

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

**LENELL TIMBERLAKE v. FUSIONE, INC., dba UNICI CASA and
SOCIETY UNICI, Case No. BC616783**

NOTICE OF PENDENCY OF CLASS ACTION

To: All males who paid to attend events promoted by Fusione, Inc. from April 13, 2015 to the present:

The California Superior Court for the County of Los Angeles has authorized this notice. This is not a solicitation from a lawyer.

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS MAY BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THE COURT.

The purpose of this notice is to inform you of a class action lawsuit now pending before Los Angeles County Superior Court (the "Court") under the above caption (the "Action") brought by Lenell Timberlake (the "Plaintiff") against Fusione, Inc. (the "Defendant"), doing business as Unici Casa and Society Unici. This notice is intended only to advise you of the pendency of the action and your rights with respect to the action.

YOU ARE HEREBY NOTIFIED under California Rules of Court, rule 3.766 and order of the court of the pendency of the action as a class action.

You received this notice because you are a potential class member. If you are a member of the class as defined in Paragraph 1 below, your rights may be affected by this action. If you are a class member, *you do not need to do anything at this time*. If you do not meet the class definition, this notice does not apply to you. If you are uncertain as to whether you are a member of the class, contact JND Legal Administration, class counsel listed in paragraph 14 below, or consult your own attorney. **DO NOT CONTACT THE COURT.**

This notice is not an admission by Defendant or an expression of any opinion by the court concerning the merits of the action, or a finding by the court that the claims asserted in the action by Plaintiff are valid. Defendant has denied Plaintiff's claims and maintains it is not liable for the damages alleged by Plaintiff. The class definition may be subject to change by the court.

THE CLASS

1. The court has entered an order certifying the action as a class action on behalf of a class of: "All males who paid to attend events promoted by FUSIONE, INC. from April 13, 2015, to the present time at which differing prices of admission were offered to males and females."

DESCRIPTION AND STATUS OF THIS ACTION

2. Plaintiff is the court-appointed class representative. Defendant is a California Corporation that does business as Unici Casa and Society Unici.

3. Plaintiff's First Amended Class Action Complaint alleges that Defendant violated the Gender Tax Repeal Act of 1985 (Civ. Code, § 51.6, subd. (b)), the Unruh Act (Civ. Code, § 51.5, subd. (a)), and committed an unfair business practice (Bus. & Prof. Code, § 17200, et. seq.) by charging paying male customers more than females to attend its parties at the venue known as "Unici Casa" in Culver City, California. Plaintiff alleges that the practice has been ongoing since April 13, 2015.

4. Defendant has denied and continues to deny any wrongdoing in this action and believes that Plaintiff's claims are without merit. Defendant maintains that it did not discriminate against male paying customers.

5. The court has not yet ruled on the merits of Plaintiff's claims or Defendant's defenses. The court granted Plaintiff's motion for class certification on April 24, 2018, determined that this action may be maintained as a class action, and appointed Plaintiff as class representative.

6. No judgment has been entered or settlement reached at this time. If a settlement of this action is reached, it will be subject to approval by the court. Class members will be sent additional notice of any proposed settlement that the court may approve, and class members who have not previously excluded themselves will have an opportunity to object to the terms of the proposed settlement and may be required to submit a claim form to demonstrate their entitlement to any payment. Similarly, the court may direct further notice to the class following any judgment that may be entered after the trial of this action or for any other reason that the court may determine.

YOUR RIGHTS AS A CLASS MEMBER

7. If you are male and paid to attend a party hosted by Defendant between April 13, 2015, and the present, you may be a class member. If you choose to remain a class member, **you do not need to do anything at this time**. You will automatically be included in the class unless you request exclusion under the procedure stated in Paragraphs 12 and 13 below.

8. As a class member, you will be bound by all orders and judgments in this action, whether favorable or unfavorable. If any money is awarded to the class, either through a settlement with Defendant or a judgement of the court, you may be eligible to receive a share of that award. If Defendant prevails, you may not pursue a lawsuit on your own behalf with a regard to any of the issues decided in the action. The court has discretion whether to allow a second opportunity for class members to request exclusion from the class if there is a settlement or judgment in this action. The class representative and class counsel are representing your interests. You will not be personally responsible for attorneys' fees or costs unless you hire your own individual attorney. Class counsel has agreed to represent the class on a contingent-fee basis, which means that they will be awarded fees and costs only if they succeed in obtaining a recovery from Defendant. The court will award attorneys' fees from the settlement or judgment, if any, obtained on behalf of the class. You may exclude yourself from the class by following the procedures stated in paragraphs

12 and 13 below. You may also remain a member of the class and elect to be represented by counsel of your own choosing.

