

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KAFELE WALKER, on behalf of himself and
on behalf of all other similarly-situated persons,

Plaintiff,

v.

VLC NOLITA LLC, VLC UNION SQUARE LLC,
VLC UPPER WEST LLC, VLC WEST VILLAGE
LLC, ANDRES MIER Y TERAN, ALFRED MIER
Y TERAN and CARLOS MIER Y TERAN,

Defendants.
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Civil Action No. 12 Civ. 3712 (RJS)

**DECLARATION OF
KAFELE WALKER**

I, Kafele Walker, pursuant to 28 U.S.C. §1746, declare and state as follows:

1. I am the Plaintiff in the above-captioned action. I have personal knowledge of the facts set forth herein and submit this declaration in support of Plaintiff's motion for conditional certification.

2. In or around February 2012, I began working for the corporate Defendants as a Crepe Maker. On May 13, 2012, my employment was terminated.

3. While I was employed, Crepe Makers were not assigned to work exclusively at one of the four Vive La Crepe restaurants. Rather, Crepe Makers were assigned to work at multiple Vive La Crepe locations. I was regularly assigned to work at the Vive La Crepe restaurants located at 189 Columbus Avenue and 300 Bleecker Street.

4. While I was employed, Crepe Makers were paid on an hourly basis. As a Crepe Maker, I was paid \$8.75 per hour.

5. When I first started working for the corporate Defendants, I asked Marco Shalma, the General Manager of all four Vive La Crepe restaurants, if I could be scheduled to work as many hours as possible so I could get paid overtime. In response, Mr. Shalma told me that the corporate Defendants "do not pay overtime."

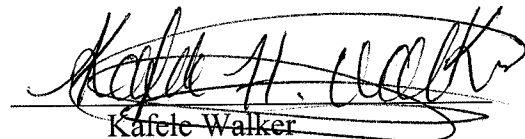
6. Consistent with what Mr. Shalma told me, while I was employed, whenever I worked in excess of forty hours per workweek, I was not paid overtime at a rate of one and one-half times my regular rate of pay for all hours worked in excess of 40 hours per workweek. Instead, I was paid my regular hourly rate for all hours worked in excess of 40 hours per workweek.

7. While I was employed, several other Crepe Makers told me that they too were not paid overtime when they worked in excess of forty hours per workweek. For example, Rogelio Flores, who was also regularly assigned to work at the Vive La Crepe restaurants located at 189 Columbus Avenue and 300 Bleecker Street, Sarai Robles, Kim Tolentino, Saeed Booth, Peter Clarke, Aaron Scouten, Vadim Milter, Jesse Demuth and Keith Whitney all told me that they were not paid overtime when they worked in excess of forty hours per workweek.

8. As far as I know, all of the aforementioned individuals, except for Ms. Robles, still work for the corporate Defendants.

9. I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 7, 2012
New York, New York


Kafete Walker