

**TO BE CIRCULATED IN ENGLISH, POLISH AND SPANISH**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BOHDAN KLIMCHAK and KONSTANTIN TRIBUSHNIY, individually and on behalf of all other persons similarly situated who were employed by CARDRONA, INC., CARDRONAS, II, INC., METAL & ROOF SUPPLIES, INC., ULTAN GAUIGAN, MICHAEL WILLIAMS and/or DANI MOORE; and/or any other entities affiliated with or controlled by CARDRONA, INC., CARDRONAS, II, INC., METAL & ROOF SUPPLIES, INC., ULTAN GAUIGAN and/or DANI MOORE,

Plaintiffs,

- against -

CARDRONA, INC., CARDRONAS, II, INC., METAL & ROOF SUPPLIES, INC., ULTAN GAUIGAN, MICHAEL WILLIAMS and/or DANI MOORE, and/or any other entities affiliated with or controlled by CARDRONA, INC., CARDRONAS, II, INC., METAL & ROOF SUPPLIES, INC., ULTAN GAUIGAN, MICHAEL WILLIAMS and/or DANI MOORE,

Defendants.

Docket No. 09-CV-4311(SJF)(ARL)

NOTICE OF PENDENCY

IMPORTANT NOTICE  
ADVISING YOU OF  
YOUR LEGAL RIGHTS

TO: All individuals who furnished labor to CARDRONA, INC., METAL & ROOF SUPPLIES, INC., ULTAN GAUIGAN, MICHAEL WILLIAMS and/or DANI MOORE commencing on or after October 7, 2003 (the "Class" and individually the "Class Member(s)"). Salaried supervisors, officers, executive, managerial or administrative personnel are not part of the defined class.

If you worked for CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC. at any time since October 7, 2003, the purpose of this Notice is to advise you of this class action lawsuit, and to further advise you of certain rights you may have with respect to this action.

Plaintiffs BOHDAN KLIMCHAK and KONSTANTIN TRIBUSHNIY ("Class Representatives") are former employees of CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC., who have brought this action on behalf of all other current and former CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC., employees who worked overtime (in excess of 40 hours per week) for which they have been incorrectly paid, and have brought this lawsuit to recover the correct payment.

Defendants vigorously deny any wrongdoing and/or liability to plaintiffs or any other past or present employee of CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC., who may allege that he or she was underpaid. CARDRONA, INC. and METAL & ROOF SUPPLIES, INC.,

strongly deny that any employee was underpaid for his or her work at any time.

This lawsuit seeks the payment of overtime wages and spread-of-hours compensation pursuant to the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and New York State Labor Law allegedly owed to current and former employees of the above defendants who worked as laborers, carpenters, mechanics, roofers, and in other trades and in other trades related to defendants' construction business.

You may be owed payment if you worked for CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC. for more than 40 hours per week and you were not paid overtime at time and one-half (1.5x) your normal hourly rate of pay for all hours actually worked over forty (40) hours each week.

**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 believe that you were underpaid by CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC.**

**No determination has been made that you are owed any overtime wages 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.**

\* \* \*

#### **FEDERAL LAW CLAIMS**

If you worked for CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC. between 2006 and 2009, you may be entitled to certain protection under the Federal Fair Labor Standards Act for work performed in excess of 40 hours each week when you may not have been paid one and one-half times (1.5x) your regular hourly wage rate.

If you wish to participate in this portion of the lawsuit, you must have the enclosed written "Consent to Join Lawsuit" Form filed with the Clerk of the Court. If you do not sign and mail the "Consent to Join Lawsuit" form to the address listed below, you will not be permitted to seek recovery of unpaid wages under the Fair Labor Standards Act in this case.

#### **NEW YORK LAW CLAIMS**

A class has not yet been certified for claims arising under New York law. Under New York law, you may have claims for prevailing wages (work performed pursuant to public works contracts), overtime compensation (work performed over 40 hours) and spread-of-hours compensation (work performed in excess of 10 hours per shift) that date back to 2003. You will be advised of any additional rights that you may have to recover under New York law in the event that a class is certified by this Court.

#### **FILING THE CONSENT TO JOINDER FORM**

If you wish to participate in the portion of this lawsuit that seeks payment of overtime under the Fair Labor Standards Act, you must sign and return the enclosed yellow Consent to Joinder as directed below. Your consent to Join Lawsuit Form will be filed with the Clerk of the Court on your behalf. If you fail to mail a signed Consent to Joinder form to the Clerk of the Court you will not be

eligible to participate in the FLSA portion of this lawsuit. Consent to Joinder forms filed after August 5, 2011 will be rejected unless good cause is shown for the delay.

