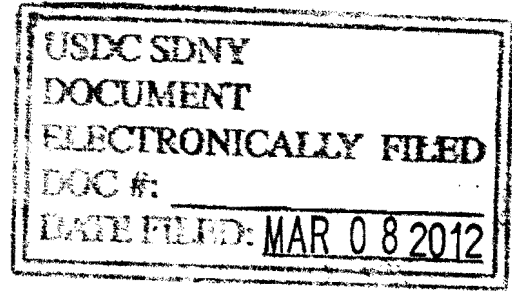


IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JAMIE URTUBIA, individually and on
behalf of all other persons similarly situated,
Plaintiff,

- v-

No. 11 Civ. 2901(LTS)(RLE)

BA VICTORY CORP. and ISMAEL ALBA,
Defendants.

-----X

ORDER

Plaintiff's Motion for Approval of Collective Action Notice and related relief is hereby granted, and furthermore:

1. The collective action notice entitled "Court-Authorized Notice of Lawsuit and Opportunity to Join" is hereby approved, with the modifications marked on Exhibits A-1 and A-2 hereto, for mailing to potential plaintiffs;

2. The collective class of potential plaintiffs in this matter shall consist of Jamie Urtubia and all current and former employees of Defendants who worked as waiters, runners, busboys or dishwashers who did not receive overtime wages for hours worked in excess of forty (40) hours per week, and/or minimum wages, at any time during the three year period immediately preceding the date of this Order; and

3. Defendants shall provide to Plaintiff, no later than ten (10) business days after the date of this Order, the names and last-known addresses of all potential plaintiffs described in paragraph 2 above. This information shall be supplied in paper form, and also digitally in one of the following formats: Microsoft Excel; Microsoft Word; or Corel WordPerfect; and

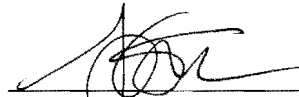
4. Plaintiffs shall mail the court-approved notice of collective action to all potential plaintiffs no later than twenty (20) days following the Defendants' disclosure of the potential plaintiffs' names and last-known addresses; and

5. If any notice to any potential plaintiff is returned as undeliverable, Plaintiff's counsel is permitted to mail the notice to such potential plaintiff again at any other address he determines is appropriate; and

6. All potential plaintiffs must opt-in by returning the executed form entitled "Consent to Become Party Plaintiff" to Plaintiff's counsel no later than sixty (65) days from the date of mailing of the collective action notice. Plaintiffs' counsel shall promptly file such executed consents with the Court and serve copies thereof on all other counsel of record.

SO ORDERED.

DATED: New York, New York
March 8, 2012



LAURA TAYLOR SWAIN
United States District Judge

**COURT-AUTHORIZED NOTICE OF LAWSUIT
AND OPPORTUNITY TO JOIN**

If you were a waiter, runner, busboy or dishwasher employed at the Buenos Aires Restaurant, located on East 6th Street, New York, New York, between March 8, 2009, and the present,

PLEASE READ THIS NOTICE.

A collective action lawsuit may affect your legal rights.

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

- Jamie Urtubia, a former employee of the Buenos Aires Restaurant, has filed a lawsuit, individually and on behalf of similarly situated employees against BA VICTORY CORP. and ISMAEL ALBA (collectively, the “Defendants”) claiming that, among other things, Defendants unlawfully failed to pay overtime wages, failed to pay minimum wages, took a “tip credit” paying them less than the full minimum wage, withheld a portion of their tips, and failed to pay other wages required by law.
- The lawsuit, which has been filed in the United States District Court for the Southern District of New York, is conditionally proceeding as a collective action on behalf of waiters, runners, busboys and dishwashers who were employed at Buenos Aires at any time since March 8, 2009.
- Your legal rights may be affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

1. YOU CAN ASK TO BE INCLUDED

If you choose to be included in this collective action, you have the possibility of getting money or benefits that may come from a trial or a settlement in this lawsuit, but you give up any rights to separately sue the Defendants about the same legal claims in this lawsuit. If you wish to be included, you must complete the form that accompanies this Notice.

