TROY LAW, PLLC蔡鸿章律师樓
John Troy (JT 0481)
41-25 Kissena Boulevard Suite 103
Flushing, NY 11355
Tel: (718) 762-1324
Attorney for the Plaintiff, proposed FLSA Collective and potential Rule 23 Class
原告方律师，代理拟作为《公平劳动标准法案》以及《联邦诉讼规则23条》下集体诉讼的原告

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
美国联邦地区法院，纽约州东部地区

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SHENG WEI YU, et al. 余生伟,
on their own behalf and on behalf of others similarly situated
以他们的名义并且代表其他相同处境的人

Plaintiffs, 原告

v.

KOTOBUKI RESTAURANT, INC.
d/b/a Kotobuki,
d/b/a Kotobuki-Hauppauge,
KOTOBUKI ROSLYN, INC.
d/b/a Kotobuki,
d/b/a Kotobuki-Roslyn,
KOTOBUKI BABYLON, INC.
d/b/a Kotobuki,
d/b/a Kotobuki-Babylon,
KOTOBUKI MANHATTAN, INC.
d/b/a Kotobuki
d/b/a Kotobuki Manhattan,
ERIC KIM, and
YOSHIHIRO NARITA,

Defendants. 被告

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Case No. 民事诉讼编号

17-cv-4202

18-cv-7001

COURT AUTHORIZED NOTICE OF 29 U.S.C. § 216(b) COLLECTIVE ACTION

法院批准的关于29 U.S.C. § 216 (b) 集体诉讼的通知

IMPORTANT NOTICE ADVISING YOU OF YOUR RIGHTS

关于您及您合法权利的重要通知

TO: Current and former non-exempt and non-managerial employees employed at any time from January 01, 2016 (or from July 14, 2014, if a sushi chef) to the present by:
致： 自2016年01月01日(或從2014年7月14日的壽司師傅)日起到现在，所有为以下被告工作的现任以及曾经的非豁免的员工:

(1) KOTOBUKI RESTAURANT, INC. d/b/a Kotobuki, d/b/a Kotobuki-Hauppauge, located at 地址:377 Nesconset Highway, Hauppauge, NY 11788;
(2) KOTOBUKI ROSLYN, INC. d/b/a Kotobuki, d/b/a Kotobuki Roslyn, located at 地址:1530 Old Northern Boulevard, Roslyn, NY 11576; or
(3) KOTOBUKI BABYLON, INC. d/b/a Kotobuki, d/b/a Kotobuki-Babylon, located at 地址:86 Deer Park Avenue, Babylon, NY 11702.

Plaintiff SHENG WEI YU alleges that he worked for Defendants as a server and has brought this action on behalf of himself and other similarly situated current and former employees who meet the dates defined above.

原告SHENG WEI YU余生伟宣稱他为被告工作、做企台，并且代表於以上日期以来、為以上被告工作過的所有相同處進的員工，针对被告提起诉讼。

THE LAWSUIT AND DEFENSES: The lawsuit seeks monetary damages under the federal Fair Labor Standards Act and the New York Labor Law for, among other things, allegedly owed minimum wages and overtime wages. The Court has not made any determination as to the merits of Plaintiff's claims or your right to recover any additional money from Defendants. Defendants deny that their employees are entitled to additional compensation and maintain that they have paid all employees appropriately and lawfully.

诉讼和辩护：本诉讼根据联邦《公平劳动标准法》（29 U.S.C. 201 et seq.）和纽约劳动法就原告所主张的被告所欠的最低工资，加班补偿。法院没有做出任何关于支持原告主张或者有利于你们从被告处获得补偿的权利的决定。被告否认他的员工有权获得额外报酬，并且主张已经合法适当地支付所有员工工资。

THIS NOTICE is meant to advise you of your right to participate in this lawsuit as a claimant and plaintiff under the Fair Labor Standards Act if you held a position with Kotobuki Restaurant, Inc., d/b/a Kotobuki-Hauppauge, Kotobuki Roslyn, Inc., or Kotobuki Babylon, Inc. during the defined time periods above and were not paid minimum wage for all hours worked and/or were not paid overtime for all hours worked over 40 in any given workweek.

本通知的目的是告知您，根据联邦《公平劳动标准法》（29 U.S.C. 201 et seq.），您有以索赔人和原告身份参与这个法律诉讼的权利，如果您在自以上日期以来以来的任何时间段为被告Kotobuki-Hauppauge/Kotobuki Roslyn/Kotobuki Babylon工作过，并且：（1）没有被按照最低工资标准支付所有的工时；或者（2）没有对于雇员所有超过40小时的工时支付加班补偿。

No determination has been made that you are owed any amount of money, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.

