

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KOLY CAMARA
*Individually, on Behalf of All Others Similarly
Situated, and on Behalf of the General Public
of the District of Columbia,*

Plaintiff,

v.

MASTRO'S RESTAURANTS LLC,

Defendant.

Civil Action No. 1:18-cv-724 (JEB)

**PLEASE READ THIS COURT-ORDERED NOTICE CAREFULLY.
IT MAY AFFECT YOUR LEGAL RIGHTS.**

**If you were a Server at a Mastro's Restaurant between
May 22, 2015 and the present, please read this notice.**

*This is a court authorized notice. This is not a solicitation from a
lawyer.*

- A lawsuit was brought by a former server (the "Plaintiff") who claims that Mastro's (the "Defendant") failed to pay him and other servers the full minimum wage as required by the Fair Labor Standards Act ("FLSA"), and District of Columbia Minimum Wage Act ("DCMWA") if they worked in the District of Columbia.
- The lawsuit is proceeding as a collective action on behalf of all servers who worked at Mastro's at any time between May 22, 2015 and the present.
- The Court has not yet 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

ASK TO BE INCLUDED

If you choose to be included, you will share in any monetary recovery that might come from a trial or a settlement in this lawsuit. You give up any rights to sue Mastro's on your own for the same claims in this lawsuit.

If you want to be included, you must complete and return the "Consent to Join" form included with this Notice by no later than FEBRUARY 12, 2018. By doing so, you will "opt in" and become a member of the Collective.

DO NOTHING

By doing nothing, you will not be included in this lawsuit. This means that you give up the possibility of a monetary recovery that may come from a trial or settlement if those bringing the lawsuit are successful.

You keep any rights to sue Mastro's separately about the same legal claims in this lawsuit. You should be aware that your time to bring FLSA claims is limited by a two- or three-year statute of limitations.

1. Why did I get this notice?

You are getting this notice because Mastro's records show that you were a server between May 22, 2015 and the present.

2. What is this lawsuit about?

The lawsuit alleges that Mastros required that approximately 42-45% of the tips received by servers be placed into a "tip pool" to be shared with other employees including wine runners, food runners, bartenders, bussers, and baristas. The lawsuit alleges that the nature of many of these employees' positions (namely, the wine runners and baristas) did not entail customarily and regularly interacting with restaurant customers. The lawsuit alleges that the inclusion of these employees in the tip pool resulted in a minimum wage violation with respect to Mastro's servers, and that Mastro's servers should therefore be paid the full minimum wage required by the FLSA or DCWMA if they worked in Washington, D.C.

This lawsuit is known as *Camara v. Mastro's Restaurants LLC*, Case No. 1:18-cv-724-JEB, and is pending before the Honorable James E. Boasberg, in the United States District Court for the District of Columbia.

3. What is a Collective Action and who is involved?

In a Collective Action, one or more individuals can bring a lawsuit on behalf of others who are “similarly situated” to them. If you complete a Consent to Join for and join the case, you will become part of the “Collective.” One Court will resolve the issues for the Collective.

4. Why is this lawsuit a Collective Action?

The Court has made a preliminary determination that the Plaintiff may be similarly situated to other servers and authorized this case to proceed as a Collective Action under Section 216(b) of the FLSA and the DCMWA, D.C. Code § 32, for servers in the District of Columbia.

5. The Court has not decided who is right.

The Court has not decided whether Mastro’s violated the law by paying the Plaintiff and other servers the tipped minimum wage while maintaining a tip pool with wine runners and baristas whose duties allegedly did not entail customary and regular interaction with restaurant customers. By allowing this case to proceed as a Collective Action, and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose the case or that the members of the Collective will recover any damages.

6. What is the Plaintiff asking for?

The Plaintiff seeks to recover the differential between the tipped minimum wage and the full minimum wage for all hours worked and liquidated damages as provided by law, plus attorneys’ fees and costs, for himself and the members of the Collective.

7. Can I join this Collective Action?

Yes, if you return the Consent to Join form by no later than **FEBRUARY 12, 2019**.

