


ID#: «CLASSID»   
«FIRSTNAME» «LASTNAME»  
«ADDRESS1» «ADDRESS2»  
«CITY», «STATE» «ZIP» «COUNTRY»

## NOTICE OF CLASS ACTION

If you are or were an exotic dancer  
who performed at Déjà vu of North Hollywood  
a class action lawsuit may affect your rights.

*A court has authorized this notice.*

- Three dancers (“Plaintiffs”) who formerly performed at Déjà vu of North Hollywood (“Déjà vu”) have filed suit against Déjà vu. They allege that Déjà vu misclassified dancers as “independent contractors” rather than “employees”. They are seeking to have dancers classified as employees entitled to compensation for minimum wage, overtime, meal breaks, reimbursement of dance fees (which they claim are “tips”), penalties, interest, and attorney fees.
- The lawsuit is known as Melissa Arfat vs. Déjà vu of North Hollywood, Los Angeles Superior Court Case No. BC367362. It was filed in the Los Angeles Superior Court and has been assigned to Judge Rex Heeseman for all purposes. The Judge has ordered the lawsuit certified as a class action on behalf of all persons who danced at Déjà vu from March 5, 2003 to the present.
- Déjà vu denies any wrongdoing. Déjà vu has asserted various defenses and has filed a Cross Complaint against the dancers seeking an offset or credit for the dance fees the dancers received under the contract if the dancers are found to be employees entitled to damages. Déjà vu is seeking to have this off set or credit be applied against any award of wages found to be due to the dancers.
- The Court has not decided whether the Plaintiffs’ claims are valid nor has it decided whether Déjà vu did anything wrong or whether Déjà vu would be entitled to an offset or credit. There is no money available now, and no guarantee there will be. **However, your legal rights are affected, and you have a choice to make now:**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing,, you STAY IN THIS LAWSUIT and keep the possibility of getting money or benefits that may come from an award or a settlement. But, you give up any rights to sue separately about the same legal claims in this lawsuit.</p>
<b>ASK TO BE EXCLUDED</b>	<p><b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b></p> <p>If you ASK TO BE EXCLUDED (LET OUT OF THIS LAWSUIT) and money or benefits are later awarded, you won't share in those. But, you keep any rights to sue separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this notice. To ask to be excluded (let out of the lawsuit), you must complete and mail in the attached pre-addressed and postage paid "Exclusion Form". This form must be postmarked before **FEBRUARY 27, 2010**.
- The Plaintiffs' lawyers must prove the claims against Déjà vu at a trial to be set in the future. If it is determined that dancers should have been classified as employees and money or benefits are awarded as a result, you will be notified about how to ask for a share.

### BASIC INFORMATION

1. Why did I get this notice?

The Court ordered Déjà vu to provide a list of the names and addresses of all dancers who performed at Déjà vu under a contract between March 5, 2003 and the present. Your name and address was obtained from that list, and this notice is to inform you about the lawsuit, as it relates to all dancers who performed at Déjà vu during that time period. This notice explains that the Court has certified a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a hearing to decide whether the claims against and by Déjà vu are correct.

2. What is this lawsuit about?

This case was originally filed by Plaintiff Melissa Arfat who performed as an exotic dancer at Déjà vu. Two other dancers, Brandi Carter and Victoria Omlor have joined the lawsuit. These Plaintiffs' lawsuit claims that Déjà vu misclassified exotic dancers as independent contractors rather than employees. This lawsuit seeks to have dancers classified as employees entitled to compensation for minimum wage, overtime, meal breaks, dance fees, penalties, interest, and attorney fees.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case Melissa Arfat, Brandi Carter and Victoria Omlor) are appointed to represent all similarly situated dancers to sue Déjà vu. The dancers together are "Class Members." The company they sued (Déjà vu) is called the Defendant. A trial will be held, unless there is a settlement, to resolve the issues for everyone in the Class *except* for those people who choose to exclude themselves ("opt out") from the Class.

4. Why is this lawsuit a class action?

The Judge decided that this lawsuit can be a class action and move towards a trial because it meets the legal requirements which govern class actions in this setting. Specifically, the Court found that:

- There are approximately 600 dancers who performed at Déjà vu during the class period;
- There are legal questions and facts that are common to each of them;
- The Plaintiffs' claims are typical of the claims of the rest of the Class;
- Melissa Arfat, Brandi Carter and Victoria Omlor, and the lawyers representing the Class will adequately represent the interests of all dancers in the class;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

#### THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, Plaintiffs contend that Déjà vu misclassified dancers as independent contractors rather than as employees. Plaintiffs are seeking to have dancers classified as “employees” entitled to minimum wage, overtime, meal breaks, dance fees, penalties, interest, and attorney fees.

6. How did Déjà vu respond to the lawsuit?

Déjà vu denies that it did anything wrong. It claims that dancers are properly classified as independent contractors, not employees. Déjà vu also filed a Cross Complaint seeking a credit or offset of dance fees earned under the contract against any wages found to be due the dancers, claiming it would be unjust for dancers to receive both wages and dance fees earned under their contract with Déjà vu. Déjà vu seeks this remedy only in the event there is a finding that dancers were “employees” who should have been paid minimum wages. The Plaintiffs contest defendant's position, claiming that the dance fees are tips and thus not wages. Plaintiffs contend that since dance fees are tips, and not wages, Déjà vu has no right to offset or set off dance fees from wages otherwise due to Class Members in connection with any judgment entered in this case.

