

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

SLOBODAN KARIC, CLARIBEL GARCIA,
STEVEN JONES, GORAN STANIC, LJUBOMIR
ZIVANOVIC, DANIEL COLON, and WILLIAM
CHATMAN, on behalf of themselves and all others
similarly situated,

Plaintiffs,

-against-

THE MAJOR AUTOMOTIVE COMPANIES, INC,
MAJOR UNIVERSE, INC., MAJOR UNIVERSE,
INC. d/b/a MAJOR WORLD FORD LINCOLN
MERCURY, MAJOR CHEVROLET GEO,
MAJOR CHEVROLET, INC, MAJOR
CHRYSLER JEEP DODGE, INC., MAJOR
MOTORS OF LONG ISLAND CITY, INC. d/b/a
MAJOR KIA, MAJOR MOTORS OF THE FIVE
TOWNS, INC., MAJOR AUTOMOTIVE REALTY
CORP., HAROLD BENDELL, BRUCE BENDELL,
and CHRIS ORSARIS, individually,

Defendants.

09-CV-5708 (ENV)(CMP)

COLLECTIVE ACTION
NOTICE

Please read this notice if you have been employed by any of the following MAJOR WORLD dealerships: Major Automotive Companies, Inc., Major Universe, Inc., Major Universe, Inc., d/b/a Major Ford Lincoln Mercury, Major Chevrolet GEO, Major Chevrolet, Inc., Major Chrysler Jeep Dodge, Inc., Major Motors of Long Island City, Inc., d/b/a Major Kia, Major Motors of the Five Towns, Inc., or Major Automotive Realty Corp., since December 30, 2006.

If you have questions, please call Joseph Fitapelli, Esq. of Fitapelli & Schaffer, LLP
at (212) 300-0375.

A collective action lawsuit may affect your legal rights.

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

- A lawsuit has been filed against the Major Automotive Companies, Inc. (“Major World”), claiming that Major World failed to pay Plaintiffs and similarly situated commissioned new & used car salespersons (“Sales Representatives”) the proper minimum wage.
- Major World believes Sales Representatives were paid properly.
- The Court has authorized the parties to send out this notice of the lawsuit. The Court has not 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 in this case for the purpose of asserting a claim that you were not paid the minimum wage, you keep the possibility of getting money or benefits that may come from a trial or a settlement in this lawsuit. <u>If you wish to be included, you must complete the form at the end of this Notice.</u>
DO NOTHING	By doing nothing, you will not be included in this lawsuit for the purpose of asserting a minimum wage claim. This means that you give up the possibility of getting money or benefits that may come from a trial or settlement of the minimum wage claims asserted in this lawsuit, if those bringing the lawsuit are successful. The limitations period on your claims continues to run.

- Your options are explained in this notice. To ask to be included in the lawsuit, you must act before December 1, 2011.
- If you choose to be included in the case, you will be notified about how to ask for a share of any money or benefits obtained from Major World.

This notice contains information that affects your rights. Please read it carefully.

1. Why did I get this notice?

Major World’s records show that you work or worked for Major World as a Sales Representative since December 30, 2006.

If you have questions, please call Joseph Fitapelli, Esq. of Fitapelli & Schaffer, LLP at (212) 300-0375.

2. What is this lawsuit about?

This lawsuit is about whether Major World properly paid minimum wages to Sales Representatives.

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

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit that includes others who have similar claims. All Sales Representatives who decide to participate in the case are part of a “Collective” or “Collective Action Members.” All of the Collective Action Members are called Plaintiffs. Major World is called the Defendant. The court resolves the issues for everyone who decides to join the case.

4. What damages is the lawsuit seeking?

The lawsuit is seeking to recover unpaid minimum wages, and “liquidated damages,” which doubles the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys’ fees.

5. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or judgment favorable to the Collective. By joining this lawsuit, you designate the named Plaintiffs as your representatives to make decisions on your behalf concerning the case, the method, and manner of conducting the case, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit.

6. Can Major World and/or my current employer retaliate or fire me if I join the lawsuit?

It is a violation of Federal law for Major World or any other employer to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case. If any of the defendants or their agents try to discuss the lawsuit with you, you have the right to not discuss it with them.