2. YOU CAN DO NOTHING

If you do not return the form, you will not be included in this collective action. This means that you give up the possibility of getting money or benefits that may come from a trial or settlement of the federal claims in this lawsuit if the lawsuit is successful. You keep any rights to sue Defendants separately about the same legal claims in this lawsuit, but your time limits for bringing your claims continue to run.

The procedure for joining this lawsuit is explained on page 5 of this Notice. To ask to be included in the lawsuit, you must act before [insert 65 days from date notice is sent out].

If money or benefits are obtained from the Defendants, and you choose to be included in the case, you will be notified about how to ask for a share.

This notice contains information that affects your rights. Please read the entire Notice carefully.

1. Why did I get this notice?

You are getting this notice because the Defendants' records show that you work or worked at the Buenos Aires Restaurant as a waiter, runner, busser or dishwasher. A lawsuit has been brought against the Defendants claiming that they violated various provisions of federal and New York State wage and hour laws. A trial may be necessary to decide whether the claims being made against the Defendants are correct. The Honorable Laura Taylor Swain, United States District Judge in the Southern District of New York, is overseeing this case. The lawsuit is known as URTUBIA v. BA VICTORY CORP., No. 11 Civ. 2901 (LTS).

2. What is this lawsuit about?

This Notice gives you the opportunity to choose to join the portion of the lawsuit that is brought under federal law. The lawsuit alleges that Defendants violated federal law by failing to pay overtime wages and minimum wages in accordance with the law. The federal portion of the lawsuit has been brought as a "collective action."

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

In a collective action lawsuit, a person who has a claim under the federal overtime and minimum wage laws can bring a lawsuit on behalf of others who have similar claims and, if permitted by the Court, the people who have the similar claims can join in the lawsuit. In this case, the Court has given permission for all people who worked as waiters, runners, bussers, and dishwashers at the Buenos Aires Restaurant at any time after March 8, 2009, to join in the lawsuit if they choose to do so and return the necessary form by [date 65 days after mailing of the notice]. The people who participate in the federal portion of the lawsuit are represented by the named plaintiff Jamie Urtubia, and are referred to as the "Collective" or "Collective Action Members." Mr. Urtubia, who brought this lawsuit – and all of the Collective Action Members – are also called the Plaintiffs. The corporate entity and individual that they have sued, BA Victory Corp. and Ismael Alba, are called the Defendants. One court resolves the issues for everyone who decides to join the case.

4. Why is this lawsuit a Collective Action?

The Court has conditionally authorized this case to proceed as a collective action under § 216(b) of the federal Fair Labor Standards Act (“FLSA”).

5. What is the Defendants’ position?

Defendants dispute the assertions that they violated federal wage and hour laws.

6. Has the Court decided who is right?

The Court has not decided whether the Defendants or the Plaintiffs are correct. By establishing the Collective and issuing the Notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

7. What are the Plaintiffs asking for?

With respect to the federal claim to which this notice relates, Plaintiff is seeking to recover unpaid overtime wages, minimum wages, 100% (double) liquidated damages, attorneys’ fees and costs.

8. Can I join this lawsuit?

To be eligible to join this lawsuit, you must have worked as a waiter, runner, busboy or dishwasher at Buenos Aires at any time from March 8, 2009, to the present.

If you have any questions, you may contact Plaintiffs’ attorneys:

Jeanne Christensen
Imbesi, Christensen & Michael, PC
450 Seventh Avenue, Suite 3002
New York, NY 10123
Tel: (646) 380-9555
and
Christopher J. Gray
Law Office of Christopher J. Gray, P.C.
460 Park Avenue, 21st Floor
New York, New York 10022
Tel: (212) 838-3221
Email: buenosariesclassaction@lawicm.com
www.lawicm.com
www.cjgraylaw.com

Do not call or write to the Court with questions about this Notice or the lawsuit.

10. What happens if I do nothing at all?

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment or settlement rendered on the federal portion of this case, whether favorable or unfavorable. You will not be entitled to share any amounts recovered by Plaintiffs on their federal claims in this lawsuit. You also will be free to independently retain your own counsel and file your own lawsuit. You should be aware that your federal wage and hour claims are limited by a two- or three-year statute of limitations. Other time limits apply to the state law claims. Delay in joining this action, or proceeding separately, may result in part or all of your claims expiring as a matter of law. If you proceed separately, you may also have to pay your own lawyer.