7. Has the Court decided who is right?

There has been no finding on whether Plaintiffs or Déjà vu is correct. By establishing the Class and issuing this Notice, the Judge is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial to be scheduled in the future.

8. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Déjà vu did anything wrong, or whether Déjà vu will be entitled to credit for monies paid the dancers under the contracts, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share if you are a member of the Class and do not opt out of the Class.

#### WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

9. Am I part of this Class?

The definition of the class is: all dancers who performed at Déjà vu at any time between March 5, 2003 and the present.

10. Which dancers are included?

You fall within this definition if you performed at Déjà vu at any time between March 5, 2003 and the present.

11. Do I need to retain any records?

Yes. You should retain all records and documents pertaining to your work as an exotic dancer at Déjà vu, including as examples any schedules, calendars, daily diary, contracts, receipts for monies, offers of employment or any other document relating to your work at Déjà vu.

### YOUR RIGHTS AND OPTIONS

**YOU MUST DECIDE whether to stay in the Class or ask to be excluded, and you have to decide this NOW.**

12. What happens if I do nothing at all?

BY DOING NOTHING YOU REMAIN IN THE LAWSUIT. If you stay in the lawsuit and the Plaintiffs obtain a ruling that dancers should be classified as employees and there are resulting money damages awarded, either as a result of the hearing or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue Déjà vu about the same legal claims that are the subject of this lawsuit. You also may be required to account for and offset any dance fees you received for performing at Déjà vu against any money damages that may be awarded. You will also be legally bound by all of the Orders and Judgments of the Court in this class action.

13. Why would I ask to be excluded (let out) of this Lawsuit?

One reason would be if you already have your own lawsuit against Déjà vu and want to continue with it, or want to sue Déjà vu on your own, then you need to ask to be excluded (let out) from the lawsuit. Another reason would be that you do not agree with the goals of the lawsuit (requiring dancers to be employees rather than independent contractors), or you do not want the Plaintiffs or the appointed lawyers representing you or your interests.

However, if you exclude yourself from the Class – which means removing yourself from the Class or “opting-out” of the Class – you won’t get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement, and you also will not be legally bound by any Orders or Judgments in this class action.

14. How do I ask the Court to exclude me or let me “opt out” from the lawsuit?

TO BE EXCLUDED FROM THIS LAWSUIT, you must complete and mail the “Exclusion Request” stating that you want to be excluded (to “opt out”). Be sure to include your name and address, and sign the Exclusion Request. It is already addressed and has the postage prepaid. To be effective, a signed Exclusion Request must be mailed no later than February 27, 2010. If you do not sign and mail this “Exclusion Request”, you will remain in this lawsuit.

*If you wish to remain in the Class and obtain the potential benefits of this Class Action, you do not need to do anything. You only need to complete and mail the “Exclusion Request” if you do not want to be included in the Class Action.*

### THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, if you remain in the lawsuit you will be a member of the Class, and the Court has agreed that the class will be represented by Stephen M. Harris, KNAPP, PETERSEN & CLARKE, 550 N. Brand Boulevard, Suite 1500, Glendale, CA 91203, Michael S. Duberchin, P. O. Box 8806, Calabasas, CA 91372, Robert L. Starr, 23277 Ventura Boulevard, Woodland Hills, CA 91364. These firms are “Class Counsel”.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel has been appointed to represent you. However, if you prefer, you may hire your own lawyer. You can ask him or her to appear for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

If Class Counsel obtains a ruling that includes money or benefits for the Class, they will ask the Court to award fees and expenses. You won’t have to pay these fees and expenses if the Court awards them. If the Court awards fees and expenses, those amounts would be either deducted from any money obtained for the Class or demanded separately from Déjà vu.

### THE HEARING

There has been no hearing or trial set yet to decide who is right in this case.

18. How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, the Plaintiffs and their Counsel will have to prove their claims at a trial and Déjà vu will have to prove its cross complaint. During the trial, the Court and jury will hear all of the evidence to help reach a decision about whether the Plaintiffs or Déjà vu are right about the claims in this lawsuit. There are no guarantees concerning who will win, or whether any money will be awarded to the Class.

19. Notice of Change of Address

If you move after receiving this notice or if it was misaddressed, you should send your new or corrected address to:

Déjà vu Claims Administrator  
c/o Desmond, Marcello & Amster  
P.O. Box 451999  
Los Angeles, CA 90045

20. Will I get money after the hearing?

If the Plaintiffs obtain money or benefits as a result of the hearing or a settlement, you will be notified about how to participate. We do not know how long this will take.

**GETTING MORE INFORMATION**

21. Are more details available?

You may look at and copy any records or pleadings in the Court's file at the Los Angeles Superior Court during regular business hours. The case name and number is: Melissa Arfat vs. Déjà vu of North Hollywood, Los Angeles Superior Court Case No. BC367362.

Dated: January 8, 2010