7. How do I ask the Court to include me in the case?

It is entirely your own decision whether or not to join this lawsuit. This Notice does not mean that you have a valid claim or that you are entitled to any monetary recovery. Any such determination must still be made by the Court.

If you have questions, please call Joseph Fitapelli, Esq. of Fitapelli & Schaffer, LLP at (212) 300-0375.

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

**Major World Law Suit
Fitapelli & Schaffer, LLP
475 Park Avenue South, 12th Floor
New York, New York 10016**

The signed Consent to Sue form must be postmarked by December 1, 2011. **If your signed Consent to Sue Form is not postmarked by December 1, 2011, you will not be able to participate in this lawsuit or share in a monetary recovery.**

8. Do I have a lawyer in this case?

The Plaintiffs in this lawsuit are currently represented by Fitapelli & Schaffer, LLP, 475 Park Avenue South, 12th Floor, New York, NY 10016, www.fslawfirm.com.

If you wish, you may choose to be represented by Plaintiffs' counsel in this case. You will not be required to pay any fee for services provided by Fitapelli & Schaffer, LLP.

However, you also have the right to consult with an attorney of your own choosing about this matter, and if you wish to be represented by counsel other than Plaintiffs' counsel, you may retain another attorney. You will be responsible for paying that attorney and that attorney must notify the Court of their representation.

9. How will the lawyers be paid?

The named Plaintiffs have entered into a contingency fee agreement with Plaintiff's counsel. Under this agreement, you are not responsible for paying any of the attorneys' fees or costs expended in the lawsuit. Plaintiff's counsel will be paid as follows: (1) if there is a settlement, Plaintiff's counsel may ask the Court to award it up to 1/3 of any recovery obtained or may attempt to negotiate payment of attorneys' fees separate from and in addition to the Collective's recovery. If there is no recovery, you pay nothing.

10. This notice has been authorized by the Court.

This notice and its contents have been authorized by Magistrate Judge Cheryl Pollak of the U.S. District Court, Eastern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

If you have questions, please call Joseph Fitapelli, Esq. of Fitapelli & Schaffer, LLP at (212) 300-0375.

PLAINTIFF CONSENT FORM

I hereby consent to opt-in to the action *Karic, et al. v. The Major Automotive Companies, Inc., et al.*, U.S. District Court, Eastern District of New York, Case No. 09 CV 5708 (ENV)(CMP), as a Plaintiff to assert claims for minimum wage under the Fair Labor Standards Act. During the past three years, there were occasions when I was paid less than the minimum wage for all hours worked as a Sales Representative at the Major World automobile dealerships.

Print Name

Signature

Date

Best Telephone Numbers

E-Mail Address

Last Four Digits of Social Security Number

Emergency Contact (and phone number)

The Plaintiffs in this lawsuit are currently represented by Fitapelli & Schaffer, LLP, 475 Park Avenue South, 12th Floor, New York, New York 10016, www.fslawfirm.com.

If you wish, you may choose to be represented by Plaintiffs' counsel in this case. You will not be required to pay any fee for services provided by Fitapelli & Schaffer, LLP. If you wish to be represented by Fitapelli & Schaffer, LLP, please send them the form as follows:

Fax, Mail or Email to:

FITAPELLI & SCHAFFER, LLP
Joseph Fitapelli, Esq.
475 Park Avenue South, 12th Floor
New York, New York 10016
Telephone: (212) 300-0375
Facsimile: (212) 481-1333
Email: info@fslawfirm.com

If you have questions, please call Joseph Fitapelli, Esq. of Fitapelli & Schaffer, LLP at (212) 300-0375.

However, you also have the right to consult with an attorney of your own choosing about this matter, and if you wish to be represented by counsel other than Plaintiffs' counsel, you may retain another attorney. You will be responsible for paying that attorney and that attorney must notify the Court of their representation. If you hire another attorney, that attorney must file this form with the Court.

The signed Consent to Sue form must be postmarked by December 1, 2011. **If your signed Consent to Sue Form is not postmarked by December 1, 2011, you will not be able to participate in this lawsuit or share in a monetary recovery.**

If you have questions, please call Joseph Fitapelli, Esq. of Fitapelli & Schaffer, LLP
at (212) 300-0375.