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Attorney for the Plaintiffs 原告方律师

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
美国联邦地区法院, 纽约州南部地区

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DONG YUAN 袁冬 and 和
XUANHAO XU 徐軒浩,
Individually and on Behalf of All Other Similarly
Situated Employees

以自己的名义并且代表其他相同处境的人

Plaintiff(s), 原告

18-CV-11905 (AT) (BCM)

**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**

-against-

& HAIR LOUNGE INC., & HAIR LOUNGE II
INC., MIN FEI CHEN a/k/a. Wendy Chen, and
CHEN LUNG LU a/k/a Edison Lu,

Defendants. 被告

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**IMPORTANT NOTICE
ADVISING YOU OF YOUR
RIGHTS**

关于您及您合法权利的重要通知

Please read this notice if you are or were employed as hair designer or hair salon assistant at & HAIR LOUNGE INC., 335 East 9th Street, New York, New York 10003 and/or at & HAIR LOUNGE II INC., 131-133 Thompson Street, Space #3, New York, New York 10012, from December 21, 2015, to the present.

若您是自 2015 年 12 月 21 日以来在 & HAIR LOUNGE INC., 地址: 335 East 9th Street, New York, New York 10003 and/or 與/ 或 at & HAIR LOUNGE II INC., 地址: 131-133 Thompson Street, Space #3, New York, New York 10012 现任以及曾经的髮廊設計師與髮廊助理, 請閱讀此通知。

TO: All hair designers and hair salon assistants, employed on or after December 21, 2015, by any of the following companies or individuals ("Defendants"):

致: 自 2015 年 12 月 21 日起到现在, 所有为以下被告工作的现任以及曾经的髮廊設計師與髮廊助理:

- (1) **& HAIR LOUNGE INC.**, 地址: **335 East 9th Street, New York, New York 10003;**
or 或
- (2) **& HAIR LOUNGE II INC.**, 地址: **131-133 Thompson Street, Space #3, New York, New York 10012;** or 或
- (3) **MIN FEI CHEN a/k/a 又名為 Wendy Chen or CHEN LUNG LU a/k/a 又名為 Edison Lu.**

The purpose of this Notice is to advise you of this lawsuit, and to further advise you of certain rights you may have with respect to this lawsuit.

本通知的目的是告知您关于您根据联邦《公平劳动标准法》以索赔人和原告身份参与这个法律诉讼的权利。

1. Plaintiff **DONG YUAN** alleges that he worked for Defendants as a hair salon assistant at **& HAIR LOUNGE INC.** from August 1, 2016, to August 31, 2017, and as a hair salon assistant and a hair designer at **& HAIR LOUNGE II INC.** from April 20, 2018, to October 31, 2018.
原告袁冬需稱他從 2016 年 8 月 1 日到 2017 年 8 月 31 日, 做髮廊助理, 從 2018 年 4 月 20 日到 2018 年 10 月 31 日, 做髮廊髮型設計師, 為被告工作。
2. Plaintiff **XUANHAO XU** alleges that he worked for Defendants as a hair salon assistant at **& HAIR LOUNGE II INC.** from May 1, 2018, to August 3, 2018, and from September 20, 2018, to October 31, 2018; and also worked for Defendants as a hair salon assistant at **& HAIR LOUNGE INC.** from August 5, 2018, to September 15, 2018.
原告徐軒浩宣稱他從 2018 年 5 月 1 日到 2018 年 8 月 3 日與從 2018 年 8 月 5 日到 2018 年 9 月 15 日, 做髮廊髮型設計師, 為被告工作。
3. Plaintiffs **DONG YUAN** and **XUANHAO XU** have brought this action on behalf of themselves and all current and former hair designers and hair salon assistants who have worked for Defendants at any time on or after December 21, 2015.
原告袁冬與徐軒浩為被告工作或者工作過, 並且代表自 2015 年 12 月 21 日以來, 所有正在為被告工作或者過去曾經為被告工作過的人, 針對被告提起訴訟。

The lawsuit seeks monetary damages under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*, for allegedly unpaid minimum wages and overtime wages. The lawsuit also seeks damages under the New York Labor Law.

