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*Attorneys for Plaintiff and the Class (additional counsel listed on signature page)*

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ALEXANDRIA PASSE, on behalf of herself and others similarly situated,	:	COURT OF COMMON PLEAS
	:	DELAWARE COUNTY
	:	
Plaintiff,	:	CASE ID: 2016-10362
v.	:	
	:	CLASS ACTION
500 JANSEN, INC. (d/b/a “Lou Turk’s”) and CHRISTOPHER L. SADDIC,	:	NON-JURY TRIAL
	:	
Defendants.	:	

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**PLAINTIFF’S MOTION FOR APPROVAL OF THE  
PROPOSED CLASS ACTION NOTICE AND NOTIFICATION PROCESS**

Plaintiff Alexandria Passe (“Plaintiff”) respectfully moves, pursuant to Rule 1712 of the Pennsylvania Rules of Civil Procedure, for entry of an Order in the form proposed herein, approving the attached “NOTICE OF CLASS ACTION LAWSUIT” (the “Notice”) and proposed notification process. This motion should be granted based on the following:

1. On April 27, 2017, the Court issued an order certifying the following Class pursuant to Pennsylvania Rules of Civil Procedure 1702 and 1710: All individuals who, during any time since March 16, 2013, worked as Dancers at Defendants’ “Lou Turk’s” adult entertainment club located at 500 Powhattan Avenue in Essington, Pennsylvania.
2. The Court’s April 27th certification order also directed the parties to “jointly submit a proposed Notice of Action, pursuant to Pennsylvania Rule of Civil Procedure 1712, within fourteen (14) days of the entry of this Order.”

3. On May 5, 2017, Class Counsel sent the draft Notice attached as Exhibit A to counsel for Defendants for review and feedback in accordance with the Court's April 27th certification order. This Notice is based upon similar class action notices that have been approved by other Pennsylvania Courts of Common Pleas in which the undersigned has been appointed class counsel. The Notice also included a proposed deadline of sixty (60) days for Class Members to submit requests for exclusion from the Class.

4. On May 10, 2017, the undersigned counsel spoke with Attorney Thomas A. Musi for Defendants. During this telephone conversation, Attorney Musi confirmed that he had received the draft Notice, but stated that Defendants would not be providing any feedback on its proposed language. As a result of Defendants' refusal to provide feedback, Class Counsel is unable to "jointly submit a proposed Notice of Action" in accordance with the Court's April 27th certification order.

**WHEREFORE**, Plaintiff respectfully requests that this motion be granted and that the court sign and enter the accompanying proposed order.

Date: May 11, 2016

Respectfully submitted,



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Telephone: (212) 245-1000

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies subject to the penalty of perjury that, on this date, the attached documents were served on the Defendants by delivering same to Defendants' counsel via first hand delivery:

Thomas A. Musi, Esq.  
Musi, Malone & Daubenberger, L.L.P.  
21 West Third Street  
Media, PA 19063

Date: May 11, 2017



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WINEBRAKE & SANTILLO, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025  
Phone: (215) 884-2491

# Exhibit A

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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ALEXANDRIA PASSE, on behalf of herself and others similarly situated,	:	
	:	CASE ID: 2016-10362
	:	
Plaintiff,	:	CLASS ACTION
	:	
v.	:	Honorable Charles B. Burr, II
	:	
500 JANSEN, INC. (d/b/a “Lou Turk’s”) and CHRISTOPHER L. SADDIC,	:	
	:	
	:	
Defendants.	:	

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**NOTICE OF CLASS ACTION LAWSUIT**

**IF YOU RECEIVED THIS NOTICE IN THE MAIL IN AN ENVELOPE ADDRESSED TO YOU, YOU ARE A MEMBER OF THE CLASS COVERED BY THE ABOVE-CAPTIONED CLASS ACTION LAWSUIT.**

**THE DELAWARE COUNTY COURT OF COMMON PLEAS HAS AUTHORIZED THIS NOTICE, WHICH DESCRIBES THE LAWSUIT AND INFORMS YOU OF THE STEPS YOU MUST TAKE IF YOU WISH TO EXCLUDE YOURSELF FROM THE LAWSUIT.**

**PLEASE READ THIS DOCUMENT CAREFULLY.**

<b>1. Why did I get this notice?</b>
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In March 2016, Plaintiff Alexandria Passe (“Plaintiff”) started this lawsuit against Defendants 500 Jansen, Inc. (d/b/a “Lou Turk’s”) and Christopher L. Saddic (collectively “Defendants”), which own and operate the Lou Turk’s adult entertainment club located in Essington, Pennsylvania (“Club”). The lawsuit is pending in the Delaware County Court of Common Pleas (“Court”).

The lawsuit alleges that the Defendants violated Pennsylvania wage and hour laws by failing to pay Dancers minimum wages for each hour worked at the Club and by making various deductions to the compensation Dancers received for performing at the Club through mandatory fees and fines. The lawsuit seeks to recover unpaid minimum wages and the reimbursement of the deductions from their compensation.

