

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re Doria/Memon Discount Stores  
Wage and Hour Litigation

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Civ. Action No. 14-cv-7990 (SN)

**NOTICE OF SETTLEMENT OF CLASS ACTION  
AND FAIR LABOR STANDARDS ACT COLLECTIVE ACTION LAWSUIT**

**TO:** All current and former employees of the Discount Stores operated by Mohamed Doria and/or Iqbal Memon between October 4, 2008 and October 10, 2017 (the “Class Period”) whose names are included on the enclosed Absent Class Member List. For the purposes of this Notice, such employees are referred to as the “Absent Class Members.”

**PLEASE READ THIS NOTICE CAREFULLY**

This Notice relates to a proposed settlement of wage and hour claims of current and former Discount Store workers at Defendants’ locations at any time between October 4, 2008 and October 10, 2017. This notice has been authorized by the United States District Court for the Southern District of New York. It contains important information about your right to receive a settlement check, to object to the settlement, or to elect not to be included in the settlement by excluding yourself from the case (“opt-out”).

Defendants have agreed to settle the employee wage and hour claims for work performed at the Discount Stores during the Class Period. The total settlement amount is \$11,000,000. The Court has not decided who is right and who is wrong in this lawsuit. Your legal rights may be affected, and you have a choice to make now. These rights and options are summarized below and are fully explained in this Notice.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

**PARTICIPATE:** Unless you exclude yourself from the settlement, you will be deemed to have participated in the class and will release your New York wage and hour claims. In addition, you can submit a Proof of Claim form to receive a payment. If you submit a Proof of Claim form, you also will release your minimum wage and overtime claims under the Fair Labor Standards Act.

As described more fully below, **if you wish to receive money as part of this settlement, you must submit a Claim Form and properly completed W-4 and W-9 Forms enclosed with this Notice. If you need additional time to obtain a tax identification number you should send in the Claim Form without the tax identification information, seek to obtain a tax identification number and inform the Settlement Administrator of you efforts to obtain the tax identification number.**

If the Court approves this settlement, you should receive a settlement check within thirty days after the Court approves the Settlement and the Settlement has been funded by Defendants. There is currently a restriction in place in the Surrogate’s Court of Queens County limiting the Estate of Mohamed Doria from contributing to the Settlement. Full payment of the settlement funds can only be distributed once the restriction is lifted and the estate’s assets are liquidated.

**EXCLUDE YOURSELF:** If you wish to exclude yourself (“opt-out”) from the lawsuit, you must follow the directions outlined in response to Question 6 below. If you opt out, you will not be part of the settlement but you will keep the right to bring your own case against Defendants with your own lawyers at your own expense.

**OBJECT:** You can object by telling the Court what you do not like about the settlement and why it should not be approved. If you wish to object to the settlement, you must write to us at the address listed in response to

Question 10 below, about why you believe the settlement is unreasonable, and must do so no later than **September 21, 2020**. If the Court rejects your objection, you will still be bound by the terms of the settlement.

**In order to receive money from the settlement you must submit a claim and the required tax forms. If you do nothing, you will not receive any money from the settlement, but your New York State law claims will be released.**

### **1. Why did I receive this notice?**

You received this notice because Court records indicate that you worked at the Discount Store at issue in this case at some time during the Class Period, you did not previously file a consent to join the case and you are not a family member of any of the Defendants, including Iqbal Memon and Mohamed Doria.

### **2. Why is there a settlement?**

Class Counsel has analyzed and evaluated the merits of the individual and collective claims made against Defendants in this action. Specifically, Class Counsel has performed extensive legal research, analyzed and projected damages for the individual members of the Class, and engaged in the exchange of discovery, including more than two dozen depositions and written discovery responses and documents from other Class Members. Based upon Class Counsel's analysis of this data, relevant law, and the substantial risks of continued litigation, including the possibility that the litigation, if not settled now, might not result in any recovery whatsoever for Class Members, or might result in a recovery that is less favorable and/or that would not occur for several years, Class Counsel entered into this proposed settlement.