法院尚未就您是否有权获得任何赔偿做出裁判，也并未认可本法律诉讼的诉讼价值，也不是建议您参与这个诉讼。您没有任何法律义务来回复本通知。

Federal law prohibits Defendants from retaliating against you or discriminating against you if you wish to join this lawsuit.
如果您想要加入此项诉讼，联邦法禁止被告针对您做出任何报复性或者歧视性行动

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT 您在本法律诉讼中的法律权利和选择	
ASK TO BE INCLUDED 选择加入诉讼	If you wish to be included, you must complete the form at the end of this Notice. 如果您希望加入本集体诉讼，您必须完成附在本通知最后的同意参与诉讼的表格。
DO NOTHING 不采取任何行动	By doing nothing, you will not be included in the portion of the lawsuit relating to claims under the Fair Labor Standards Act. 如果您什么也不做，您将不会被加入到本案根据联邦《公平劳动标准法》求偿的部分。

Your options are explained in this notice. To ask to be included in this lawsuit, you must act before [60 days from date notice is sent out.]

您可以做出的选择已在本通知内向您进行了解释。如果您选择加入本诉讼，您必须在本通知发出后【60】天内采取行动。

1. Why did I get this notice? 为什么我会收到这个通知？

You are getting this notice because Defendants' records show that you work or worked as a non-exempt, non-managerial employee for Kotobuki Restaurant, Inc., d/b/a Kotobuki-Hauppauge, Kotobuki Roslyn, Inc., or Kotobuki Babylon, Inc. at some time from January 01, 2016 (or from July 14, 2014, if a sushi chef) through the present.

您之所以会收到这个通知是因为被告的资料显示，自2016年1月1日（或2014年7月14日、若您是壽司師傅的話）到现在的这个期间，您为被告 Kotobuki-Hauppauge/Kotobuki Roslyn/Kotobuki Babylon 工作过。

2. What is this lawsuit about? 这个法律诉讼是关于什么的？

This lawsuit is about whether the Defendants properly paid its employees in accordance with the federal Fair Labor Standards Act and the New York Labor Law. In the portion of the lawsuit brought under the Fair Labor Standards Act, the lawsuit alleges, among other things, that Defendants (i) failed to pay employees the full minimum wage for all hour worked and (ii) failed to pay overtime for all hours worked over 40 in any given workweek.

本诉讼旨在审理被告是否根据美国联邦和纽约州的劳动法合理地给付了工资给其雇员。在本案根据联邦《公平劳动标准法》的诉求部分，原告主张被告：（1）没有按照最低工资标准支付雇员所有工时；（2）没有对于雇员所有超过40小时的工时支付加班补偿。

Defendants deny these allegations. 被告否认这些指控。

3. What damages is the lawsuit seeking? 本诉讼寻求的损害赔偿有哪些？

The lawsuit is seeking to recover, among other things, unpaid minimum wages, unpaid overtime pay, and "liquidated damages". The lawsuit is also seeking recovery of costs and attorneys' fees.

本诉讼寻求赔偿未支付的最低工资，未支付的加班补偿，以及相当于所欠工资两倍的惩罚赔偿金。本诉讼也寻求被告承担与本诉讼相关的支出和律师费。

4. What happens if I join the lawsuit? 我加入这个法律诉讼的影响？

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable.

如果你选择加入本诉讼，您必须遵守服从关于本案的任何法院判决、裁定和当事人之间的和解，不论这个判决或者和解是有对您有利或者不利。

While this lawsuit is pending, as part of the discovery process, 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 should preserve all documents relating to the Defendants currently in your possession. You also may be asked to sit for a deposition scheduled at your convenience and/or asked to testify at a trial in the Eastern District of New York Courthouse.

在法院未对本诉讼做出任何实体决定之前，作为取证的一部分，您可能会被要求提供和您与被告雇佣关系相关的文件和信息,这可能包括在庭审前或者庭审中回答书面问题，或者亲自宣誓作证。正是因为这样，如果您选择加入诉讼，您应当保存好您有的所有和被告相关的文件。您可能会被要求在您方便的时间提供庭外口供证词，或者在纽约东区法院的法庭庭审中作证。

5. Can Defendants and/or my current employer retaliate or fire me if I join the lawsuit? 如果我加入诉讼，本案的被告或者我现在的雇主可以报复我或者解雇我吗？

No. It is a violation of federal law for Defendants to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this lawsuit. However, you can be disciplined or have your employment terminated for other, non-retaliatory reasons, including the financial impact of the COVID-19 pandemic or violations of company policy and procedure.

