

FOR IMMEDIATE RELEASE – As of Noon on May 28, 2009

Four Bay Area Hooters Franchises Named As Defendants

In Major Class Action Law Suit

Oakland, CA (May 28, 2009) -- Four Bay Area franchises of Hooters – Dublin, San Francisco, Fremont and Campbell - along Hott Wings, Inc. which manages the four franchise and six individuals, were sued on May 28 by eight former employees of the Hooters' franchises.

The lawsuit entitled "*Dina Partridge, et. al. v. Hott Wings, Inc. Dublin Wings, Inc. dba Hooters of Dublin, et. al*", Case No. RG09454660, filed in the Superior Court in Alameda County, contains 13 different claims brought as a class action and several individual claims of the former employees. The Complaint which is over 90 pages in length, alleges flagrant and extensive violations of California's wage and hour laws.

In perhaps the most striking allegation, the eight women accuse the four franchises, its owners and its senior management, of implementing and enforcing an illegal scheme to convert and steal portions of the tip pools of the waitresses ("Hooters Girls").

The plaintiffs allege that, during the last four years, approximately Forty Dollars (\$40.00) per day per franchise was illegally diverted from the tip pools of the waitresses and given to senior management and the owners. The diverted tip pool money was intended for and legally required to be given to the non-supervisory employees who assist the Hooters' Girls – busboys, bartenders and hostesses.

To support their claim, the eight women attached to the Complaint representative samples of documents which Hooters itself entitled "SLUSH FUND". The slush fund sheets detail, on a daily basis, the amount diverted and the procedure used to monitor the alleged improper actions. The slush fund sheets even have the initials of management personnel verifying the improper transactions.

The class action also requests that the Court issue injunctive relief ordering "disgorgement or a return of the illegal profits obtained by the entities and the individuals."

The lawsuit, which was filed only after the lead attorney, Burt Boltuch, investigated the claims for months, contains very detailed allegations of other violations, including almost two dozen different provisions of California's Labor Code. The wage and hour claims include the four restaurants illegally requiring the employees to purchase and maintain their uniforms; failing to provide the required ten minute break for every half of a shift worked; failing to provide required meal breaks; failing to pay other wages due;

improperly requiring employees to “cover” for cash shortages and the bills of customers who walk out and do not pay; and alteration of time records.

The class action was filed on behalf of the eight individuals, for themselves and on behalf of all other similarly situated former and current employees of the four restaurants. The named plaintiffs are Dina Partridge, a former manager of the Dublin Hooters; Jessica Rose; Marcie O’Brien; Danielle Firkins; Nicole Talbert Donoghue; Sunnie Heng; Sandra Sandoval and Sarah Peterson. The women seek to represent a class composed of:

All persons who are employed or have been employed by HOTT WINGS, DUBLIN HOOTERS, FREMONT HOOTERS, SF HOOTERS and/or CAMPBELL HOOTERS as Hooters Girls, bartenders, hostesses, bus boys and/or in other non-supervisory capacities in the State of California within four (4) years of the filing of the Complaint, and who (a) were required to pool tips with HOTT WINGS, DUBLIN HOOTERS, FREMONT HOOTERS, SF HOOTERS and/or CAMPBELL HOOTERS and/or with supervisors and management of HOTT WINGS, DUBLIN HOOTERS, FREMONT HOOTERS, SF HOOTERS and/or CAMPBELL HOOTERS; (b) were not provided required rest and meal periods and/or were not paid one (1) hour of wages in lieu of missed rest and meal periods; (c) were required to take meal periods at unauthorized times and/or were not paid one (1) hour of wages for same; (d) were required to purchase and maintain uniforms and clothing and/or were required to have sums deducted from wages for the cost of the uniforms and clothing; (e) were threatened with and/or had discipline imposed or required to pay (or have sums deducted from wages) for cash shortages and/or customer walk-outs; (f) were not paid for expenses incurred and/or for wages (including, but not limited to, reporting time pay, applicable overtime and/or minimum wage) owed for time worked including reporting to work and/or working away from the primary location of work; (g) were not timely paid wages including, but not limited to, upon resignation and/or termination; (h) were not paid other wages and/or expenses incurred; (i) were not provided accurate itemized employee wage statements; (j) had time records altered; and/or (k) were subject to the embezzlement, conversion, fraud or other alleged acts as described in the Complaint.

Burt Boltuch, the attorney for the plaintiffs, stated on May 28 that his office intends to vigorously pursue the litigation and expects extensive discovery, including production of thousands of pages of documents from Hooters and depositions of all of the relevant management personnel. The Complaint does not contain a figure for the total liability claimed, but based on a review of the allegations, including the request for tips and other wages owed, for penalties allowed under the law, for attorneys’ fees and costs, liability could easily run into the millions.

Press Contact: Burton F. Boltuch, Esq. at bboltuch@workplacelaw.biz or 510-844-3415