### **3. How much will I receive if I file a claim?**

The amount you will receive depends on how many people participate in the settlement and the number of weeks each participating Class Member worked at the Discount Stores during the Class Period. The maximum amount to be paid in the settlement is \$11,000,000. After attorneys' fees, expenses, administration and other costs, employer- and employee-side taxes, service awards and retaliation awards are deducted, the amount each person receives will be calculated based on the number of weeks they worked at the Discount Stores. There is a maximum of \$630,000 provisionally designated for potential payments to certain Class Member for their retaliation claims in this lawsuit. If the Settlement is approved by the Court, none of the settlement money will revert back to Defendants.

To determine the proportionate share for each class member, each class member will receive a base payment of \$2,000. In addition, Settlement allocations of the remaining funds after the payments described above will be determined based on the number of points for each class member divided by the total number of points for all class members based on the following allocation formula. For each week worked during the Class Period each of the 133 Class Members will be assigned one point. Class Members who previously opted-in to the litigation, did not have their FLSA claims dismissed and participated in discovery throughout the litigation will receive an additional half point for each week worked during the Class Period.

For tax purposes, all payments distributed to each claimant for their minimum wage, overtime and notice claims shall be split evenly between wages and liquidated and/or other non-wage damages, and the employee's share of taxes shall be withheld from the wage Settlement Check that you will receive if you file a claim.

### **4. Procedures To File A Claim**

If you wish to receive money from the settlement you **must** submit the enclosed Claim Form **and** a properly completed W-4 and W-9 Form. You have a right to participate in this settlement regardless of your immigration status. However, in order to receive a settlement check you must provide a correct Social Security Number ("SSN") or Tax Identification Number ("TIN"), which matches the number on file with the Social Security

Administration. Your settlement payment will be delayed if you submit a W-4 or W-9 with incorrect or missing information. If you do not have a TIN or SSN, you may still participate in the settlement so long as you file a Proof of Claim form on or before September 21, 2020 and obtain a TIN or SSN on or before March 20, 2021. **IF YOU DO NOT HAVE A TIN OR SSN YOU SHOULD APPLY FOR ONE IMMEDIATELY BECAUSE THE APPROVAL PROCESS TAKES SOME TIME. YOU SHOULD ALSO CONTACT THE SETTLEMENT ADMINISTRATOR AND INFORM THE ADMINISTRATOR THAT YOU HAVE APPLIED FOR A TAX IDENTIFICATION NUMBER.**

## **5. Settlement Fund and Termination Provisions**

The parties have agreed that the maximum amount that Defendants will pay under the parties' settlement agreement, absent a default of payment, inclusive of payments to workers, employer and employee taxes, Class Counsel's attorneys' fees, costs, and expenses, Settlement Claims Administrator's costs and fees, and approved Service Awards is \$11,000,000. Defendants may terminate this settlement if 15% or more Settlement Class Members opt-out of the settlement.

## **6. How do I exclude myself ("opt-out") from the settlement?**

You may exclude yourself ("opt-out") from this case if you do not want to receive a settlement payment, but you want to maintain your right to sue Defendants on your own. To withdraw from this case, you **must** send a written, signed statement to Class Counsel clearly indicating your wish to opt out of the "Doria/Memon Discount Stores Wage and Hour Litigation Settlement." You **must** include your name, address, and telephone number in your opt-out letter to Class Counsel. To be effective, your opt-out letter **must** be faxed, emailed, or mailed via First Class United States Mail, postage prepaid, to the address below, and postmarked by **September 21, 2020**.

