

***Sysco Metro v. The City of New York***  
**Index No. 101637/2015**

**NOTICE OF SETTLEMENT**

**If you are the registered owner or lessor of a Tractor that was issued a parking summons from the City of New York between January 1, 2014, and May 2, 2022, and the summons contained a description of the vehicle body type on the summons as something other than a Tractor, and the Tractor is not enrolled in a Reduced Fine Program, you may be entitled to a payment from a class action settlement. This Notice may affect your legal rights. Please read it carefully.**

*A Court has authorized this Notice. This is not a solicitation from a lawyer.*

This Notice informs you of a proposed settlement in a class action lawsuit concerning Body Type Summonses issued by the City of New York to Tractors.

The lawsuit is *Sysco Metro v. The City of New York*, Index No. 101637/2015 (the “Action”), in the Supreme Court of the State of New York, County of New York (the “Court”). In the Action, Petitioner alleges that Respondents violated the Vehicle and Traffic Law by enforcing parking summonses in which the body type description of a Tractor was listed incorrectly as something other than a Tractor. Respondents deny these allegations and any wrongdoing or unlawful conduct.

- The purpose of this Notice is to inform you of this Action, the proposed settlement of the Action (the “Settlement”), and a hearing to be held by the Court to consider: (i) whether the Settlement should be approved; (ii) whether the proposed plan for allocating the proceeds of the Settlement (the “Plan of Allocation”) should be approved; and (iii) the application by the attorneys for the Petitioner Class (Class Counsel) for attorneys’ fees and expenses. This Notice describes important rights you may have and what steps you must take if you want to participate in the Settlement, want to object, or want to be excluded from the Settlement Class.<sup>1</sup>
- If approved by the Court, the proposed Settlement will create a \$2,450,000 (two million four hundred fifty thousand dollars) Settlement Fund for the benefit of eligible Settlement Class Members, less attorneys’ fees and expenses (amount to be determined by the Court), Notice and Administrative Costs, and taxes (the “Net Settlement Fund”).
- The settlement resolves claims by Sysco Metro, NY, LLC (“Sysco” or “Petitioner”), on behalf of itself and all members of the Settlement Class against the City of New York and the New York City Department of Finance Commercial Adjudications Unit a/k/a Adjudication Division (collectively, “Respondents” or the “City of New York”) (together with Respondents, the “Parties”). It releases the Respondent Releasing Parties (defined below) from liability.

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<sup>1</sup> All capitalized terms not otherwise defined in this Notice shall have the meaning provided in the Stipulation and Agreement of Settlement, dated May 2, 2022 (the “Settlement Agreement”).

Questions? Visit [www.nvctractorticketsettlement.com](http://www.nvctractorticketsettlement.com) or call 833-512-2319.

**If you are a Settlement Class Member, your legal rights will be affected by this Settlement whether you act or do not act. Please read this Notice carefully.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM BY AUGUST 9, 2023</b>	The <i>only</i> way to get a payment under this Settlement. <i>See</i> Question 5 below for details.
<b>EXCLUDE YOURSELF FROM THE CLASS BY JULY 19, 2023</b>	Get no payment. This option is the only one, assuming your claim is timely brought, that might allow you to ever bring or be part of any other lawsuit against the Respondent Releasing Parties concerning the Class Released Claims. <i>See</i> Question 9 below for details.
<b>OBJECT BY JULY 19, 2023</b>	Write to the Court about why you do not like the Settlement or the attorneys’ fees and expense application. If you object, you still will be a member of the Settlement Class. <i>See</i> Question 10 below for details.
<b>GO TO A HEARING AUGUST 23, 2023, AT 10:00 A.M., AND FILE A NOTICE OF INTENTION TO APPEAR BY JULY 19, 2023</b>	Ask to speak in Court at the Settlement Hearing about the Settlement. <i>See</i> Questions 10 and 11 below for details.
<b>DO NOTHING</b>	Get no payment AND give up your rights to bring your own individual action.

