

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

ROBERT ATKINS,

Plaintiff,

*-against-*

METRONOME EVENTS, INC., d/b/a PROVIDENCE  
NYC, CLUB CRIMSON NYC, ROSCOMMON,  
226 EAST 54<sup>TH</sup> STREET RESTAURANT, INC.,  
d/b/a LEXICON, and ROBERT PEREIRA,

Defendants.

Index No.: 650203/2014

**JUDGMENT**

**WHEREAS**, Plaintiff Robert Atkins commenced this action against his former employers, defendants Metronome Events, Inc., *d/b/a* Providence NYC, Roscommon Enterprises, Inc., *d/b/a* Club Crimson NYC, and 226 East 54<sup>th</sup> Street Restaurant, Inc., *d/b/a* Lexicon (“Defendant Entities”) by filing a summons and verified complaint on January 21, 2014, for unlawfully retaining service charges/automatic gratuities that were intended for the Plaintiff in violation of the New York Labor Law § 196-d, to which defendants filed a verified answer with affirmative defenses (“Action No. 1”); and

**WHEREAS**, pursuant to New York Labor Law § 190(3), Plaintiff Robert Atkins commenced another action against defendant Robert Pereira personally, residing at 126 Clinton Avenue, Montclair, New Jersey 07042, by filing a summons and complaint on May 05, 2016, for unlawfully retaining service charges/automatic gratuities that were intended for the Plaintiff in violation of the New York Labor Law § 196-d, to which defendant Robert Pereira filed an

answer with affirmative defenses on August 14, 2016, (*Robert Atkins v. Robert Pereira*, No. 652441/2016, Sup. Ct., NY County) (“Action No. 2”); and

**WHEREAS**, on June 23, 2017, Action No. 1 and Action No. 2 were consolidated pursuant to an Order by Honorable Eileen A. Rakower; and

**WHEREAS**, the consolidated actions were tried before a jury; and

**WHEREAS**, defendant Entities and defendant Robert Pereira (collectively “Defendants”) appeared at trial by and through their counsels the Rice Law Group and Law Offices of Anthony J. Mamo Jr., PC; and

**WHEREAS**, on March 26, 2018, a jury awarded Plaintiff his underpayment; and

**WHEREAS**, on July 3, 2019, the Court, in its Decision and Order, granted Plaintiff’s post-trial motion awarding Plaintiff the underpayment, liquidated damages, pre-and post-judgment interest, attorney’s fees, costs and disbursements, and all fees and costs pursuant to New York Labor Law § 198;

**WHEREAS**, on August 9, 2019, the Judgment Clerk entered a judgment on the verdict for the amount of \$163,859.58 in favor of Plaintiff against the Defendants and the said judgment was recorded in the County Clerk’s Office the same day; and

**WHEREAS**, the Court, in its July 3, 2019, Decision and Order, severed and referred the issue of the reasonable of attorney’s fees to be recovered against the Defendants to a Special Referee to be heard and determined; and

**WHEREAS**, on August 8, 2019, Special Referee Helen Z. Galette held a hearing to determine reasonable of attorney’s fees to be recovered against the

Defendants, whereby Plaintiff was represented by Jerry Boies, of THE BOIES LAW FIRM, PLLC, and Defendants were represented by James D. Rice, Esq., of THE RICE LAW GROUP, at the said hearing; and

WHEREAS, on September 19, 2019, Special Referee Helen Z. Galette, issued a Decision and Order of reasonable of attorney's fees to be recovered against the Defendants; and

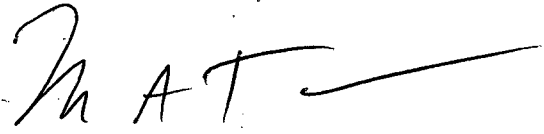
NOW, in accordance with the September 19, 2019, Decision and Order by Special Referee Helen Z. Galette (NYSCEF Doc. No. 177), it is hereby:

ADJUDGED, that Plaintiff recover from and have a judgment against Defendants in the amount of \$ 153,337.50 in attorney's fees, plus disbursements, ~~costs by the Court~~, in the amount of \$3,799.59, altogether totaling \$157, 137.09 and that Plaintiff have execution thereof.

FILED

OCT - 2 2019

COUNTY CLERK'S OFFICE  
NEW YORK



CLERK

ADDRESSES FOR THE DEFENDANTS

<p>ⓑ Metronome Events, Inc. d/b/a Providence NYC 311 W 57th Street New York, NY 10019</p>	<p>ⓒ Roscommon Enterprises, Inc. d/b/a Club Crimson NYC 915 Broadway, New York, NY 10010</p>
<p>ⓓ 226 East 54th Street Restaurant, Inc., d/b/a Lexicon 226 East 54th Street New York, NY 10022</p>	<p>ⓔ Robert Pereira Last Known Address: 126 Clinton Avenue Montclair, New Jersey 07042.</p>

ⓐ 839 Riverside Dr, Apt 3H, NY, NY 10032

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**THE BOIES LAW FIRM, PLLC**  
*ATTORNEYS FOR PLAINTIFFS*  
OFFICE AND POST OFFICE ADDRESS, TELEPHONE  
535 Fifth Avenue, 4<sup>th</sup> Floor  
New York, NY 10017  
(646) 706-2482

Please Take Notice

NOTICE OF ENTRY

that the within is a (*certified*) true copy of duly entered in the office of the clerk  
of the clerk of the within name court on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

NOTICE OF SETTLEMENT

that an order \_\_\_\_\_ of which the within is a true copy will  
be presented for settlement to the HON. \_\_\_\_\_ one of  
the judges of the within named court, at \_\_\_\_\_  
on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ at \_\_\_\_\_ : \_\_\_\_\_ AM \_\_\_\_\_ PM

Dated: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**FILED AND  
DOCKETED**

OCT - 2 2019

AT 4:03 PM  
N.Y., CO. CLK'S OFFICE