**Doria/Memon Discount Stores Wage and Hour Litigation Settlement**  
**Attn: Exclusion Request**  
**P.O. Box 58220**  
**Philadelphia, PA 19102**  
**Tel: (833) 415-0864 Fax: (240) 201-9002**  
**E-Mail: DiscountStoresSettlement@AdministratorClassAction.com**

If you fail to opt-out by **September 21, 2020** then you will automatically be part of this settlement and will be deemed to have released all wage and hour claims under New York law which have been brought in the lawsuit or that are based on the same facts and circumstances as the claims in the lawsuit, including but not limited to unpaid regular and overtime wage claims, all related wage and hour and wage payment claims, all derivative benefit claims (i.e., claims for benefits, both ERISA and non- ERISA, resulting from alleged failure to pay overtime or other wages) during the Class Period, and all interest on such claims, liquidated damages, punitive damages, and/or other damages, attorneys' fees, expenses, and costs. If you file the enclosed Claim Form, you will be deemed an opt-in party plaintiff under the Fair Labor Standards Act ("FLSA"), will be deemed to have released all wage and hour claims described above under both New York law and the FLSA, and will be entitled to receive your allocated share of the settlement. If you do nothing, you will still be part of the settlement, however, you will not receive monetary payment; your claim in this case against Defendants as a member of the class will be dismissed with prejudice by the Court if the Settlement is approved.

## **8. If I exclude myself ("opt-out"), can I get money from this settlement?**

No. If you exclude yourself, you will not receive any money from this lawsuit.

## **9. Who are the lawyers and how will the lawyers be paid?**

The following law firms represent you in this case.

The Marlborough Law Firm, P.C.  
Christopher Marlborough  
445 Broad Hollow Road, Suite 400  
Melville, New York 11747  
Telephone: (212) 991-8960  
Email: [chris@marlboroughlawfirm.com](mailto:chris@marlboroughlawfirm.com)

Slater, Slater, Schulman, PLLC  
John C. Luke Jonathan E. Schulman  
400 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
Telephone: (212) 922-0906  
Email: [jschulman@sssfirm.com](mailto:jschulman@sssfirm.com)

Class Counsel will ask the Court to approve a fee of up to one-third of the maximum settlement amount described above (\$3,666,666.67) in addition to costs and expenses. Any fee, costs and expense awards will be deducted from the \$11,000,000 million fund. The Court will ultimately decide the amount of attorneys' fees and expenses that will be paid to Class Counsel. Class Counsel will also seek incentive awards of ten thousand dollars (\$10,000) each for the six Class Representatives and five class member witnesses who has prepared to testify at a trial of the action.

### **10. How do I object to the settlement?**

You can object to the settlement if you don't like any part of it. You must give reasons why you think the Court should not approve it. The Court will consider your views. If the Court rejects your objection, you will still be bound by the terms of the settlement. To object, you must send a letter saying that you object to this proposed settlement. Your statement must include all reasons for the objection and any supporting documentation. Your statement must also include your name, address, and telephone number. If you wish to present your objection at the Fairness Hearing described below, you must state your intention to do so in your written objection. You will not be allowed to present reasons for your objection at the Fairness Hearing that you did not describe in your written objection. You may send your objection to the settlement administrator by fax, email, or mail via First-Class United States mail, postage prepaid, to the address or number below. Your objection may not be heard unless it is received by the Settlement Claims Administrator by **September 21, 2020**.

**Doria/Memon Discount Stores Wage and Hour Litigation Settlement**  
**Attn: Objection Request**  
**P.O. Box 58220**  
**Philadelphia, PA 19102**  
**Tel: (833) 415-0864 Fax: (240) 201-9002**  
**E-Mail: [DiscountStoresSettlement@AdministratorClassAction.com](mailto:DiscountStoresSettlement@AdministratorClassAction.com)**

Class Counsel will file your objection with the Court. You may not both object to the settlement **and** opt-out of this case.

### **11. What's the difference between objecting and opting out?**

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself ("opting out") is telling the Court that you don't want to be part of the Class and this proposed settlement. If you opt out, you have no basis to object because you will no longer remain a party to this action. If you do not opt-out of the settlement you will be deemed to have released your New York State law claims in this lawsuit against Defendants in this action and if you submit a Proof of Claim Form you will be releasing your federal claims as well.

## **12. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Fairness Hearing at 10:00 a.m. on October 30, 2020, at the United States District Court, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, in Courtroom 219. At this hearing the Court will consider whether the terms of the settlement are fair, reasonable, and adequate.