In April 2017, the Court entered an Order certifying this Lawsuit as a class action and allowing the Lawsuit to proceed on behalf of the following:

All individuals who, during any time since March 16, 2013, worked as Dancers at Defendants’ “Lou Turk’s” adult entertainment club located at 500 Powhattan Avenue in Essington, Pennsylvania.

The above individuals are referred to as the “**Class Members.**”

**You are receiving this notice because, according to the Defendants’ records, you are a Class Member covered by the Lawsuit because you worked as a Dancer at the Club during the relevant time period.**

As a Class Member, you have a right to obtain information about the Lawsuit and, if you so choose, to exclude yourself from the Lawsuit.

**2. What is the Lawsuit about?**

Employees working in Pennsylvania are generally are entitled to minimum wages of \$7.25 for each hour worked. Pennsylvania employers are also generally prohibited from making deductions from the compensation of their employees.

In this lawsuit, Plaintiff alleges that she and other Dancers at the Club were “employees” of Defendants under Pennsylvania law based on the nature of their work relationship with Defendants. As a result, Defendants violated Pennsylvania wage and hour law by having a uniform practice of: (i) not paying Dancers any compensation for performing at the Club; and (ii) making various deductions to the compensation that Dancers receive from Club patrons through mandatory fees and fines.

Defendants deny that they violated the law. According to the Defendants, these practices are legal because Dancers at the Club are not “employees” who are entitled to the protections of Pennsylvania wage and hour law.

**3. Have Plaintiff and the Class Members Already Won this Lawsuit?**

*No.* So far, the Court only has decided that the Lawsuit can proceed as a class action on behalf of Plaintiff and the Class Members. The Court has not yet ruled on the underlying merits of Plaintiff’s legal claim that Defendants violated Pennsylvania wage and hour law by failing to pay Class Members minimum wages and making improper deductions to their compensation.

**4. Who will serve as the Class Members’ lawyer?**

The Court has designated the law firms of Winebrake & Santillo, LLC and Saltz, Mongeluzzi, Barrett & Bendesky, P.C. to serve as “Class Counsel” and to represent the interests of Plaintiff and the Class Members in this case.

If you have questions or would like additional information, you can contact: Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025 (Phone: 215-884-2491; Website: [www.winebrakelaw.com](http://www.winebrakelaw.com)).

These firms represent your legal interests and are available to answer your questions in strict confidence. If you call, please identify yourself as a “Class Member” in the “Lou Turk’s Lawsuit” and ask to speak with one of the attorneys working on the Lawsuit.

## **5. How can I participate in the Lawsuit?**

If you received this notice in an envelope addressed to you, then you are a Class Member. If you have any questions about your status as a Class Member, please call the law firm identified in Section 4.

*As a Class Member, you do not need to do anything to participate in the Lawsuit.*

If you do nothing, you will remain a Class Member and your right to obtain a recovery from Defendants will be determined by the outcome of the Lawsuit (whether favorable or unfavorable) or by any settlement of the Lawsuit.

## **6. How do I exclude myself from the Lawsuit?**

You are not required to remain a Class Member. If you do not want to participate in the Lawsuit, you must prepare a letter simply stating that you want to be “excluded from the *Passe v. 500 Jansen, Inc.* Class Action Lawsuit.” Please send this letter to:

Lou Turk’s Class Action Lawsuit  
Winebrake & Santillo, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025

Your letter must include your name, address, and phone number. Be sure to write clearly, and be sure to sign the letter.

*In order to be valid, your exclusion letter must be postmarked on or before [insert date sixty (60) days after mailing].*

Class Counsel will ensure that all exclusion letters are properly filed with the Court.

If you exclude yourself from the Lawsuit, you will not be bound by the outcome of the Lawsuit (whether favorable or unfavorable) or any settlement of the Lawsuit.

If you exclude yourself from the Lawsuit, you will be free to retain your own lawyer and, if you choose, bring your own individual lawsuit against the Defendants.

## **7. How do the lawyers representing Plaintiff and the Class Members get paid?**

You are *not* personally responsible for paying any fees to the lawyers representing Plaintiff and the Class Members.

If Plaintiff and the Class Members win or settle the Lawsuit, the lawyers identified in Section 4 will ask the Court to either require the Defendants to pay their legal fees/expenses or allow them to recover their legal fees/expenses as a percentage of the Class Members’ total recovery. Any payments to the lawyers must be approved by the Court as fair and reasonable.



If Plaintiff and the Class Members lose the Lawsuit, the lawyers will not be paid any fees or expenses.

**8. How do I obtain more information?**

You can obtain more information by calling or writing the law firm identified in Section 4.

Date: *[insert approval date]*

Approved as to Form: Honorable Charles B. Burr, II  
Delaware County Court of Common Pleas