本訴訟根據聯邦《公平勞動標準法》(29 U.S.C. 201 *et seq.*) 和紐約勞動法就原告所主張的被告所欠的最低工資, 加班補償和不合理被扣除的伙食費尋求經濟賠償。被告否認這些主張。

THIS NOTICE advises you of your right to participate in this lawsuit as a plaintiff if you worked for Defendants as a hair designer or hair salon assistant at any time on or after December 21, 2015, to the present and: (i) were not paid at least the minimum wage for all hours worked, or (ii) were not paid overtime for all hours worked over 40. The purpose of this Notice is to determine the identity of those persons who wish to be involved in this case. Your right to participate in this suit may depend upon a later decision by the Court that you are eligible to join this action as a plaintiff.

如果您在自 2015 年 12 月 21 日以来的任何时间段为被告工作过擔任髮廊髮型設計師或髮廊助理，并且(1) 没有被按照最低工资标准支付所有的工时；(2) 没有对于雇员所有超过 40 小时的工时支付加班补偿；并且(3) 每天工作開始到結束若超過 10 小時額外一小時工資的補貼。本通知的目的是告知您关于您根据联邦《公平劳动标准法》以索赔人和原告身份参与这个法律诉讼的权利。

No determination has been made that you are owed any amount of money. 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 ask to be included by following the instructions in section 9 below and completing the form at the end of this Notice. 如果您希望加入本集体诉讼，您必须遵照第九节的指示並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 mailing of Notice.]**

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。

01. 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 for Defendants as a hair designer or hair salon assistant at some time from December 21, 2015, 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2015年12月21日到现在的这个期间，您为被告工作过。

02. 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 their employees in accordance with Federal and New York State law. The portion of the lawsuit brought under the FLSA alleges 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 a week.

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。

03. What damages does the lawsuit seek under the FLSA?

本诉讼寻求的损害赔偿有哪些?

The portion of the lawsuit brought under the FLSA seeks to recover unpaid minimum wages, overtime pay, and "liquidated damages," which doubles the amount of wages owed. The portion brought under the New York Labor Law also seeks to recover "spread of hours pay," for days on which employees worked more than 10 hours, and certain statutory penalties that apply when an employer fails to provide its employees with written notices and statements accurately reflecting their compensation. The lawsuit also seeks recovery of costs and attorneys' fees.

本案根据联邦《公平劳动标准法》的诉求部分，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。本案根据纽约劳工法的诉求部分，也要求每天工作开始到结束若超过10小时额外一小时工资的补贴，与没有提供书面通资与准确薪资单的罚金。本诉讼也寻求被告承担与本诉讼相关的支出和律师费。

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

If you join the lawsuit, you will become a party plaintiff and will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. (If you do not join this action, you are free to initiate a separate lawsuit on your own. But you will not share in any judgment or settlement won in this action.)

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。另外，你也将有权从获得的赔偿中拿走属于您的部分。（如果您选择不参加此诉讼，您可以另外分别提出告诉，可是您将不会获得获得的赔偿中的任何部分。）

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, 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 Southern 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，或者在纽约南区法院的法庭庭审中作证。

05. 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 case.

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。

06. 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。

07. Do I have a lawyer in this case? 我在本案中有律师吗？

If you choose to join this lawsuit, you may also choose to be represented by Dong Yuan's and Xuanhao Xu's counsel, who are:

如果您选择加入本诉讼，您可以选择被的律师袁冬与代理：

TROY LAW PLLC

蔡鸿章律师楼

41-25 Kissena Boulevard, Suite 103

Flushing, NY 11355

Tel: (718) 762-1324

HUI CHEN & ASSOCIATES PLLC

陈永辉律师

136-20 38th Ave, Suite 9E

Flushing, New York 11354

Tel. (718) 463-2666

You also have a right to hire an attorney of your choice to represent you in this matter. If you are represented by other counsel, you will need to confer with them regarding their costs and fees.

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收取的费用。

08. How will the lawyers be paid? 律师会怎样收费？

If you choose to be represented by Plaintiffs' counsel, TROY LAW PLLC and HUI CHEN & ASSOCIATES PLLC, you will not be required to pay any out of pocket fees or expenses. Their fees and expenses will be paid out of any settlement or judgment that is recovered against Defendants. If there is no settlement or judgment, Plaintiffs' counsel will not receive any fee.

如果您选择原告的代理律师蔡鸿章律师楼與陈永辉律师来代理您，您不需要先行付任何的费用。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。

Further information about this Notice, the deadline for joining the lawsuit, the form provided, as well as answers to other questions concerning this lawsuit may be obtained by contacting attorney John Troy, Esq. at TROY LAW PLLC, telephone number (718) 762-1324. Your communications with TROY LAW PLLC are presumptively **privileged and confidential**, meaning that they will not be disclosed to anyone without your permission.

