

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN PINEDA, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

BIG CITY REALTY MANAGEMENT, LLC, BIG CITY REALTY, LLC, CFF CONSULTING INC., 3427 BROADWAY BCR, LLC, 3440 BROADWAY BCR, LLC, 3660 BROADWAY BCR, LLC, 633 WEST 152 BCR, LLC, 605 WEST 151 BCR, LLC, 545 EDGEcombe BCR, LLC, 535-539 WEST 155 BCR, LLC, 408-412 PINEAPPLE, LLC, 106-108 CONVENT BCR, LLC, 510-512 YELLOW APPLE, LLC, 513 YELLOW APPLE, LLC, 145 PINEAPPLE LLC, 2363 ACP PINAPPLE, LLC, 580 ST. NICHOLAS BCR, LLC, 603-607 WEST 139 BCR, LLC, 559 WEST 156 BCR, LLC, 3750 BROADWAY BCR, LLC, KOBI ZAMIR, and FERNANDO ALFONSO,

Case No. 22-cv-05428

Defendants.
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TO: All current and former superintendents and porters who worked at buildings owned and/or operated by BIG CITY REALTY MANAGEMENT, LLC (“BIG CITY”), BIG CITY REALTY, LLC (“BCR LLC”) and/or CFF CONSULTING INC. (“CFF”), from August 15, 2020 to present (“Time Period.”)

RE: Fair Labor Standards Act (“FLSA”) action filed against Defendants.

COURT-AUTHORIZED NOTICE OF LAWSUIT

If you worked at a building owned and/or managed by BIG CITY, BCR LLC AND/OR CFF ***please read this Notice.***

Important: You are NOT being sued. This Notice is NOT a solicitation from a lawyer. The Court authorized this Notice.

- Named Plaintiff Juan Pineda (“Plaintiff”) commenced this lawsuit against BIG CITY, CFF, KOBI ZAMIR, FERNANDO ALFONSO, BIG CITY REALTY, LLC, 3427 BROADWAY BCR, LLC, 3440 BROADWAY BCR, LLC, 3660 BROADWAY BCR,

LLC, 633 WEST 152 BCR, LLC, 605 WEST 151 BCR, LLC, 545 EDGEcombe BCR, LLC, 535-539 WEST 155 BCR, LLC, 408-412 PINEAPPLE, LLC, 106-108 CONVENT BCR, LLC, 510-512 YELLOW APPLE, LLC, 513 YELLOW APPLE, LLC, 145 PINEAPPLE LLC, 2363 ACP PINAPPLE, LLC, 580 ST. NICHOLAS BCR, LLC, 603-607 WEST 139 BCR, LLC, 559 WEST 156 BCR, LLC, and 3750 BROADWAY BCR, LLC (“Defendants”).

- Plaintiff is a former employee of Defendants. Plaintiff worked for Defendants as a superintendent.
- Plaintiff brought this lawsuit against Defendants on behalf of himself and all other current and former employees who worked as superintendents or porters at buildings owned or managed by BIG CITY, BCR LLC and/or CFF between August 15, 2020 and the present. Plaintiff claims that he worked in excess of forty hours per week and that Defendants did not pay him time and one-half his regular hourly rate for all hours that he worked in excess of forty per week. Defendants deny any wrongdoing and maintain that they paid all of their employees in accordance with applicable wage and hour laws.
- The Court has authorized the parties to send out this Notice. The Court has not decided who is right or who is wrong. However, your legal rights may be affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
RETURN THE ENCLOSED CONSENT FORM	If you choose to be included in this collective action, you must complete the consent form at the end of this Notice. You may then share in any proceeds from a settlement or judgment if this lawsuit is successful, but you give up any rights to separately sue the Defendants for the same legal claims asserted in this lawsuit. Inclusion in this lawsuit does not necessarily mean you are entitled to monetary relief.
DO NOTHING	If you do nothing, and do not return the consent form at the end of this Notice, you will not be bound by any judgment or settlement and you will not receive any monetary or other relief under the federal law (FLSA) if the Plaintiff prevails in this case. Such relief may only be obtained by you if you file a separate lawsuit concerning any FLSA claims you may have.

1. Why did I get this notice?

You are getting this notice because Defendants’ records show that you may have worked at a building owned or operated by Defendants, or a related entity, at some point between August 15, 2020 and the present, as a superintendent or porter.

2. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons bring a lawsuit on behalf of others who have similar claims. The individual who brought this lawsuit is called the Plaintiff. The corporate

entities and individuals that are being sued are called the Defendants. One court resolves the issues for everyone who decides to join the case.

3. What is this collective action lawsuit about?

Plaintiff alleges that Defendants' compensation practices violated federal and New York law. Specifically, Plaintiff claims that he and others who worked at Defendants' buildings are entitled to unpaid overtime wages, liquidated damages, attorneys' fees, and costs.

Defendants deny any wrongdoing or liability and maintain that all of their employees were paid in accordance with federal and New York law.