- This Notice explains rights and options—and the deadlines to exercise them.

The Judge in charge of this case still must decide whether to approve the Settlement. Payments will be made to all Settlement Class Members who timely submit valid Claim Forms if the Court approves the Settlement and the Settlement becomes effective. This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement, available at [www.nyctractorticketsettlement.com](http://www.nyctractorticketsettlement.com), or contact the Settlement Administrator at P.O. Box 225391, New York, NY 10150-5391.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIMS PROCESS.**

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## **1. How do I know if I am affected by the Settlement?**

For purposes of settlement only, and pursuant to the Court's conditional certification of a Settlement Class, you are a member of the "Settlement Class" if you are or were at the relevant time the registered owner or lessor of a Tractor, and you received a parking summons from the City between January 1, 2014, and May 2, 2022, that describes the vehicle body type as something other than a Tractor, and the Tractor is not enrolled in a Reduced Fine Program.

## **2. What is the Action about?**

Petitioner alleges that Respondents violated the New York Vehicle and Traffic Law by enforcing parking summonses in which the body type description of a Tractor was listed incorrectly as something other than a Tractor. Respondents deny these allegations and any wrongdoing or unlawful conduct.

## **3. Why is this Action being settled?**

The attorneys for both Petitioner and Respondents have determined that there is significant risk, disruption, and expense in continuing the Action. After considering the risks and costs of further litigation, the Parties have concluded that it is in everyone's best interest that the Petitioner's claims be settled and dismissed on the terms of the Settlement. Petitioner and Class Counsel believe that the terms of the Settlement are fair, reasonable, and adequate and that the Settlement is in the best interest of the Settlement Class.

## **4. What might I receive from the Settlement?**

What you might receive will depend on what records show or whether you demonstrate that you received one or more qualifying summonses and whether you challenged the summons(es). The Settlement will provide to the Settlement Class a total of \$2,450,000 less an amount to be deducted as attorneys' fees and expenses, Administrative Costs, and taxes. Settlement Class Members who submit Valid Claims shall be paid **in tiers, according to the allocation methods below, subject to paragraph 5.1(a) of the Settlement Agreement:**

(a) for every Body Type Summons for which the Responsible Person Pursued All Administrative Remedies, you will be entitled to receive up to a 100% refund of the amount paid; the summons will be dismissed if not subject to prorating pursuant to paragraph 5.1(a); and the amount due will be \$0.00;

(b) for every Body Type Summons for which the Responsible Person Partially Pursued Administrative Remedies, you will be entitled to receive up to 30% of the amount paid; the amount due for such summons will be \$0.00; and the summons will not be dismissed; and

(c) for every Body Type Summons for which the Responsible Person did not pursue administrative remedies, you will be entitled to receive up to 20% of the amount paid; the amount due for such summons will be \$0.00; and the summons will not be dismissed; and

(d) for all other Body Type Summonses for which the fine and/or penalty was not paid or was partially paid, the amount of the fine and/or penalty paid and the amount due will be reduced to reflect the amount of refund that would be due with respect to such summons under the Settlement, and the summons will not be marked dismissed.

In addition, whether or not Respondents' internal STARS database, which maintains the official records concerning the status of the summonses issued by the City of New York, marks the Body Type Summons as dismissed shall depend on the extent that the Settlement Class Member pursued the administrative remedies available and whether the refunds are prorated pursuant to Section 5.1(a) of the Settlement Agreement.

## **5. How do I make a Claim?**

To make a Claim, you must either (1) complete and mail the Claim Form available on the Settlement Website or (2) submit a Claim through the online Claims Portal on the Settlement Website. **Note: Claims must be submitted under penalty of perjury.** The Settlement Website contains information that may enable you to make a Claim through the Website. You may want to check the website before making any written Claim.

Written Claim Forms must be postmarked by **August 9, 2023**. Claims submitted online through the Claims Portal must be received by the Settlement Administrator by 11:59 p.m. Eastern Time on **August 9, 2023**.

