

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 1:14-CV-21244-GOODMAN
[CONSENT CASE]

JASZMANN ESPINOSA, et al.,

Plaintiffs,

v.

FLY LOW, INC., et al.,

Defendants.

NOTICE OF CLASS ACTION

TO: INDIVIDUALS WHO PERFORMED AS EXOTIC DANCERS AT THE KING OF DIAMONDS GENTLEMENS CLUB IN MIAMI, FLORIDA BETWEEN APRIL 9, 2009 AND JULY 17, 2014

You may be a member of the plaintiff class in this class action lawsuit. This lawsuit alleges, in part, that individuals who performed *as exotic dancers* at the King of Diamonds Club in Miami, Florida, were improperly classified as independent contractors and made to pay fees and fines in order to work, in violation of Florida law. The lawsuit involves only exotic dancers and does **not** encompass persons holding other positions at the club.

If you performed as an exotic dancer at the King of Diamonds at any time between April 9, 2009 and July 17, 2014, then you should read this notice carefully because it could affect your legal rights.

THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF THE CLAIMS OR DEFENSES ASSERTED BY EITHER SIDE IN THIS LITIGATION. THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM YOU OF THE LAWSUIT SO THAT YOU CAN MAKE AN INFORMED DECISION ABOUT WHETHER YOU WANT TO PARTICIPATE IN THIS CLASS ACTION LAWSUIT.

Note: Even if you signed an agreement to arbitrate legal claims you may have against King of Diamonds, you may participate in this lawsuit for now, but you may later be required to proceed via arbitration rather than in court.

BACKGROUND OF THE CASE

Jaszmann Espinoza, a former dancer at King of Diamonds ("the Club") started this lawsuit on April 8, 2014. She brought the lawsuit on behalf of all exotic dancers who worked at the Club at any time since April 9, 2009.

The Defendants who are being sued are Fly Low, Inc., formerly doing business as King of Diamonds, MBJG Corporation, Jack E. Galardi, LLC, LVA Management and Consulting, Inc., The JEG Family Trust, Teri Galardi, Individually, and Teri Galardi as Trustee of the JEG Family Trust.

Ms. Espinoza alleges that the Defendants incorrectly classified all of King of Diamonds dancers as "independent contractors" and that, under the law, the dancers are/were employees and were entitled to receive the minimum wage specified under Florida law. Ms. Espinoza also alleges that it was unlawful for the Defendants to make the dancers (who were employees) pay fees, and tip-outs in order to work and to make them pay fines. Ms. Espinoza alleges that Defendants' policies of requiring dancers to pay fees, tip-outs and fines in order to work violated Florida Law. This lawsuit seeks to recover those fees, tip-outs, and fines.

WHY YOU RECEIVED THIS NOTICE

This notice has been sent to you because you have been identified as someone who worked as a dancer at the King of Diamonds at some point between April 8, 2009 and July 19, 2014.

STATUS OF THE CASE

The case has been certified as a class action. However, the Court has not determined whether the Defendants broke the law. The two-week trial in this case is scheduled to commence on **Monday, January 8, 2018 at 9:30 AM.**

ACTIONS THAT YOU CAN TAKE

The Court has certified this case as a class action, which means that all of the dancers' claims under Florida law should be decided together. This means that you are deemed to be a *class member* in this case, and will continue to be a part of this case, *unless* you exercise your right to exclude yourself from the lawsuit on or before [45 DAYS FROM MAILING].

If you want to exclude yourself from this lawsuit, you must write to the lawyers representing the Plaintiff and the class and tell them that you do not want to be part of this lawsuit. If you want to exclude yourself from the lawsuit, then you must send your letter to:

Harlan S. Miller, Esq.
P.O. Box 720023
Atlanta, GA 30328

In the letter, you must state your full legal name and state that you wish to be excluded

from the case of *Espinoza, et al v. Fly Low, Inc, et al*, Case No. 1:14-cv-21244-JG.

