

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**PATRICE RUFFIN,**

*On Behalf of Herself and  
All Others Similarly Situated*

**Plaintiffs,**

**v.**

**ENTERTAINMENT OF THE EASTERN  
PANHANDLE d/b/a LEGZ CLUBS, et al.**

**Defendants.**

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**Case No.: 3:11-cv-0019**

**NOTICE OF CLASS ACTION**

**TO: INDIVIDUALS WHO PERFORMED AS EXOTIC DANCERS AT LEGZ GOLD CLUB, LEGZ GOLD CLUB II OR LEGZ MORGANTOWN, INC.**

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 Legz Gold Club II in Martinsburg, WV, the Legz Gold Club in Ridgeley, WV or the Legz Morgantown Club were improperly classified as independent contractors and made to pay fees and fines in order to work, in violation of West Virginia state law.

If you are a current or former exotic dancer at any of the three Legz clubs, 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 ANY 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.

**BACKGROUND OF THE CASE**

Patrice Ruffin, a former dancer at a Legz Club, started this lawsuit in March, 2011. She brought the lawsuit on behalf of herself and on behalf of all former exotic dancers who worked at of the Legz clubs in Martinsburg, WV, Ridegely, WV or Morgantown, WV at any time since

March 8, 2006.

The Defendants who are being sued are Entertainment of the Eastern Panhandle, Inc. d/b/a The Legz Clubs, The Legz Club, Inc., Legz Morgantown, Inc. and Troy W. Erickson, who owned and operated the three Legz clubs.

Ms. Ruffin alleges that the Defendants incorrectly classified all of the dancers at their clubs as "independent contractors" and that, under the law, the dancers are employees. Ms. Ruffin alleges that, as employees, it is unlawful for the Defendants to make the dancers pay fees in order to work and to make them pay fines. Ms. Ruffin alleges that Defendants' policies of requiring dancers to pay fees and fines in order to work violated the West Virginia Wage Payment and Collection Act (WPCA).

This lawsuit seeks to recover the fees and fines paid to the Defendants by dancers, plus three times the fees as statutory damages, for all eligible dancers who worked at any of the three Legz clubs.

#### **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 one or more the Legz clubs at some time since March 8, 2006.

#### **STATUS OF THE CASE**

This case has been certified as a class action. However, the Court has not determined whether the Defendants broke the law. The trial of this case is currently scheduled to begin on September 25, 2012, at the Federal Courthouse in Martinsburg, West Virginia.

#### **ACTIONS THAT YOU MAY TAKE**

The Court has certified this case as a class action, which means that all of the dancers' claims under West Virginia law should be decided together. This means that you are deemed to be a *class member* in this case, and will continue to be 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 you do not want to be part of this lawsuit. If you want to exclude yourself from the lawsuit, you must send your letter to:

Garry G. Geffert  
P.O. Box 2281  
Martinsburg, WV 25402

In the letter, you must state your full legal name and state that you wish to be excluded from the case of Ruffin, et al. V. Entertainment of the Eastern Panhandle, et al., Case No. 3:11-cv-0019.

If you do not exclude yourself from this lawsuit by [45 DAYS FROM MAILING], 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 Zipin Law Firm, Garry G. Geffert, Attorney at Law, and lawyers at Nichols Kaster, PLLP.
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.

**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, do not throw them away.

*If you exclude yourself from this case, 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 damages recovered for the class members in this lawsuit.
3. You may pursue your claims against these Defendants on your own. However, you may lose part or all of your claims due to the passage of time

When deciding whether you want to be excluded from the WPCA class claims, 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:

Gregg C. Greenberg  
The Zipin Law Firm, LLC  
8403 Colesville Road, No. 610  
Silver Spring, MD 20910

Garry G. Geffert  
114 S. Maple Avenue  
P.O. Box 2281  
Martinsburg, WV 25402

(301) 587-9373  
Email: [ggreenberg@ziplaw.com](mailto:ggreenberg@ziplaw.com)

(304) 262-4436  
Email: [geffert@wvdsi.net](mailto:geffert@wvdsi.net)

### CHANGE OF ADDRESS

If you move after receiving this notice, or if it was incorrectly addressed, you should supply your correct name and address to the office Garry G. Geffert, which is listed above. This is important so that future notices will reach you.

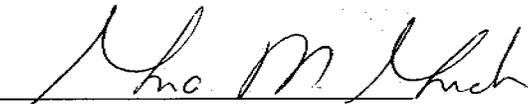
### MISCELLANEOUS

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

Ms. Cheryl Dean Riley, Clerk  
U.S. District Court  
P.O. Box 2958  
225 West King Street  
Martinsburg, WV 25401

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: Nov. 9, 2012

  
UNITED STATES DISTRICT COURT JUDGE