

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

SCHUYLER ANDRULAT, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

2015 VENTURES, LLC d/b/a STILETTO'S  
GENTLEMEN'S CLUB, f/k/a JAGUAR'S  
GENTLEMEN'S CLUB, and ROBERT  
HILLS,

Defendants.

C/A NO. 2:16-cv-03183-DCN

**COLLECTIVE AND CLASS ACTION COMPLAINT AND JURY DEMAND**

**I. INTRODUCTION**

1. Plaintiff, Schuyler Andrulat, brings this class and collective action on behalf of herself and all other exotic dancers who have worked at Stiletto's Gentlemen's Club, formerly known as Jaguar's Gentlemen's Club, in Charleston, South Carolina.

2. In this action, Plaintiff claims that Defendants have misclassified their exotic dancers as independent contractors rather than employees, and have paid them less than the full federal minimum wage, while failing to allow them to retain all of their tips. Plaintiff also claims that Defendants have failed to pay their exotic dancers an overtime premium of at least one-and-a-half times their regular rate of pay for working more than 40 hours in any work week.

3. This action is brought individually and as a class and collective action for unpaid minimum wages, overtime compensation, unlawful "kick-backs" and withholdings

from wages, liquidated damages, and for other relief under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.* (“FLSA”), the South Carolina Payment of Wages Act (S.C. Code Ann. § 41-10-10 *et seq.*), and Fed. Civ. P. Rule 23. The collective action provisions under the FLSA provide for opt-in class participation, while Plaintiffs’ class allegations under Federal Rule 23 are “opt-out” classes.

## **II. PARTIES**

4. Plaintiff is an adult resident of Waterboro, South Carolina. She worked as an exotic dancer at Jaguar’s from approximately 2011 through October 2013. Shortly after she ceased working for Jaguar’s, the club’s named was changed to Stiletto’s Gentlemen’s Club, but it continued operating at the same location under the same ownership and management. Plaintiff’s Consent to Join this Collective Action is attached hereto as Exhibit 1.

5. The members of the proposed collective and class are all individuals who worked as exotic dancers at Stiletto’s Gentlemen’s Club, formerly known as Jaguar’s Gentlemen’s Club, (collectively, the “Clubs”) during the relevant statutory periods.

6. Defendant 2015 Ventures, LLC (hereinafter “Ventures”) is a limited liability company organized under the laws of South Carolina, with its principal place of business in Charleston, South Carolina.

7. Defendant Ventures does business as Stiletto’s Gentlemen’s Club, an adult entertainment club located at 2015 Pittsburgh Avenue in Charleston, South Carolina. Stiletto’s Gentlemen’s Club was formerly known as Jaguar’s Gentlemen’s Club, which operated out of that same location until sometime in 2013.

8. Defendant Robert Hills is an adult resident of South Carolina, the owner of 2015 Ventures, LLC, and owner of Stiletto Gentlemen's Club and Jaguar's Gentlemen's Club. Upon information and belief, Defendant Hills directs and controls the payment policies at the Clubs, as well as the rules and policies regarding exotic dancers at the Clubs.

### **III. JURISDICTION AND VENUE**

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 216(b), because this action is based, in part, on the Fair Labor Standards Act ("FLSA").

10. In addition, this Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over Plaintiffs' pendent claims, which are brought pursuant to the laws of the State of South Carolina, because those claims arise out of the same transaction or occurrence as the federal claims alleged herein.

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, because at least one Defendant is located within in this judicial district and division, and the unlawful labor practices giving rise to Plaintiffs' claims were committed, at least in part, within this Division.

### **IV. STATEMENT OF FACTS**

12. Defendants have misclassified exotic dancers who have worked at the Clubs as independent contractors, when in reality they are employees of Defendants under applicable laws.

13. Defendants have exercised extensive control over the manner in which their exotic dancers perform their jobs and conduct themselves while on Defendants'

premises, including what they are allowed to wear, how much they can receive for private dances and sessions, and how they can interact with customers.

14. Defendants required exotic dancers to work a preset schedule of at least four nights per week and fined them money if they missed a shift or arrived late.

15. During their shifts, Defendants would issue “stage calls” requiring certain dancers to come to the stage at the Club to perform at regular intervals. If a dancer missed a stage call, she would be required to pay a fine to Defendants.

16. In addition, Defendants are in the business of providing adult entertainment to their patrons. The dancers perform services in the usual course of Defendants’ business, and without the dancers, Defendants would have no business.