If you do not exclude yourself from this lawsuit by [45 DAYS FROM MAILING], then you will be included as a member of this class action case, and the following will apply to you:

- 1) You will be represented by the lawyers at the Miller Legal, P.C. law firm (Harlan S. Miller), and the Law Offices of Dana M. Gallup (Dana M. Gallup).
- 2) You will receive notice of any ruling affecting the size of the class and notice of any proposed settlement or dismissal of class claims or of any judgment rendered by the Court.
- 3) You will be bound by any judgment or final disposition of the class lawsuit, whether that disposition is favorable or unfavorable.
- 4) You will be part of the distribution of any damages recovered in the litigation.

If you elect to remain a class member, then you may be required to participate in the discovery phase of the case; that is, you may be required to provide information, testimony, or records, as reasonably requested by the Defendants. Additionally, if there is no judgment in favor of the class members, then Defendants may request the Court to order the class to reimburse them for their litigation expenses (which do not include attorney's fees).

YOU SHOULD RETAIN ALL RECORDS AND DOCUMENTS PERTAINING TO THE SUBJECT MATTER OF THIS CASE. You do not need to have any documents to be part of this lawsuit. However, if you do have any documents, then do not throw them away.

If you exclude yourself from this case, then the following will apply to you:

- 1) You will not be bound by any judgment in this lawsuit.
- 2) You will not share in the distribution of any judgment in this lawsuit.
- 3) You may pursue your claims against these Defendants on your own. However, you may lose part of all of your claims due to the passage of time.

When deciding whether you want to be excluded, you are advised to consult your own attorney as there are legal issues which require consideration.

NOTICE OF ATTORNEYS OF RECORD

By Order of the Court, the following lawyers are designated as plaintiff class counsel:

Harlan S. Miller
Miller Legal, P.C.
P.O. Box 720023
Atlanta, GA 30328
(404) 988-4554
hmiller@millerlegalpc.com
(CLASS COUNSEL)

Dana M. Gallup
Law Offices of Dana M. Gallup
4000 Hollywood Blvd.
Suite 265
Hollywood, FL 33021
(954) 894-3035
dgallup@gallup-law.com
(LOCAL COUNSEL)

HOW THE LAWYERS WILL BE PAID

If the Plaintiffs prevail, then Class Counsel will ask the Court to award a percentage of the total amount the Defendant(s) agree or are required to pay as attorney's fees and costs of litigation. Class Counsel have agreed to limit the percentage they will ask the Court to award to them as compensation for their services to 30% of all amounts awarded, either by settlement or by final judgment. The Court may award less than Class Counsel have requested. In the event the case proceeds to a final judgment in favor of the Plaintiffs, then at their option, Class Counsel may also seek a separate award of attorney's fees and expenses calculated by the number of hours they have devoted to the case multiplied by a reasonable hourly rate.

CHANGE OF ADDRESS

If after receiving this notice, or if it was incorrectly addressed, or your address changed, then you should supply your correct name and address to the office of Harlan S. Miller, which is listed above. This is important so that future notices will reach you.

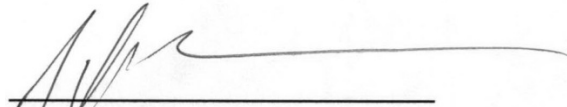
MISCELLANEOUS

The pleadings and all other records of this litigation may be examined and copied any time during regular business hours in the office of the Clerk of the Court. The Clerk's address is:

400 North Miami Avenue
8th Floor South
Miami, FL 33128

IF YOU HAVE ANY QUESTIONS OR CONCERNS, ADDRESS ALL INQUIRIES TO THE ATTORNEYS FOR THE CLASS, WHO ARE NAMED ABOVE. THE COURT AND THE CLERK ARE NOT PERMITTED TO ANSWER LEGAL QUESTIONS.

DATED: February 14, 2017



Jonathan Goodman
UNITED STATES MAGISTRATE JUDGE