

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**JACKSON LEWIS LLP**

One North Broadway, 15<sup>th</sup> Floor

White Plains, New York 10601

(914) 328-0404

Jonathan M. Kozak

Michael A. Jakowsky

*Attorneys for Defendants*

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CASSANDRA GREENE and ELIZABETH GOFF,  
individually and on behalf of all other persons  
similarly situated who were employed by C.B.  
HOLDING CORP. d/b/a CHARLIE BROWN'S  
STEAKHOUSE; CHARLIE BROWN'S  
ACQUISITION CORP.; CHARLIE BROWN'S OF  
COMMACK, LLC; CHARLIE BROWN'S OF  
HOLTSVILLE, LLC; and/or any other entities  
affiliated with or controlled by C.B. HOLDING  
CORP. d/b/a CHARLIE BROWN'S  
STEAKHOUSE; CHARLIE BROWN'S  
ACQUISITION CORP.; CHARLIE BROWN'S OF  
COMMACK, LLC; CHARLIE BROWN'S OF  
HOLTSVILLE, LLC,

Plaintiffs,

-against-

C.B. HOLDING CORP. d/b/a CHARLIE  
BROWN'S STEAKHOUSE; CHARLIE BROWN'S  
ACQUISITION CORP.; CHARLIE BROWN'S OF  
COMMACK, LLC; CHARLIE BROWN'S OF  
HOLTSVILLE, LLC; and/or any other entities  
affiliated with or controlled by C.B. HOLDING  
CORP. d/b/a CHARLIE BROWN'S  
STEAKHOUSE; CHARLIE BROWN'S  
ACQUISITION CORP.; CHARLIE BROWN'S OF  
COMMACK, LLC; CHARLIE BROWN'S OF  
HOLTSVILLE, LLC; and SAMUEL BORGESE,

Defendants.  
-----X

Civ. No. 10 CV 1094 (JBW) (CLP)

**AFFIRMATION OF JONATHAN M. KOZAK, ESQ. IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' "MOTION FOR CONDITIONAL CERTIFICATION AND NOTICE TO THE CLASS" AND "MOTION TO AMEND THE COMPLAINT"**

JONATHAN M. KOZAK, an attorney duly admitted to practice before this Court and the courts of the State of New York, hereby affirms under penalty of perjury that the following statements are true:

1. I am a partner in the law firm of Jackson Lewis LLP, counsel for Defendants, C.B. HOLDING CORP. d/b/a CHARLIE BROWN'S STEAKHOUSE, CHARLIE BROWN'S ACQUISITION CORP., CHARLIE BROWN'S OF COMMACK, LLC, CHARLIE BROWN'S OF HOLTSVILLE, LLC, and SAMUEL BORGESE (collectively referred to herein as "Defendants"), in the above-entitled matter.

2. I am fully familiar with the facts and circumstances contained herein. This Affirmation is submitted in support of Defendants' Opposition to Plaintiffs' Motion for Conditional Certification and Notice to the Class, and Motion to Amend the Complaint.

3. On or about March 10, 2010, Plaintiffs filed a Summons and Complaint in the above entitled matter in the United States District Court for the Eastern District of New York. A true and correct copy of Plaintiffs' Complaint in this action is attached hereto as Exhibit A.

4. On or about April 5, 2010, Defendants filed their Answer to Plaintiffs' Complaint. A true a correct copy of Defendants' Answer is attached hereto as Exhibit B.

5. A true and correct copy of the Affidavit of Craig Godfrey is attached hereto as Exhibit C.

6. A true and correct copy of the Affidavit of Julia Hand, with its accompanying exhibits, is attached hereto as Exhibit D.

7. A true and correct copy of the Affidavit of Samuel Borgese is attached hereto as Exhibit E.

8. True and correct copies of the Affidavits of Larry Fennelly, Angelo Recine, Giovanni Passione, Kea Crowder, Nick Papagiannakas and Timothy Slain are attached hereto as Exhibit F.

9. Defendants' Proposed Notice of Lawsuit and Consent to Join is attached hereto as Exhibit G.

10. Copies of cases cited in the accompanying Memorandum of Law in Opposition to Plaintiffs' Motion for Conditional Certification and Notice to the Class, and Motion to Amend the Complaint reported on LEXIS are attached hereto as Exhibit H.

WHEREFORE, for the reasons set forth in Defendants' accompanying Memorandum of Law, Defendants respectfully request that this Court deny Plaintiffs' motions, and grant such other and further relief as this Court may find to be just and proper.

  
Jonathan M. Kozak

Dated: July 12, 2010  
White Plains, New York

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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CASSANDRA GREENE and ELIZABETH GOFF,  
individually and on behalf of all other persons  
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Defendants.  
-----X

Civ. No. 10 CV 1094 (JBW) (CLP)

**CERTIFICATE OF SERVICE**

I, hereby certify that a true and correct copy of the Affirmation of Jonathan M.  
Kozak, Esq. in Support of Defendants' Opposition To Plaintiff's Motion for Conditional

Certification and Notice to the Class and Motion to Amend the Complaint, with exhibits, was served via ECF and regular U.S. mail, postage pre-paid, on July 12, 2010 upon:

Lloyd R. Ambinder  
Kara Belofsky  
Virginia & Ambinder, LLP  
111 Broadway, Suite 1403  
New York, New York 10006

*Attorneys for Plaintiffs and Putative Class*



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Jonathan M. Kozak