17. The exotic dancers who have worked at Defendants’ clubs have not received any wages or other compensation directly from Defendants. Instead, any compensation they have received has come directly from patrons in the form of gratuities or tips left with the “podium master” of the Clubs.

18. In order to perform their job, the dancers have been required to pay “house fees” to Defendants, approximately \$50 per night, and to pay various other fines and fees to Defendants.

19. The exotic dancers have also been required to share their tips with non-service employees, such as disc jockeys, who are not generally part of a valid tip pool.

20. Even if the gratuity and tip payments from patrons were deemed to be the dancers’ “wages,” the dancers have not been permitted to retain the full amount of these wages, since Defendants have subtracted various fines, charges, and fees from these amounts (as well as requiring the dancers to share them with other employees).

**V. CLASS AND COLLECTIVE ALLEGATIONS.**

21. Plaintiff brings this action individually and as an opt-in, collective action pursuant to 29 U.S.C. § 216(b), on behalf of a class of all individuals who worked as an exotic dancer at the Clubs at any time within the three years prior to joining this lawsuit, who were misclassified as independent contractors and who were not paid at least minimum wage or overtime compensation as required by the FLSA.

22. Plaintiff also brings this action individually and as a class action under Rule 23 of the Federal Rules of Civil Procedure, on behalf of a class of all individuals who worked as exotic dancers or strippers at any of the clubs or bars owned or operated by Defendants in South Carolina at any time within the three years prior to filing this lawsuit, who were misclassified as independent contractors and who were required to pay any portion of their compensation to the owners, managers, employees, or agents of Defendants, or had any compensation deducted for mandatory house fees, tip-outs, or other similar charges.

23. This action on behalf of the class satisfies the requirements of Rule 23(a), Fed. R. Civ. P., as alleged in the following particulars:

- a. The proposed class is so numerous that joinder of all individual members in this action is impracticable;
- b. There are questions of law and/or fact common to the members of the proposed class;
- c. The claims of Plaintiff, the representative of the proposed class, are typical of the claims of the proposed Plaintiff class; and

d. Plaintiff, the representative of the proposed Plaintiff class, will fairly and adequately protect the interests of the class.

24. In addition, upon information and belief, this action satisfies one or more of the requirements of Rule 23(b), Fed. R. Civ. P., because the questions of law and/or fact common to the members of the proposed South Carolina Class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

**COUNT I**  
**(Fair Labor Standards Act - Failure to Pay Minimum Wage)**

25. Defendant 2015 Ventures, LLC is an “employer” for purposes of the Fair Labor Standards Act, 29 U.S.C. § 203(s), because it has annual gross sales or business of at least \$500,000 and has employees engaged in interstate commerce.

26. The individual Defendant Robert Hills is also an “employer” under 29 U.S.C. § 203(d) because he has acted directly or indirectly in the interests of Defendant 2015 Ventures, LLC in relation to its misclassified employees, including Plaintiff and other exotic dancers.

27. Plaintiff and the members of the Plaintiff class were employees of Defendants for purposes of the Fair Labor Standards Act during all times relevant to this Complaint. Defendants have failed to pay Plaintiffs and the members of the Plaintiff class an hourly rate of at least the minimum wage of \$7.25 per hour as required by the FLSA, 29 U.S.C. § 206(a)(1)(C). Defendants are not permitted or allowed to take the tip credit against the minimum wage (and thus pay the reduced hourly rate for tipped employees of \$2.13 per hour) because they did not provide the required notice to

Plaintiffs and the members of the Plaintiff class, and because Plaintiffs and the member of the Plaintiff class were not allowed to keep all tips received by them, but instead were required to share their tips with management and with other employees or agents of Defendants who are not among employees who customarily and regularly receive tips, and not pursuant to a valid tip pooling or sharing arrangement under applicable law. Plaintiffs and the members of the Plaintiff class are entitled to back wages at the minimum wage rate of \$7.25 per hour for every hour worked, pursuant to the FLSA, 29 U.S.C. § 216(b). The failure of Defendants to compensate Plaintiffs and the members of the Plaintiff class at least minimum wage was knowing, willful, intentional, and done in bad faith.

28. Plaintiff and the members of the Plaintiff class are also entitled to liquidated damages equal to the amount of unpaid minimum wages due to them under the FLSA, pursuant to the FLSA, 29 U.S.C. § 216(b).