8. How do I ask to be included in the Collective?

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

Winebrake & Santillo, LLC
Twining Office Center, Suite 211
715 Twining Road
Dresher, PA 19025

The signed Consent to Join form must be postmarked, emailed or faxed by FEBRUARY 12, 2019. You may also electronically sign the Consent to Join form at www.mastroswagelawsuit.com.

9. What happens if I do nothing at all?

If you do nothing, you will not be entitled to share in any amounts recovered by the Plaintiffs for the FLSA claims and DCMWA claims for servers in the District of Columbia in this case and will not be affected by any decision regarding those claims, whether favorable or unfavorable. You will also be free to hire your own lawyer and file your own FLSA and/or DCMWA lawsuit. You should be aware that your time to bring FLSA and/or DCMWA claims is limited by a two- to three-year statute of limitations.

10. What happens if I join the Collective?

If you choose to join the Collective, you will be bound by and share in any ruling, settlement or judgment, whether favorable or unfavorable. By joining this lawsuit, you agree to have the Plaintiff and his counsel act as your representatives and make decisions on your behalf concerning the case. Decisions made and agreements entered into by the Plaintiff will be binding on you if you join the lawsuit, including approving any settlement, entering into an agreement with counsel regarding payment of attorneys' fees and costs, and deciding all other matters pertaining to this lawsuit.

11. Can Mastro's and/or my current employer retaliate against me if I join the lawsuit?

No. It is a violation of federal law for any employer or Mastro's to fire, discipline, or retaliate against you in any manner for taking part in this case.

12. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by the attorneys who represent the Plaintiffs, listed below:

Jason S. Rathod, Esq.
Nicholas A. Migliaccio, Esq.
MIGLIACCIO & RATHOD LLP
412 H Street, NE, Suite 302
Washington, DC 20002
(202) 470-3520 (Tel.)/(202) 800-2730 (Fax)
jrathod@classlawdc.com
nmigliaccio@classlawdc.com

Peter Winebrake, Esq.
R. Andrew Santillo, Esq.
Mark J. Gottesfeld, Esq.
WINEBRAKE & SANTILLO, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
(215) 884-2491 (Tel.)/(215) 884-2492 (Fax)
pwinebrake@winebrakelaw.com

asantillo@winebrakelaw.com
mgottesfeld@winebrakelaw.com

13. How will the lawyers be paid?

The Plaintiff has entered into contingency fee agreements with his attorneys, which means that if the Plaintiff does not win, there will be no attorneys' fees or costs chargeable. Under the fee agreement, in the event there is a recovery, Plaintiff's counsel will apply to the Court for a portion of any settlement obtained or money judgment entered in favor of Plaintiff. 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 Mastro's, or may be a combination of the two.

14. Questions?

If you have any questions, you may write, email or call counsel for the Plaintiffs:

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asantillo@winebrakelaw.com
mgottesfeld@winebrakelaw.com

**CONSENT TO BECOME PARTY PLAINTIFF IN COLLECTIVE ACTION
UNDER SECTION 16(b) OF THE FAIR LABOR STANDARDS ACT, 29 U.S.C. § 216(b).**

1. I consent to be a party plaintiff in a lawsuit against Mastro's Restaurants LLC and/or related entities and individuals in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b), and under the District of Columbia Minimum Wage Act if I worked in the District of Columbia.

2. By signing and returning this consent form, I designate Jason S. Rathod and Nicholas A. Migliaccio of Migliaccio & Rathod LLP, 412 H Street N.E., Suite 302, Washington D.C. 20002, and Peter Winebrake, R. Andrew Santillo, and Mark J. Gottesfeld of Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025, and any other lawyers they choose to associate with to represent me in this case.

3. I also consent to join any separate or subsequent action to assert my claim against Mastro's Restaurants LLC, and/or related entities and individuals potentially liable to the extent the attorneys believe it is necessary to successfully prosecute my claim.

Full Legal Name (please PRINT clearly)

Signature

Date

Street Address (with apartment number, if applicable)

City, State, Zip Code

Home Phone Number

Cell Phone Number

Email Address (we will use this as our primary method to contact you)

Emergency Contact Name
(in case we lose contact with you)

Emergency Contact Phone Number