11. 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 Plaintiff, Mr. Urtubia, and his lawyers as your representative and, to the fullest extent possible, you designate the named Plaintiff to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Plaintiffs' counsel regarding payment of attorneys' fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by the named Plaintiff will be binding on you if you join the lawsuit. While this suit is pending, you may be asked to provide documents or information relating to your employment, or otherwise participate in written and/or oral discovery proceedings and/or in a trial of this matter.

12. Can I participate in this lawsuit even though, due to my immigration status, I am not working at Buenos Aires legally?

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

13. Can the Defendants and/or my current employer retaliate against me if I join the lawsuit?

It is a violation of federal law for the Defendants to fire, discipline, threaten or in any manner discriminate or retaliate against you for taking part in this case.

14. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by: Jeanne Christensen, Imbesi, Christensen & Michael, PC, 450 Seventh Avenue, Suite 3002, New York, NY 10123 and Christopher Gray, Law Office of Christopher J. Gray, P.C., 460 Park Avenue, 21st Floor, New York, New York 10022.

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

Enclosed is a form called "Consent to Join." If you choose to join this lawsuit, it is extremely important that you read, sign, and promptly return the Consent to Join form to Plaintiff's lawyers. The lawyers will file the consent forms that they receive with the Court. 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:

Jeanne Christensen
Imbesi, Christensen & Michael, PC
450 Seventh Avenue, Suite 3002
New York, NY 10123
Tel: (646) 380-9555
and
Christopher J. Gray
Law Office of Christopher J. Gray, P.C.
460 Park Avenue, 21st Floor
New York, New York 10022
Tel: (212) 838-3221

You can also fax the Consent to Join form to (866) 830-7484 or (212) 937-3139 or scan and email it to buenosariesclassaction@lawicm.com

The signed Consent to Join form must be postmarked, emailed, or faxed by [65 days from mailing of this Notice]. If your signed Consent to Join Form is not postmarked, emailed, or faxed by [65 days from mailing of the Notice], you may not be allowed to participate in the federal law portion of this lawsuit, or share in a monetary recovery on the federal law claims.

16. Should I get my own lawyer?

You do not need to hire you own lawyer because Plaintiffs' Counsel will be working on your behalf. You are allowed to hire your own lawyer at your own expense.

If you wish to join this lawsuit but have retained your own attorney to represent you, you may join by having your attorney file your notice of consent to join on or before [Insert the date 65 days after the date of mailing of the notice] with a notice of his or her appearance on your behalf. These documents must show the case caption and must be filed with the Clerk of Court:

Clerk of Court
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

17. How will the lawyers be paid?

You will not be required to pay any attorneys' fees out of your own pocket. The named Plaintiffs have entered into contingency fee agreements with Plaintiff's attorneys. If you join the lawsuit and Plaintiffs do not win, there will be no attorneys' fees chargeable to you. If there is no recovery, you may be liable for a portion of the court costs and other expenses of the litigation. In the event there is a recovery, the fee agreements entitle Plaintiffs' counsel to apply for one-third of any settlement obtained or money judgment entered in favor of all members of the class or the actual value of the time they spend on the case, whichever is greater. The Court must be asked to approve the attorneys' fees and will make the decisions as to whether the requested fees are reasonable and as to how much the attorneys will be paid. The fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by the Defendants, or may be a combination of the two. A copy of the contingency fee agreement executed by the named Plaintiff may be obtained upon request from Plaintiff's counsel identified above.

You may review the full text of Plaintiff's Complaint and Defendants' Answer by visiting the office of the Clerk of Court for the United States District Court for the Southern District of New York, 500 Pearl Street, New York, N.Y. 10007, on any weekday between the hours of 8:30 a.m. and 4:30 p.m., and requesting the file for the case (Urtubia v. BA Victory Corp., et al., Case No. 1:11-cv-02901-LTS).

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, HONORABLE JUDGE LAURA TAYLOR SWAIN, THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFF'S CLAIMS OR OF THE DEFENDANTS' DEFENSES.

DATED: March __, 2012