If there are objections, the Court will consider them as well. After the hearing, the Court will decide whether to approve the settlement. If the settlement is approved, the Court may also decide how much to pay to Class Counsel. We do not know how long these decisions will take.

**YOU MAY, BUT ARE NOT REQUIRED TO, ATTEND THE FAIRNESS HEARING**

## **13. Are there more details about the settlement?**

This notice summarizes the proposed settlement. More details are contained in the Settlement Agreement. You can review the Settlement Agreement by contacting the Settlement Claims Administrator or Class Counsel and asking for a copy (see contact information in Questions 9 and 10).

**Please do not contact the court with questions about the settlement.**

In Re Doria/Memon Disc. Stores Wage & Hour Litig.

**ABSENT CLASS MEMBER  
PROOF OF CLAIM FORM**

**PERJURY WARNING: KNOWINGLY PROVIDING FALSE INFORMATION CAN SUBJECT YOU TO CRIMINAL PROSECUTION FOR PERJURY**

**1. PROVIDE CONTACT INFORMATION: If the information in the Litigation Information is incorrect or missing, please provide the correct information in the blank space on the Corrected Contact Information Column.**

	<b>Litigation Records</b>	<b>Corrected Contact Information (if necessary)</b>
Name:		
Address 1:		
Address 2:		
City, State, Zip:		
E-Mail:		
Phone:		

**2. PROVIDE YOUR EMPLOYMENT INFORMATION:**

	<b>Litigation Records</b>	<b>Corrected Employment Information</b>
Start Date:		
End Date:		
Tax Payer ID No. (Social Security Number or ITIN number)		

**3. COMPLETE THIS FORM AND SUBMIT TAX FORMS.** In order to be eligible for a settlement payment, you must submit this form to the Settlement Administrator by September 21, 2020. You must also SEND completed IRS W-4 and W-9 forms to the Settlement Administrator by March 20, 2021. Please send documents to **Doria/Memon Discount Stores Wage and Hour Litigation Settlement, P.O. Box 58731, Philadelphia PA 19102 or by fax to (240) 201-9002.**

- If you have your taxpayer identification information, you should submit those tax forms along with this Proof of Claim Form in the postage paid envelope provided.
- If you do not have the taxpayer identification information, you should apply for the taxpayer ID number immediately as it may take some time to get a number.
- **IN ORDER TO RECEIVE A SETTLEMENT PAYMENT, THE TAXPAYER ID INFORMATION THAT YOU PROVIDE MUST MATCH THE INFORMATION ON FILE WITH THE SOCIAL SECURITY ADMINISTRATION.**

**4.** If you do not submit this Proof of Claim form and both tax forms by the deadlines, you will not receive a settlement payment.

**5. SIGNATURE, ATTESTATION AND FLSA RELEASE (You must sign and date below)**

I *swear under penalty of perjury* that I worked at one or more of the Discount Stores operated by Mohamed Doria and/or Iqbal "Mike" Memon on the dates indicated above.

I further swear that I have a bona fide dispute with the Defendants named in the action as to my wages for minimum wage and overtime work and thus consent to participate in the settlement of this class action and to join the FLSA collective action against the Defendants, styled *In re Doria/Memon Discount Stores Wage and Hour Litigation*, 14-cv-7990 (SN).

I understand that by joining this lawsuit and agreeing to participate in the settlement of it, I am agreeing to release Defendants from all wage and hour claims under New York Law and the Fair Labor Standard Act which have been brought in the lawsuit or that are based on the same facts and circumstances as the claims in the lawsuit, including but not limited to unpaid regular and overtime wages, all derivative benefits claims (claims for benefits, both ERISA and non-ERISA, resulting from alleges failure to pay overtime or other wages), and all interest on such claims, liquidated damages, punitive damages, and/or other damages, attorneys' fees expenses and costs for all time periods during the Class Period (between October 4, 2008 and October 10, 2017).

I understand that the information contained in this Proof of Claim is subject to such verification as the Settlement Administrator or Class Counsel may request or as the Court may direct, and I agree to cooperate with any such verification efforts.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type Name: \_\_\_\_\_