9. If you retain separate counsel, you will be responsible for that counsel's fees and expenses, and that counsel must enter an appearance on your behalf by filing a Notice of Appearance with the court and mailing it to class counsel at the addresses stated below on or before, January 14, 2019.

10. If you choose to be excluded from the class, you will not be bound by any judgments in this action, nor will you be eligible to share in any recovery that might be obtained in this action. However, you may individually pursue any legal rights that you may have against Defendant with respect to the claims asserted in the action. Please refer to paragraphs 12 and 13 below if you would like to exclude yourself from the class.

11. Class members may be eligible to recover damages if a recovery is obtained in this action, though this notice is not intended to suggest that Plaintiff or class members will recover any damages.

HOW TO BE EXCLUDED FROM THE CLASS

12. If you are male and paid to attend a party hosted by Defendant between April 13, 2015, and the present, at which differing prices of admission were offered to males and females, you will automatically be considered a member of the class **unless** you request exclusion. You do not need to do anything to remain a member of the class. To exclude yourself from the class, you must send a signed letter by mail expressly stating that you "request exclusion from the class in the matter of *Timberlake v. Fusione, Inc.* matter, Los Angeles Superior Court Case No. BC616783." Your request must include your name, address, and telephone number, and must be signed by you. The court will exclude you from the class if you submit a valid exclusion request. Your request for exclusion will not be effective unless it includes your name, address, telephone number, and signature, and is sent within the time limit stated in Paragraph 13.

13. You must mail your exclusion request, postmarked no later than January 14, 2019 to:

Fusione Litigation
c/o JND Legal Administration
PO Box 91226
Seattle, WA 98111

Please note that you cannot exclude yourself from the class by telephone or e-mail. If your request for exclusion is timely mailed and follows the above requirements, you will not be bound by any judgment in this action, and you may pursue any individual rights you may have against the Defendant. However, if you validly request exclusion, you will not be eligible to share in any recovery in this action, should any recovery be obtained. Do **not** request exclusion if you wish to participate in this action as a class member.

CLASS COUNSEL

14. As a class member you will be represented by class counsel:

David Greifinger, Esq. Law Offices of David R. Greifinger 15515 W. Sunset Blvd., No. 214 Pacific Palisades, CA 90272 Tel. (424) 330-0193 Facsimile (831) 920-4864	Howard Goldstein, Esq. Law Offices of Howard A. Goldstein, APLC 9903 Santa Monica Blvd., Suite 411 Beverly Hills, CA 90212 Tel. (818) 981-1010 Facsimile (818) 981-1311	Kenneth M. Lipton, Esq. 5900 Sepulveda Blvd., Suite 400 Van Nuys, CA 91411 Tel. (818) 780-3562
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15. The court has appointed attorneys to represent the class as described above. If you do not request exclusion, you have the right to enter your own appearance through your own personal counsel who you retain at your own expense. However, you are not required to retain separate counsel. If you do not retain separate counsel and remain a class member, class counsel and the class representative will represent your interests.

PLEASE KEEP YOUR MAILING ADDRESS AND E-MAIL ADDRESS CURRENT

16. To assist the court and the parties in maintaining an accurate list of class members, please update your name and contact information in the event of any changes. You may update this information online at www.FusioneLitigation.com or by mailing the information to:

Fusione Litigation
c/o JND Legal Administration
PO Box 91226
Seattle, WA 98111

You may call the Notice Administrator at 888-663-1720.

17. If the postal service forwarded this notice to you, or it was otherwise sent to you at an address that is no longer current, you should immediately contact the Notice Administrator and provide them with your correct address. If the Notice Administrator does not have your correct address, you may not receive notice of important developments in this action, or information about any settlements obtained for the benefit of the class.

WHERE YOU CAN FIND ADDITIONAL INFORMATION

This notice provides only a summary of this action and the claims asserted by Plaintiff. You may review a copy of the First Amended Complaint and other documents on the action by visiting the following website: www.FusioneLitigation.com.

QUESTIONS? Visit www.FusioneLitigation.com, or call toll-free 888-663-1720. You may also contact class counsel.

PLEASE DO NOT CONTACT THE COURT OR THE OFFICE OF THE COURT CLERK ABOUT THIS NOTICE.