THE LAST DAY TO FILE THE YELLOW CONSENT TO JOIN LAWSUIT FORM IS  
AUGUST 5, 2011

IF YOU WISH TO FILE A CLAIM FOR UNPAID OVERTIME PAY UNDER THE FEDERAL  
FAIR LABOR STANDARDS ACT, YOU MUST MAIL THE ENCLOSED CONSENT TO  
JOINER FORM POSTMARKED BY AUGUST 5, 2011 TO:

UNITED STATES DISTRICT JUDGE SANDRA J. FEUERSTEIN  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND COURT HOUSE  
100 FEDERAL PLAZA  
CENTRAL ISLIP, NY 11722  
RE: CARDRONA

If you fail to mail a signed Consent to Join Lawsuit form you may not be eligible to participate in the FLSA portion of this lawsuit.

Lloyd Ambinder, Esq., of Virginia & Ambinder, LLP, located at 111 Broadway, Suite 1403, New York, New York 10006, telephone number (212) 943-9080, facsimile number (212) 943-9082 represents the plaintiffs in this case. You will not be required to pay any fee for services provided by plaintiffs' counsel Virginia & Ambinder, LLP. If you are represented by plaintiffs' attorneys, their costs and fees will be paid out of any recovery against CARDRONA, INC. and/or METAL & ROOF SUPPLIES, INC. You have a right to consult with an attorney about this matter. If you wish to be represented by other counsel, you may retain another attorney, but you will be responsible for paying that attorney. 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 plaintiffs' attorney Lloyd Ambinder, Esq., telephone number (212) 943-9080, facsimile number (212) 943-9082, or on the internet at [www.vandallp.com](http://www.vandallp.com). If you require Spanish translation, please ask for Yeskenia Polanco, or Polish translation, please ask for Maria Tokarz or Iwona Ner.

***You have a right to participate in this action even if you are an undocumented alien or if you were paid in cash.***

PLEASE DO NOT CONTACT THE CLERK OF THE COURT  
WITH QUESTIONS INVOLVING THIS LAWSUIT.

SO ORDERED:

SANDRA J. FEUERSTEIN, U.S.D.J.

Dated: Central Islip, New York,  
April 5, 2011

**TO BE CIRCULATED IN ENGLISH, POLISH AND SPANISH**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BOHDAN KLIMCHAK and KONSTANTIN TRIBUSHNIY,  
individually and on behalf of all other persons similarly situated  
who were employed by CARDRONA, INC., CARDRONAS, II,  
INC., METAL & ROOF SUPPLIES, INC., ULTAN GAUIGAN,  
MICHAEL WILLIAMS and/or DANI MOORE; and/or any other  
entities affiliated with or controlled by CARDRONA, INC.,  
CARDRONAS, II, INC., METAL & ROOF SUPPLIES, INC.,  
ULTAN GAUIGAN and/or DANI MOORE,

Plaintiffs,

- against -

CARDRONA, INC., CARDRONAS, II, INC., METAL & ROOF  
SUPPLIES, INC., ULTAN GAUIGAN, MICHAEL WILLIAMS  
and/or DANI MOORE, and/or any other entities affiliated with or  
controlled by CARDRONA, INC., CARDRONAS, II, INC.,  
METAL & ROOF SUPPLIES, INC., ULTAN GAUIGAN,  
MICHAEL WILLIAMS and/or DANI MOORE,

Defendants.

Docket No.  
09-CV-4311(SJF)(ARL)

CONSENT TO JOINDER

Please check ONE of the following options:

I hereby designate the law firm of Virginia & Ambinder, LLP, 111 Broadway, Suite 1403,  
New York, NY 10006, telephone (212) 943-9080 as my attorneys.

I wish to proceed with alternative counsel of my choosing, or on my own.

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Apt. \_\_\_\_\_

Phone Number: ( \_\_\_\_\_ ) \_\_\_\_\_ Email: \_\_\_\_\_ @ \_\_\_\_\_ . \_\_\_\_\_

**PLEASE MAIL THIS CONSENT TO JOINDER FORM ON OR BEFORE  
AUGUST 5, 2011 TO:**

UNITED STATES DISTRICT JUDGE SANDRA J. FEUERSTEIN  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND COURT HOUSE

100 FEDERAL PLAZA  
CENTRAL ISLIP, NY 11722  
RE: CARDRONA