

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

BENJAMIN LOPEZ and SUSANA RINOZA,
individually and on behalf of other members of the general
public similarly situated,

Plaintiffs,

vs.

LUCKY CHANCES, INC., a California Corporation,
RENE MEDINA; ROMMEL MEDINA, RUELL
MEDINA; and Does 1 through 50,

Defendants.

Case No.: CIV 486493

NOTICE OF PENDENCY OF CLASS ACTION

TO: ALL ASIAN GAMES REFEREES EMPLOYED AT LUCKY CHANCES CASINO IN COLMA, CALIFORNIA AT ANY TIME DURING THE PERIOD AUGUST 3, 2005 THROUGH DECEMBER 31, 2009.

- **THIS IS NOT A SOLICITATION. THIS IS A COURT ORDERED NOTICE FROM THE SUPERIOR COURT OF CALIFORNIA, SAN MATEO COUNTY.**
- **PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY LITIGATION PENDING IN THE ABOVE ENTITLED COURT.**

YOU ARE HEREBY NOTIFIED that the Superior Court of the State of California for the County of San Mateo has certified a class (the "Certified Class") consisting of all persons who at any time from August 3, 2005 to December 31, 2009, were employed at Lucky Chances Casino in Colma, California as "Asian Game Referees" by Defendant Lucky Chances, Inc. ("Lucky Chances").

The Superior Court has appointed named Plaintiffs Benjamin Lopez and Susana Rinoza as Class Representative Plaintiffs. They, on behalf of themselves and the Certified Class, allege that, during the period covered by this lawsuit, Lucky Chances and the other named Defendants required Asian Games Referees to distribute tips that they received from customers to Defendants, supervisors, and other Lucky Chances employees, in violation of California law. Plaintiffs contend that this requirement constituted wrongful conversion of the Referees' property and was an unlawful and unfair business practice under California Business and Professions Code section 17200. Plaintiffs also allege that Lucky Chances, Inc. wrongfully discharged Asian Games Referees in retaliation for the filing of this lawsuit by eliminating the Asian Games Referee job position at the end of December 2009. Finally, Plaintiffs allege that Lucky Chances, Inc. failed to reimburse Asian Games Referees for costs that they incurred in obtaining, renewing, and replacing cardroom work permit badges.

Lucky Chances and the other named Defendants deny any liability to Plaintiffs, or any wrongdoing whatsoever. Rene Medina, Rommel Medina, and Ruell Medina were never Plaintiffs' employers. Specifically, Lucky Chances and the other named Defendants contend that Asian Games Referees voluntarily decided whether and with whom to share portions of their tips received from customers, and that Lucky Chances and the other named Defendants never required Asian Games Referees to share their customer tips with anyone. Lucky Chances also contends that it lawfully eliminated the Asian Games Referee job position in December 2009 as the result of a necessary and legitimate business decision to restructure the Asian Games area of the Casino, and that Lucky Chances offered all Asian Games Referees the opportunity to apply internally for other open job positions. Finally, Lucky Chances contends that the law does not require it to reimburse Asian Games Referees for the expenses they incurred in obtaining cardroom work permits because the City of Colma, and not Lucky Chances, requires that all cardroom employees have a permit to work at the casino.

There has been no determination of the merits of Plaintiffs' claims or Lucky Chances' defenses.

This Notice is provided for the purpose of informing you of the pendency of the Litigation and the certification of a class of which you may be a member and from which you have the right to be excluded.

Pursuant to a hearing held on September 23, 2011, the Court has ordered that the Litigation may proceed as a class action for all purposes. The class certified by the Court consists of:

ALL ASIAN GAMES REFEREES EMPLOYED BY DEFENDANTS AT LUCKY CHANCES CASINO
ANY TIME FROM AUGUST 3, 2005 TO DECEMBER 31, 2009.

The Court also certified a subclass of Asian Games Referees who may have a claim for wrongful discharge as a result of Lucky Chances' decision to eliminate the Asian Games Referee job position at the end of December 2009. This subclass consists of:

ALL ASIAN GAMES REFEREES EMPLOYED BY DEFENDANTS AT LUCKY CHANCES CASINO
AS OF DECEMBER 31, 2009.

THE COURT HAS NOT RULED ON ANY OF THE CONTENTIONS OF THE PARTIES. THIS NOTICE IS NOT TO BE UNDERSTOOD AS AN EXPRESSION OF ANY OPINION OF THE COURT AS TO THE MERITS OF ANY OF THE CLAIMS OR DEFENSES ASSERTED BY ANY PARTY.

If you are, and desire to remain, a Member of the Certified Class, you do not need to do anything at this time. Your rights will be represented by the Court-appointed Class Counsel for the Certified Class:

David Borgen	Andrew Kopel
Laura L. Ho	Law Office of Andrew Kopel
Sarah K. Webb	P.O. Box 1613
Goldstein, Demchak, Baller, Borgen & Dardarian	San Ramon, CA 94583
300 Lakeside Drive, Suite 1000	(650) 515-0171
Oakland, CA 94612	
(510) 763-9800	

Members of the Certified Class will not be personally responsible for any attorney's fees or costs of Litigation unless they retain their own counsel, in which event such Class Member will be responsible for his or her own attorney's fees and costs. Members of the Certified Class will be bound by any class action judgments entered in this action.

You may be excluded from the Certified Class upon delivery of a letter specifically announcing your Request to be excluded from the Certified Class to Class Counsel at the addresses above. Your letter must clearly state that you want to be excluded from the Certified Class, and must include your full name, any name you previously used at Lucky Chances, and the last four digits of your Social Security number. An exclusion request will not be deemed timely and you will not be excluded from the Certified Class unless the request is actually postmarked on or before February 10, 2012. If you validly and timely request exclusion from the Certified Class, you will be excluded from the Certified Class and you will not be bound by any class action judgments entered in this Litigation.

Lucky Chances and the other named Defendants will not take any adverse employment action, or otherwise retaliate against you for remaining in the settlement or asking to be excluded from the settlement. You may direct any questions you may have concerning the matter contained in this Notice to Class Counsel at the address and telephone numbers noted above.

If you choose to stay in the Certified Class and do not send a letter asking to be excluded, you do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want to hire your own lawyer, you have the ability to do that. For example, you could hire your own lawyer and ask him or her to appear in Court for you if you want someone other than Class Counsel to represent and speak for you.

The purpose of this Notice is solely to advise you of the pendency of this action. At the present time there have been no settlements or judgments entered against any party. As a result, there is no money or other things of value to be distributed at this time. You need not make any claim at this time. In the event of any such judgments or settlements, you may receive subsequent notice as may be determined by the Court.

The pleadings and other records in this Litigation may be examined and copied during the regular hours of the Court between 8:00 a.m. and 4:00 p.m., in the Civil Records Dept., at the Hall of Justice, 400 County Center, Redwood City, CA 94063. A copy of this Notice and other relevant documents in this case can also be found at http://www.gdblegal.com/Cases/Current_Cases/Wage_Hour/Lucky_Chances.aspx.

PLEASE DO NOT TELEPHONE THE COURT OR THE OFFICE OF THE CLERK.

BY ORDER OF THE SAN MATEO SUPERIOR COURT

Dated: December 20, 2011

/s/ V. Raymond Swope

HONORABLE V. RAYMOND SWOPE