective Action** and hereby opt-in to become a Plaintiff in the lawsuit and consent to be bound by the resolution of the claims asserted herein.

I hereby designate the Law Office of Louis D. Stober, Jr. to represent me for all purposes of this action and designate the Named Plaintiffs in this action as my agents to make decisions on my behalf concerning this lawsuit, including the method and manner of conducting this action, the entering of an agreement with Plaintiffs' counsel concerning attorneys' fees and costs, and all other matters pertaining to this action.

By signing below, I hereby consent to be a plaintiff in the case of *Arciello, et al. v. County of Nassau, et al*, 16-CV-3974 (ADS) (SIL).

Date \_\_\_\_\_

Signature \_\_\_\_\_

Department \_\_\_\_\_

**\*Statute of Limitations concerns mandate that you return this Opt-In Consent Form as soon as possible to preserve your rights.\***