

NOTICE OF SETTLEMENT OF CLASS ACTION

YOU MAY BE ENTITLED TO RECEIVE MONEY AND COUPONS UNDER THE PROPOSED SETTLEMENT

THE DEFENDANT HAS AGREED TO THIS SETTLEMENT AND WILL NOT RETALIATE AGAINST ANYONE WHO ACCEPTS THESE BENEFITS.

YOUR RIGHTS MAY BE AFFECTED: PLEASE READ IMMEDIATELY

Lenell Timberlake v. Fusione, Inc., a California Corporation

Los Angeles Superior Court Case No. BC616783

The Court has granted Preliminary Approval to a proposed Settlement of a class action lawsuit (“Action”) against Fusione, Inc., doing business as Unici Casa and Society Unici. It is important that you read this Notice carefully. The court has preliminarily approved the following individuals/customers, as “Class Members” and collectively as a “class” and they are now part of the Settlement.

The Class:

All males who paid to attend events promoted by FUSIONE, INC. from September 26, 2015, to March 24, 2018, at which differing prices of admission or discounts were offered to males and females.

The following events fall within the relevant time period: B Tribe, Sept. 26, 2015, Lace, Oct. 17, 2015; Carnavale, Oct. 31, 2015; Couture Du Couture, Dec. 19, 2015; Tango Saturday Feb. 13, 2016; Gold Oscar Party, Feb. 27 2016; Geisha, April 3 2016; Brit Week, May 5, 2016; Brit Week, May 7, 2016; Blanco, June 18, 2016; Rose, July 23, 2016; B Tribe, Oct. 1, 2016; Lace, Oct. 29, 2016; Carnavale, Nov. 19, 2016; Grammys, Feb. 11, 2017; Oscars, Feb. 25, 2017; Couture Du Couture, March 18, 2017; Cirque De Lala, April 29, 2017; Geisha, June 10, 2017; Rose, July 29, 2017; Blanco, Aug. 25, 2017; B Tribe, Sept. 23, 2017; Lace, Oct. 23, 2017; Couture Du Couture, Dec. 9 2017; Casino Royale, Dec. 31, 2017; Musica, Jan. 27, 2018; Fashion Week, March 16, 2018; and Madame Methven, March 24, 2018.

A. DESCRIPTION OF THE LAWSUIT.

On April 13, 2016, Plaintiff LENELL TIMBERLAKE, on behalf of others similarly situated, filed a class action complaint entitled *Lenell Timberlake v. Fusione, Inc.*, Los Angeles Superior Court Case No. BC616783. Plaintiff alleges that the Defendant offered greater discounts or free admissions to female guests at its venue while charging male customers full price. Plaintiff alleges that Defendant violated the Unruh Act, the Gender Tax Repeal Act, and committed an unfair business practice.

Defendant denies the class claims and any wrongdoing. The parties however have entered into the Settlement relating to the Action.

The attorneys (“Class Counsel”) for the Fusione’s customers in this lawsuit are:

David R. Greifinger
15515 Sunset Blvd., No. 214
Pacific Palisades, California 90272

Tel: (424) 330-0193
Fax: (831) 920-4864
tracklaw@me.com

The Settlement Administrator is:

Timberlake v. Fusione Settlement
Administrator
c/o JND Class Action
Administration
P.O. Box 91226
Seattle, WA 98111
(888) 663-1720

The attorneys for Defendant are:

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SAMINI COHEN SPANOS LLP
333 S. Hope St., 40th Floor, Suite
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B. SUMMARY OF PROPOSED SETTLEMENT TERMS.

Subject to the Court’s Final Approval, the terms of the Settlement are:

1. **Benefits for the Class.** The parties estimate that there are 359 class members. Based on this estimate, Fusione will pay each class member \$105.88, and provide a coupon good for admission to one event at Fusione’s facility in Culver City, California. The complimentary pass (coupon) shall be good for a period of one (1)

year from the date of the Final Judgment approving the Agreement. **If there are more than 359 class members, the payment to each member shall be prorated by multiplying \$105.88 by a fraction, with 359 being the numerator and the total number of class members being the denominator. If there are fewer than 359 class members, the payment to each member shall be \$105.88, with the balance being paid to the *cy prè*s beneficiary. PAYMENTS AND COUPONS WILL BE SENT TO CLASS MEMBERS BY ELECTRONIC MAIL. CLASS MEMBERS MUST KEEP THE SETTLEMENT ADMINISTRATOR INFORMED OF THEIR PROPER EMAIL ADDRESSES AT ALL TIMES.**

2. **Un-cashed Checks.** The funds from un-cashed checks plus any accrued interest will be paid to the Justice Gap Fund. The Justice Gap Fund was created by Assembly Bill 2301, signed by the Governor in August 2006. (Bus. & Prof. Code, § 6033.) The fund helps close the gap between the legal services the California State Bar can provide and the legal needs of over six million indigent Californians who have little or no access to critical legal help.