不可以。被告以您加入本案为由，解雇，惩罚，或者以任何方式歧视或者报复您的行为是违反联邦法律的。但是，您可能会被出于非報復性的原因被解雇或者被惩戒、抱括疫情對公司經濟上的影響或者您違反公司規定或政策。

6. Can I participate in this lawsuit, even though, due to my immigration status, I did not work or am not working for Defendants legally? 如果我曾经/现在没有合法的移民身份为被告工作，我也可以加入诉讼吗？

Yes. Your immigration status does not affect your entitlement to recover back wages or to participate in the lawsuit.

可以。您的移民身份不影响您加入本诉讼并且获得法律赔偿。

7. How do I ask the Court to include me in the lawsuit? 我如何才能要求法院把我加入这个诉讼？

Enclosed is a form called the "Plaintiff Consent Form." **If you choose to join the lawsuit, it is extremely important that you read, sign, and promptly return the Plaintiff Consent Form.**

附在本通知最后的是一个叫做"同意参与诉讼表"的表格。**如果您选择加入这个诉讼，那么您必须阅读，签名，并且尽快的寄回这个"同意参与诉讼表"**

An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent Form must be sent to the following address:

为方便您的回复，本通知附带了一个已经写好回邮地址并且已经付了邮寄费用的信封。如果这个附带的写好回邮地址并已付邮资的信封丢失了或者找不到了，这个“同意参与诉讼表”必须被送到以下这个地址：

TROY LAW PLLC蔡鴻章律師樓
41-25 Kissena Boulevard, Suite 103
Flushing, NY 11355

TROY LAW PLLC
41-25 Kissena Boulevard, Suite 103
Flushing, NY 11355
RE: *YU et al. v.* KOTOBUKI RESTAURANT, INC. d/b/a KOTOBUKI et al.

Your signed and filled-out Plaintiff Consent Form must be postmarked, faxed, or emailed by (60 days from mailing). If your signed and filled-out Plaintiff Consent Form is not postmarked, faxed, or emailed by (60 days from mailing), you may not be able to participate in the federal law portion of this lawsuit or share in a monetary damage. You can also fax the Plaintiff Consent Form to (718) 762-1342 or scan and email it to troylaw@troypllc.com.

这个“同意参与诉讼表”在签字后必须在本通知寄出后【60天】内通过邮寄,傳真,或电邮的方式寄回。如果您的“同意参与诉讼表”没有在本通知寄出后【60天】内寄回，您将不能参与本案根据的联邦法求偿的部分,也不能分到任何经济赔偿。您可以将该“同意参与诉讼表”传真到7187621342，或者扫描并且通过电子邮件发送到TroyLaw@TroyPllc.com。

8. Do I have an attorney in this lawsuit? 我在本案中有律师吗？

If you choose to join this lawsuit, unless you choose to retain a different attorney, you will be represented by **Troy Law, PLLC**, 41-25 Kissena Boulevard, Suite 103, Flushing, New York 11355, (718) 762-1324.

如果您选择加入本诉讼，您将会被原告的律师，蔡鸿章律师代理，地址：41-25 Kissena Boulevard, Suite 103, Flushing, New York 11355，电话：(718) 762-1324。

9. How will Troy Law, PLLC be paid? 律师会怎样收费？

If you choose to be represented by Troy Law, PLLC, their costs and fees, if any, will be paid out of any settlement or money judgment Plaintiffs may receive against Defendants. If there is no settlement or money judgment, Troy Law, PLLC will not receive any fee. You will not be required to pay anything out of pocket for services provided by Troy Law, PLLC.

Further information about this Notice, the deadline for joining the lawsuit, the form provided or answers to other questions concerning this lawsuit may be obtained by contacting the Troy Law, PLLC at (718) 762-1324. Substantive communications with Troy Law, PLLC for the purpose of obtaining legal advice are presumed **privileged and confidential** and will not be disclosed to anyone without your permission.

对于原告的代理律师蔡鸿章律师楼提供的法律服务，您不需要先行付任何的费用。如果您选择原告的代理律师来代理您，他们的费用将会从针对本案被告的和解金额或者法院判决的经济赔偿中提取。如果本案没有和解或者没有判决经济赔偿，原告的律师将不会收取您任何的费用。欲了解关于本通知的进一步的信息、加入本诉讼的截止日期、附带的"同意参与诉讼表"，以及其他关于本案的问题，蔡鸿章律师，电话：(718) 762-1324。您与蔡鸿章律师楼交流的任何信息都是**保密的并且受法律保护的**，这些信息在没有经过您的同意的情况下是不会泄露给任何第三人的。

If you select an attorney other than Troy Law, PLLC to represent you in this action, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein.