4. How do I join this collective action lawsuit?

To participate in this lawsuit, you need to complete the enclosed form called "Consent to Join Lawsuit" and mail it in the enclosed, postage-paid envelope, fax it, or scan and email it to Rapaport Law Firm, PLLC. Should the enclosed envelope be lost or misplaced, the Consent to Join form must be sent to:

Marc A. Rapaport, Esq.
Rapaport Law Firm, PLLC
80 Eighth Avenue, Suite 206
New York, New York 10011
Phone: (212) 382-1600
Fax: (866) 495-6719
Email: mrpaport@rapaportlaw.com

The signed Consent to Join form must be filed with the Court by Friday, April 11, 2025. If your signed Consent to Join Lawsuit form is not filed with the Court by April 11, 2025, you may not be allowed to participate in this lawsuit.

5. What happens if I join the collective action lawsuit?

You will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. If there is a favorable resolution, either by settlement or judgment, and you qualify under the law, you may be entitled to some portion of the recovery. By joining this lawsuit, you designate Plaintiff, or his counsel, to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiff or his counsel relating to the lawsuit will be binding on you if you join the lawsuit.

While this lawsuit is pending, you may be asked to provide documents or information relating to your employment with Defendants, which may include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you must preserve all documents relating to your employment with Defendants currently in your possession. Plaintiff's attorneys will assist you.

6. What happens if I do nothing at all?

You will not be included in this lawsuit and you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. The limitations period on your claim continues to run.

7. Can I participate in this collective action lawsuit regardless of my immigration status?

Yes. You have a right to participate in this Lawsuit regardless of your immigration status.

8. If I join, will there be any impact on my employment?

No. Federal and New York law prohibit Defendants from discharging you or retaliating against you in any way because you join this case.

9. Do I have a lawyer in this case?

Plaintiff is represented by Rapaport Law Firm, PLLC and Miller Law, PLLC (collectively, "Plaintiff's Attorneys"). If you choose to join this Lawsuit and to be represented by Plaintiff's Attorneys, then Plaintiff's Attorneys will represent you on a contingency fee basis, meaning that you will not owe any attorneys' fees unless Plaintiff is successful and wins the case or obtains a settlement, in which case the Court will determine the amount of attorneys' fees to be paid.

You do not have to be represented by Plaintiff's Attorneys and may instead hire another attorney, at your own expense, or you may represent yourself. If you intend to retain your own lawyer or to represent yourself, you **must** so indicate on the "Consent to Join Lawsuit" form. If you send your form to Plaintiff's Attorneys but do not indicate that you intend to retain your own lawyer or to represent yourself, you will be agreeing to be represented by Plaintiff's Attorneys.

Defendants are represented by The Law Offices of Peter Metis, LLC. You should not contact him if you decide to participate in this Lawsuit.

10. This Notice has been authorized by the Court

This notice and its contents have been authorized by Judge Brian M. Cogan of the United States District Court for the Eastern District of New York, located in Brooklyn, New York. The Court has not ruled on whether Plaintiff's claims or Defendants' defenses have any merit.

PLEASE DO NOT WRITE OR CALL THE COURT OR THE CLERK OF THE COURT ABOUT THIS NOTICE.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit. If you have any questions, you may contact Rapaport Law Firm, PLLC, by telephone at (212) 382-1600, or in writing at Rapaport Law Firm, PLLC, 80 Eighth Avenue, Suite 206, New York, New York 10011, or by email at mrpaport@rapaportlaw.com.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN PINEDA, on behalf of himself and all
others similarly situated,

Plaintiff,

CONSENT TO JOIN SUIT

v.

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LLC, 559 WEST 156 BCR, LLC, 3750 BROADWAY
BCR, LLC, KOBI ZAMIR, and FERNANDO
ALFONSO,

Case No. 22-cv-05428

Defendants.

-----X
IF WANT TO JOIN THIS LAWSUIT, YOU MUST:

1. COMPLETE AND SIGN THIS FORM; AND
2. NOT LATER THAN APRIL 11, 2025, RETURN THIS FORM TO:

Marc A. Rapaport Esq.
Rapaport Law Firm, PLLC
80 Eighth Avenue, Suite 206
New York, New York 10011
Phone: (212) 382-1600
Fax: (866) 495-6719
Email: mrpaport@rapaportlaw.com

I hereby consent to join as a party plaintiff in the above-captioned matter seeking damages and other relief that may be appropriate against Defendants under the Fair Labor Standards Act, and designate Juan Pineda as my agent to make decisions on my behalf concerning the lawsuit, the method and manner of conducting the lawsuit, entering into a settlement agreement with Defendants and all other matters pertaining to this lawsuit. I also understand that I will be bound by the judgment of the Court on all issues in the case.

BY SIGNING THIS NOTICE OF CONSENT, YOU ARE DESIGNATING PLAINTIFF'S COUNSEL, RAPAPORT LAW FIRM, PLLC AND MILLER LAW, PLLC, AS YOUR ATTORNEYS IN THIS CASE. IF YOU DO NOT WISH TO DESIGNATE PLAINTIFF'S COUNSEL, RAPAPORT LAW FIRM, PLLC AND MILLER LAW, PLLC, AS YOUR ATTORNEYS IN THIS CASE, PLEASE PROVIDE THE NAME AND ADDRESS OF YOUR ATTORNEY:

SIGNATURE

PRINT NAME

Address

City, State, Zip Code

Telephone Number

Email Address

Start Date of Employment

End Date of Employment