3. Class Counsel will seek an award of \$5,000.00 for the class representative, Lenell Timberlake, to compensate him for the time and risks he undertook in bringing this action. He has spent substantial time on class members' behalf.

4. The Settlement Agreement provides for \$16,000 in costs. Class Counsel will seek reasonable attorneys' fees and expenses not to exceed \$60,000, subject to court approval.

C. RECEIVING YOUR SHARE OF THE SETTLEMENT; RELEASE.

By receiving your share under the Settlement, you will be bound by all of the terms of the Settlement, including a Release of claims that will prevent you from suing the Defendant for the matters being settled in this case and only for the issues raised in the lawsuit.

Each class member who does not request to be excluded from the Settlement will be deemed to release and discharge the Defendant, together with its officers, directors, employees, and agents, from the claims stated in the Action and those based on the facts alleged in the complaint. **Released Claims** shall only include claims for violations of Civil Code sections 51.5 and 51.6, subdivision. (b) and Business and Professions Code, sections 17200, and following sections., as those Business and Profession code sections would apply to Civil Code sections 51.5 and 51.6, subdivision (b), and more specifically relate to Defendant's prices of admission to events at its venue. (The complete terms of the Release are set forth in the settlement agreement filed with the court, attached as an exhibit to the Compendium of Exhibits to the motion for preliminary approval of class settlement.)

D. YOUR OPTIONS.

1. **Option One: Take No Action if You Wish to Receive Payment and Coupons:** If you are a member of the Class and take no action, you will receive by electronic mail a payment for \$105.88 and one coupon for free admission to an event hosted by Defendant at its facility in Culver City California. The complimentary pass (coupon) shall be good for a period of one (1) year from the date of the Final Judgment approving the Agreement.

2. **Option Two: You Can Exclude Yourself ("Opt Out") From the Lawsuit:** If you do not wish to participate in the action, you may exclude yourself from the case (referred to as "opting out") by submitting a signed and dated Request for Exclusion on the Opt-Out Form included with this notice to the Settlement Administrator at the address below no later than **December 14, 2021**. Your Request for Exclusion on the Opt-Out form provided with this notice include your name and address. You must sign your Opt-Out form for it to be valid.

The Request for Exclusion must be sent to: Timberlake v. Fusione Settlement Administrator
c/o JND Class Action Administration
P.O. Box 91226
Seattle, WA 98111

Any person who submits and delivers a timely Request For Exclusion shall, upon receipt, no longer be a class member and shall be barred from participating in any portion of the settlement.

E. CHANGE OF ADDRESS.

If your mailing address is different than the address of this Notice, please notify the administrator by mailing the enclosed change of address form to Timberlake v. Fusione Settlement Administrator, c/o JND Class Action Administration, P.O. Box 91226, Seattle, WA 98111, including your new and former address.

F. TO OBJECT TO THE SETTLEMENT.

The court has determined only that there is sufficient evidence to suggest that the proposed settlement might be fair, adequate, and reasonable. Any final determination of those issues will be made at the final approval hearing. If you believe the Settlement is unfair or inadequate in any respect, you may object to the Settlement by sending a

written objection on the Objection Form included with this notice by mail to Timberlake v. Fusione Settlement Administrator, c/o JND Class Action Administration, P.O. Box 91226, Seattle, WA 98111. All objections must be signed and include your name and address. All Objection Forms must be postmarked no later than **December 14, 2021**. If you submit a timely objection, you have a right to appear and speak at the Final Approval Hearing, but are not required to do so.

G. FINAL APPROVAL HEARING ON PROPOSED SETTLEMENT.

The court has determined that there is sufficient evidence to suggest that the proposed settlement might be fair, adequate, and reasonable. The court will make a final determination on these issues at the final approval hearing. The final approval hearing on the fairness and adequacy of the proposed Settlement, will be held on **February 23, 2022 at 10:30 AM** in Department 12 of the Los Angeles County Superior Court, at 312 North Spring Street, Los Angeles, California 90012. The final approval hearing may be continued, in which case you will receive notice from the Settlement Administrator. It is not necessary for you to appear at this hearing.

H. INSPECTION OF SETTLEMENT AGREEMENT AND OTHER PAPERS FILED IN ACTION.

The Settlement Agreement, which is attached to the Revised Compendium of Settlement Agreement and Declarations, and which was filed with the motion for preliminary approval may be viewed at the Los Angeles County Superior Court clerk's office located at 111 North Hill Street, Los Angeles, California 90012. This case is assigned to Department 12 of the Los Angeles County Superior Court located at 312 North Hill Street, Los Angeles, California 90012. You may view the Declaration and Settlement Agreement and other documents filed in this Action at the court clerk's office, or by viewing the case file online. The address of the court's website for viewing the file online is www.lacourt.org.

IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE CALL THE SETTLEMENT ADMINISTRATOR AT (888)-663-1720. DO NOT CALL THE COURT.