Payments will be issued to Approved Claims only if the Court gives final approval to the proposed Settlement. Please be patient.

## **6. When do I get my payment?**

Filing a Claim does not provide a guaranteed payment. If the Court approves the Settlement, then benefit payments will be distributed after the Settlement Administrator has completed its review and audit of all Claim Forms to validate the veracity of the Claims and prevent the payment of invalid Claims. If the Court does not approve the Settlement, no payments will be issued.

## **7. Who are my lawyers and what do Petitioner and their lawyers get?**

The Court has appointed Bragar Egel & Squire, P.C.; Edelstein and Grossman; Glass Harlow & Hogrogian, LLP, and Joan Lebow, P.C., as Class Counsel. You may communicate with counsel by contacting Lawrence Egel, Bragar Egel & Squire, P.C., 810 Seventh Avenue, Suite 620, New York, NY 10019, [www.bespc.com](http://www.bespc.com), (212) 308-5858, [egel@bespc.com](mailto:egel@bespc.com).

To date, Class Counsel has not been compensated for any of their work on the Action since it was filed. As part of the Settlement, Class Counsel may apply to the Court to award them attorneys' fees of no more than thirty-three percent (33%) of the Settlement Fund, (after payment of Administrative Costs) plus reimbursement of reasonable and documented out-of-pocket expenses not to exceed \$300,000. Attorneys' fees and expenses will be paid out of the Settlement Fund, which will be paid by Respondents, as expenses for litigating the case, if approved by the Court. Respondents and Settlement Class Members have the right to oppose this request for attorneys' fees and expenses.

Class Counsel shall file their application for Attorneys' Fees and Expenses, as well as the motion for final approval of the Settlement, at least 21 days before the Objection Deadline. A copy of that application will be available on the Settlement Website. The Court will determine the amount of Attorneys' Fees and Expenses that may be awarded.

## **8. What happens if I do not opt out from the Settlement?**

If you are a Settlement Class Member and you do not opt out from the Settlement, you will be bound by all orders and judgments of the Court, and you also will be bound by the Settlement, including to the Release of claims. In exchange for being a Settlement Class Member and being eligible for the benefits of the Settlement, you will not be able to sue or be part of any other lawsuit against the City of New York or any of the Released Persons that involves the Released Claims.

**You will not be responsible for any out-of-pocket expenses or attorneys' fees concerning this Action if you stay in the Settlement Class.**

Staying in the Settlement Class also means that you agree to the following terms of the Settlement:

Upon the entry of a Final Approval Order and without any further action by the Court or by any Party to the Settlement Agreement, the Settlement Class Members and Petitioner, including any person claiming rights derivative of any Settlement Class Member or Petitioner as their spouse, parent, child, heir, guardian, associate, co-owner, attorney, agent, administrator, executor, predecessor, successor, assignee, representative of any kind, shareholder, partner, director, employee or affiliate, shall be deemed to have, and by operation of the judgment shall have, fully, finally, and forever released, relinquished, and discharged against the Released Persons all Released Claims (including, without limitation, any unknown claims).

Without limiting the foregoing, the Release specifically extends to any claims that the Releasers do not know or suspect to exist in their favor at the time that the Settlement, and the Release contained in the Settlement Agreement, become effective. In connection with such Release, the Releasers acknowledge that they are aware that they may hereafter discover facts in addition to, or different from, those facts that they now know or believe to be true with respect to the subject matter of the Settlement, but that it is their intention to release fully, finally, and forever all Released Claims with respect to the Released Persons, and in furtherance of such intention, the Release of the Released Claims will be and remain in effect notwithstanding the discovery or existence of any such additional or different facts.

The full definitions of Released Claims and Released Persons and a full explanation of the scope of the Release are set forth in the Settlement Agreement, which is available on the Settlement Website.

**9. How do I opt out from the Settlement?**

You may opt out from the Settlement if you want to retain the right to sue Respondents separately for the Released Claims. If you opt out, you may not file a Claim or Objection to the Settlement.