29. Plaintiff is also entitled to an award of reasonable attorneys' fees and costs incurred in prosecuting this action, pursuant to 29 U.S.C. § 216(b).

**COUNT II**  
**(Fair Labor Standards Act – Failure to Pay Overtime Wages)**

30. Plaintiff repeats and realleges each and every allegation stated above.

31. Plaintiff and the members of the Plaintiff class routinely worked in excess of forty (40) hours per workweek for Defendants.

32. Defendants failed to pay Plaintiff and the members of the Plaintiff class at the rate of one-and-a-half times their regular rate of pay for all hours worked in excess of forty hours weekly as required by section 7(a) of the FLSA, 29 U.S.C. § 207(a).

33. Plaintiff and the members of the Plaintiff class are entitled to back wages at the rate of one-and-a-half times their regular rate of pay for all overtime hours worked in excess of forty hours per week, pursuant to section 16(b) of the FLSA, 29 U.S.C. § 216(b).

34. The failure of Defendants to compensate Plaintiff and the members of the Plaintiff class for overtime work as required by the FLSA was knowing, willful, intentional, and done in bad faith.

35. Plaintiff and the members of the Plaintiff class are also entitled to liquidated damages equal to the amount of unpaid overtime compensation due to them under the FLSA, pursuant to section 16(b) of the FLSA, 29 U.S.C. § 216(b).

36. Plaintiff is also entitled to an award of reasonable attorneys' fees and costs incurred in prosecuting this action, pursuant to 29 U.S.C. § 216(b).

**COUNT III**  
**(South Carolina Payment of Wages Act)**

37. Plaintiff repeats and realleges each and every allegation stated above.

38. Defendant 2015 Ventures, LLC is an "employer" as defined by the South Carolina Payment of Wages Act, S.C. Code Ann. § 41-10-10(1), because it employs individuals within the State of South Carolina.

39. The individual Defendant, Robert Hills, is also an "employer" as defined by the Payment of Wages Act because he is an officer or owner of Defendant 2015 Ventures, LLC and had the authority and obligation to ensure that his company complied with applicable state and federal laws regarding employee compensation.



40. Defendants employed Plaintiff and the members of the Plaintiff class within the State of South Carolina. Although these Defendants misclassified Plaintiff and members of the class as “independent contractors,” Plaintiff and the members of the Plaintiff class were truly “employees” of Defendants for purposes of South Carolina law.

41. Defendants failed to provide written notice to Plaintiff and the members of the class of any and all deductions to their pay, as required by Section 41-10-30 of the Act.

42. Defendants have failed to pay Plaintiff and the members of the class all wages due, as required by Sections 41-10-40 and -50 of the Act, because of the unlawful deductions to their pay.

43. This failure to pay Plaintiff and the members of the class all wages due is willful, without justification, and in violation of the duty of good faith and fair dealing.

44. Pursuant to Section 41-10-80(C) of the Act, Plaintiff and the members of the Plaintiff class are entitled to recover in this action an amount equal to three times the full amount of their unpaid wages, or their wrongfully deducted wages, plus costs and reasonable attorney’s fees.

WHEREFORE, Plaintiff requests that the Court enter the following relief:

a. An order authorizing the sending of appropriate notice to current and former employees of Defendants who are potential members of the collective action under the Fair Labor Standards Act, giving them the opportunity to opt-in to this action;

b. An order certifying the Class under Rule 23 to pursue the class members’ South Carolina wage claims against Defendants, appointing Plaintiff as class representative and the undersigned counsel as class counsel;

c. A declaratory judgment that Defendants have willfully and in bad faith violated the minimum wage provision of the FLSA, and have deprived Plaintiff and the members of the Plaintiff class of their rights to such compensation;

d. An order requiring Defendants to provide a complete and accurate accounting of all the minimum wages and overtime pay to which Plaintiff and the members of the Plaintiff class are entitled;

e. An award of monetary damages to Plaintiff and the members of the Plaintiff class in the form of back pay for unpaid minimum wages, unpaid overtime wages, reimbursement of all unlawful withholdings from Plaintiff's and the class members' wages, together with liquidated damages;

f. Treble damages under the SC Payment of Wages Act;

g. Attorneys' fees and costs; and

h. Such further relief as the Court deems just and proper.

**PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY IN THIS MATTER.**

\* \* \*

Respectfully submitted,

/s/ David E. Rothstein

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Attorneys for Plaintiff, Schuyler Andrulat,  
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Similarly Situated

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