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。

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

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 and wish to be represented by TROY LAW PLLC and HUI CHEN & ASSOCIATES PLLC, 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，并被蔡鸿章律师楼與陈永辉律师代理那么您必须阅读，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 mailed 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 蔡鸿章律师楼
41-25 Kissena Boulevard, Suite 103
Flushing, NY 11355
Tel: (718) 762-1324
RE: Yuan et al v. & Hair Lounge Inc., et al., No. 18-CV-11905-AT-BCM

OR scanned and emailed to: TroyLaw@TroyPllc.com

或者扫描并且通过电子邮件发送到 **TroyLaw@TroyPllc.com**。

The signed Plaintiff Consent Form must be postmarked or emailed by [**60 days** from mailing]. If your Plaintiff Consent Form is not postmarked or emailed by [**60 days** from mailing], you may not be able to participate in the FLSA portion of this case or share in a monetary settlement or judgment.

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, 传真, 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。

If you select an attorney other than Plaintiffs' counsel 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 same deadline: [**60 days** from mailing]

若您選者了其他律師在此案逮表您, 您可以通过邮寄的方式在同一個截止日前送達給法院書記: 【60天】內。

10. Contact Information for Defendants' counsel. 被告律師聯繫方式

Defendants counsel are: **被告律師是:**

HANG & ASSOCIATES, PLLC

136-20 38th Avenue, Suite 10G

Flushing, New York 11354

T: (718) 353-8588 | F: (718) 353-6288

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 choose to not join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, 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。

12. This notice has been authorized by the Court. 本通知由法院批准派发。

This Notice and its contents have been authorized by Barbara Moses, United States Magistrate Judge, Southern District of New York. Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

本通知及其内容已经被紐約南區法官 Barbara Moses 批准派发。雖然法院批准了派發, 法院并没有就本案做出任何影响实体权利的判决。

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。

CONSENT TO JOIN LAWSUIT 同意参与诉讼表

1. I consent to be a party plaintiff in the lawsuit *Yuan, et al. v. & Hair Lounge Inc., et al.*, U.S. District Court, Southern District of New York, Civil Action No. 18-cv-11905-AT-BCM, pursuant to 29 U.S.C. § 216(b), in order to seek redress for violations of the Fair Labor Standards Act.

我同意作为原告加入法律诉讼 *Yuan, et al. v. & Hair Lounge Inc., et al.*, 【美国联邦纽约南区法院，民事诉讼编号：18-cv-11905】，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. I wish to: (please check one box)

如果您收到此文件并想加入此法律诉讼，请选一：

() retain my own counsel 雇用我另外自己的律师

or

() retain TROY LAW PLLC and HUI CHEN & ASSOCIATES PLLC (“the Firms”) to represent me and make decisions on my behalf, to the extent permitted by law, concerning the litigation and any settlement.

雇用原告律师蔡鸿章律师与陈永辉律师代理我，并为我做做所有诉讼的决定，包括任何和解。

3. If I chose to be represented by TROY LAW PLLC and HUI CHEN & ASSOCIATES PLLC, I understand that reasonable costs expended on my behalf will be deducted by the Firms from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firms will petition the Court for reasonable attorneys’ fees and expenses should this case settle or a money judgment is recovered and will receive a proportion of any such settlement or judgment amount. I understand that by electing to be join this action and be represented by the Firms, I will be bound by any adjudication of this action by a court, whether favorable or unfavorable.

如果我选择通过签字并且寄回此同意参与诉讼表，我在此指定原告律师蔡鸿章律师楼 (Troy Law, PLLC) 与陈永辉律师楼 (Hui Chen & Associates, 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。

Name (printed) 姓名 (请工整书写)

Signature 签名

Date 日期

Street Address 街道地址

City, State, Zip 城市, 州, 邮编

Best Telephone Number(s) 最方便联系的电话号码

Email 电子邮箱地址

请寄到:

**TROY LAW, PLLC, 蔡鸿章律师楼
41-25 KISSENA BOULEVARD, SUITE 119
FLUSHING, NY 11355**

RE: Yuan et al v. & Hair Lounge Inc., et al., No. 18-CV-11905-AT-BCM

OR scan and email to: troylaw@troypllc.com

或者扫描并且通过电子邮件发送到 TroyLaw@TroyPllc.com