To opt out, you must mail an Opt-Out request to the Settlement Administrator at NYC Tractor Parking Ticket Settlement, c/o Kroll Settlement Administration, P.O. Box 225391, New York, NY 10150-5391. The Opt-Out requests must: (i) be signed by the Settlement Class Member who is requesting exclusion; (ii) include the full name, address, email address, and phone number(s) of the Settlement Class Member requesting exclusion; and (iii) include the following statement: "I request to opt out from the Settlement in the NYC Parking Ticket Class Action." The Opt-Out request must be postmarked by the opt out Deadline, which is **July 19, 2023**.

**10. How do I object to the Settlement?**

You may ask the Court to deny approval of the Settlement by timely filing an Objection with the Court. You may not ask the Court to order a larger Settlement. The Court only will approve or disapprove the Settlement proposed. If the Court denies approval to the entire Settlement, no benefit payments will be made, and the Action will continue. You also may ask the Court to disapprove the requested payments to Petitioner and Class Counsel. Even if you object to the Settlement, the Court may approve it.

If you want to raise an Objection to the Settlement for the Court to consider at the Final Approval Hearing, you must submit that Objection, in writing, by the Objection Deadline, which is **July 19,**

**2023.** You also may file a notice of your intention to appear before the Court at the Final Approval Hearing on or before the Objection Deadline. Any Objection must (1) state whether the objection applies only to you as a member of the Settlement Class, to a specific subset of the Settlement Class, or to the entire Settlement Class; (2) include a statement of your specific objection(s); (3) state the grounds for the objection(s); (4) identify any documents that you want the Court to consider; and (5) state whether you want to present the objection at a hearing on the merits of the Settlement.

Failure to include this information and documentation may mean your objection will not be considered by the Court. The objection including all information listed above must be filed with the Clerk of the Court, delivered by mail, express mail, personal delivery, or electronic filing, so that the Clerk receives the Objection on or before the Objection Deadline, which is **July 19, 2023**.

If you raise an Objection, you also may file notice of your intent to appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. If you fail to submit a notice of intent to appear you will not be permitted to offer testimony or argument at the Final Approval Hearing.

By filing an Objection, you consent to the Court's authority to order you to produce documents or provide testimony before the Final Approval Hearing.

If you file an Objection to the Settlement, you still must submit a Claim on time according to the instructions described above. *See* Question 5.

You also must send a copy of your Objection and any notice of intention to appear before the Court at the Final Approval Hearing to the Settlement Administrator, Class Counsel, and Respondents' Counsel:

**Settlement Class Counsel**

Bragar Egel & Squire, P.C.  
Lawrence Egel  
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Suite 620  
New York, NY 10019  
egel@bespc.com

**Respondents' Counsel**

New York City Law Department  
Attn. Kerri Devine and  
Amy Weinblatt  
100 Church Street  
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**11. When will the Court decide if the Settlement is approved?**

The Court will hold a Final Approval Hearing to consider whether to approve the Settlement. The hearing will be held before the Honorable Lucy Billings **August 23, 2023**, at 10:00 a.m. at 71 Thomas Street, New York, NY 10013. The Court may adjourn or continue the date of the Final Approval Hearing without further notice to Class Members. The hearing is open to the public. Consult the Settlement Website at [www.nyctractorticketsettlement.com](http://www.nyctractorticketsettlement.com) or the Court docket for this Action for updated information on the hearing date, time, and location.

## **12. How do I get more information?**

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You may inspect court documents connected with the Action on the Settlement Website.

Other documents filed in this Action are available by accessing the Court docket. You may contact the Settlement Administrator by calling the toll-free number 833-512-2319, by emailing [info@nyctractorticketsettlement.com](mailto:info@nyctractorticketsettlement.com), through the website [www.nyctractorticketsettlement.com](http://www.nyctractorticketsettlement.com), or by writing to NYC Tractor Parking Ticket Settlement, c/o Kroll Settlement Administration, P.O. Box 225391, New York, NY 10150-5391.