如果您选择原告代理律师以外的其他律师，您可以在截止日期前通过直接将"同意参与诉讼表"递交法官助理的方式加入本诉讼。

10. Should I get my own attorney? 我需要聘请自己的律师吗？

You have the right to hire any attorney of your choice to represent you in this matter. However, if you choose not to be represented by Troy Law, PLLC, you will need to confer with them regarding their costs and fees.

您不需要聘请您自己的律师因为原告的律师会代理您并为您的利益展开工作。然而，您有权利雇佣您自己选择的律师在本案中代理您。如果您雇佣其他律师，您需要与他们咨询他们所要收取的费用。

11. What happens if I do nothing at all? 如果我不采取任何行动会有什么后果？

If you do nothing at all, you will not be part of this lawsuit and will not be affected by any outcome in this lawsuit, whether favorable or unfavorable.

如果您选择不加入本次诉讼，关于本案的任何和解和判决将不会对您产生法律效力，不管这个和解或者判决是有利的还是不利的。

Please do not write or call the court about this notice.
请不要就本通知写信或者致电给法院。

PLAINTIFF CONSENT FORM同意参与诉讼表

IF YOU RECEIVED THIS FORM AND WANT TO JOIN THIS LAWSUIT, PLEASE COMPLETE THESE TWO STEPS:
如果您收到此文件並想加入此法律訴訟，請完成以下兩個步驟:

A. COMPLETE AND SIGN THIS PLAINTIFF CONSENT FORM; AND
填寫此同意参与诉讼表並且簽名；并且

B. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN [60 days from mailing of notice].
在本信件寄出的[60天]內，使用附帶的信封將同意参与诉讼表寄回至下方地址

1. I consent to be a party plaintiff in the lawsuit *YU et al. v. KOTOBUKI RESTAURANT, INC. d/b/a KOTOBUKI, et al.*, U.S. District Court, Eastern District of New York, Civil Action No. 18-cv-7001 in order to seek redress for alleged violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).
我同意作为原告加入法律诉讼
YU et al. v. KOTOBUKI RESTAURANT, INC. d/b/a KOTOBUKI, et al.
【美国联邦紐約东区法院，民事诉讼编号：18-cv-7001】，并根据29 U.S.C. § 216(b)寻求关于违反联邦《公平劳动标准法》的救济。

2. By signing and returning this consent form, I hereby designate Plaintiff SHENG WEI YU and his counsel Troy Law, PLLC ("the Firm") to represent me and make decisions on my behalf concerning the litigation. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.
通过签字并且寄回此同意参与诉讼表，我在此指定原告SHENG WEI YU余生伟及其律师蔡鸿章律师楼（Troy Law, PLLC）作为我在本案中的代理人，并且授权他们代表我在本诉讼以及与本诉讼相关的和解中做决定。我已经知悉并且理解，任何为我在本案中花费的合理费用，将按比例从我和其他原告的和解总额或者判决的赔偿金额中扣除。我已知悉并且理解，如果本案和解了或者被判决了经济赔偿，蔡鸿章律师楼将会向法院申请从和解总额或者判决的经济赔偿额度中扣除合理的律师费及其他花费。我同意接受关于本案的任何裁定和判决的约束，不论是对我有利的还是不利的。

YOU CAN ALSO FAX THE CONSENT TO JOIN FORM TO 7187621342
OR SCAN AND EMAIL IT TO: TroyLaw@TroyPllc.com
您也可以将本"同意参与诉讼表"传真至7187621342
或者扫描并且通过电子邮件发送到TroyLaw@TroyPllc.com

Name (printed) 姓名（请工整书写）

Signature签名 Date日期

Street Address街道地址

City市 State州 ZIP邮编

Best Telephone Number(s) 最方便联系的电话号码

Email电子邮箱地址

Work Location(s)工作地点

Employment Start Date工作开始日期

Employment End Date工作截止日期

Mail to: 请寄到:

TROY LAW, PLLC, 蔡鸿章律师楼
41-25 KISSENA BOULEVARD, SUITE 103
FLUSHING, NY 11355
RE關於: *YU et al. v. KOTOBUKI RESTAURANT, INC. d/b/a KOTOBUKI, et al.*

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或者扫描并且通过电子邮件发送到TroyLaw@TroyPllc.com