

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Perry v. Kansas Star Casino, LLC, et al.
Case No. 6:24-cv-01183

NOTICE OF CONDITIONALLY CERTIFIED COLLECTIVE ACTION LAWSUIT

**PLEASE READ THIS NOTICE CAREFULLY
YOUR LEGAL RIGHTS MAY BE AFFECTED BY THIS LAWSUIT**

You are receiving this Court-authorized Notice because you are a current or former employee of Kansas Star Casino, LLC (“Kansas Star”), Par-A-Dice Gaming Corporation (“Par-A-Dice”), Blue Chip Casino, LLC (“Blue Chip”), Diamond Jo Worth, LLC (“Diamond Jo”), Belle of Orleans, LLC (“Amelia Belle”), Red River Entertainment of Shreveport, LLC (“Sam’s Town Shreveport”), Treasure Chest Casino, LLC (“Treasure Chest”), Boyd Tunica, Inc. (“Sam’s Town Tunica”), and/or Valley Forge Convention Center Partners, LLC (“Valley Forge”) (collectively, “Defendant Casinos”) who worked at a Defendant Casino during the relevant time, as more specifically described below. According to Defendant Casinos’ records, you are eligible to participate in this lawsuit to potentially recover unpaid wages and other damages under the Fair Labor Standards Act.

To participate, you must complete, sign, and return the enclosed Consent to Join Form by March 3, 2025.

What is the Lawsuit about?

Plaintiff Aaron Perry worked as a tipped employee for Kansas Star, where he was paid a base hourly wage below the federal minimum wage of \$7.25 per hour and participated in a tip pooling arrangement. He filed a lawsuit individually and on behalf of other similarly situated employees against Defendant Casinos alleging they violated the Fair Labor Standards Act (“FLSA”) by distributing tips (or tokes) from the table games dealers’ tip pool to Dual Rate Supervisors for Paid Time Off (“PTO”) that they accrued in their capacity as a non-tipped, supervisor. Defendant Casinos contend all PTO was properly paid, consistent with relevant local toke pool guidelines. They deny that they violated the FLSA.

Plaintiff Perry sought to represent similarly situated employees of the Defendant Casinos. The Court granted that request in a Memorandum and Order dated October 31, 2024, which is why you are receiving this Notice and being given the opportunity to join this lawsuit. You may receive this Notice and information about this lawsuit in a variety of forms, including via U.S. Mail, email and text message.

The Court has not decided which side is right. By conditionally certifying this lawsuit as a collective action and issuing this notice, the Court is not suggesting that the Plaintiff will win or lose the case.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

PARTICIPATE BY RETURNING YOUR CONSENT TO JOIN FORM	<p>If you choose to be included in this lawsuit, you will bound by its outcome, which includes sharing in any money judgment or settlement that may be secured. You give up any rights to separately sue Defendant Casinos about the same legal claim in this lawsuit.</p> <p>To be included in this lawsuit, you must complete, sign, and return the enclosed Consent to Join Form by <u>March 3, 2025</u>.</p>
DO NOTHING	<p>If you do not want to participate in this lawsuit, you do not need to do anything. If you do nothing, you will not be bound by any outcome in this litigation and may retain your right to sue the Defendant Casino where you were or are employed separately. However, your statute of limitations continues to run, and you will not be able to later elect to participate in this action. Further, if this action results in a money judgment or settlement, you will not be able to receive any portion of those benefits.</p>

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How do I participate in the lawsuit?

To participate in the lawsuit, you must complete, sign, and return the enclosed Consent to Join Form by March 3, 2025. There are two ways for you to return your Consent to Join Form:

Option 1 – **Mail Your Consent to Join Form**: You can mail your completed and signed Consent to Join Form to the Notice Administrator using the postage pre-paid return envelope enclosed with this Notice.

Option 2 – **Electronically Submit Your Consent to Join Form**: You can complete, sign, and submit your Consent to Join Form online by going to www.DealerTipPoolCase.com.

What are my options?

You have two options.

Option 1 – **Participate in the Lawsuit**: Your first option is to participate in this lawsuit by returning your Consent to Join Form as described above. If you do that, you will (a) join the litigation as an opt-in plaintiff, (b) be bound by any judgment in the case, and (c) have the opportunity to share in any money judgment or settlement that might be secured in this case. You will be giving up your right to separately sue the Defendant Casino where you were or are employed regarding the claim in this case.

Option 2 – **Do Nothing, Do Not Participate in the Lawsuit**: Your second option is to do nothing. If you do nothing, you will not participate in the lawsuit. You will not be bound by any judgment in the lawsuit and will not share in any potential money judgment or settlement. You will preserve your right to separately sue the Defendant Casino where you were or are employed regarding the claim in this case at your own expense. Your statute of limitations for the claim in this case will continue to run.

Why did I get this Notice?

You received this Notice because Defendant Casinos' records show you are a member of the following group of people that the Court authorized to receive this Notice and be given an opportunity to participate in this lawsuit:

The Collective

All persons employed as table games dealers and included within a tip pooling arrangement at a casino property operated by a Defendant at any time from January 1, 2022, to March 8, 2024.

The relevant time period is employment at any time between January 1, 2022, and March 8, 2024.

What is the Plaintiff asking for?

Plaintiff Perry is asking the Court to award him and the Collective the difference between their sub-minimum base hourly wage and the federal minimum wage (if any) for all hours worked during the relevant time period, along with their *pro-rata* share of tips that were distributed during that time to Dual Rate Supervisors for the PTO hours they accrued in their capacity as a non-tipped supervisor, plus liquidated damages (double the unpaid minimum wages and misappropriated tips), attorneys' fees, and costs of the lawsuit.

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Do I have a lawyer?

Yes. The Court has appointed Plaintiff's counsel as counsel for the Collective, and they commonly represent the interests of the Plaintiff and all similarly situated employees that join this lawsuit. You do not have to separately pay Plaintiff's counsel. If the lawsuit results in a money judgment or settlement, Plaintiff's counsel will seek their attorneys' fees and costs as a percentage of the overall recovery, or to be separately paid by Defendant Casinos, all subject to Court approval. Plaintiff's counsel are:

George A. Hanson
Alexander T. Ricke
Benjamin J. Stueve
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The Flagship Building
200 Westwoods Drive
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What if I have questions about this Notice or need more information?

This Notice is only a summary of your rights. If you have any questions about this Notice, how to participate in the lawsuit, or anything else, then you may contact Plaintiff's counsel through the Notice Administrator at 855-708-1199 or DealerTipPoolCase@noticeadministrator.com. You can also find more information about the lawsuit at www.DealerTipPoolCase.com. A copy of the Plaintiff's Complaint outlining the claim in this lawsuit and the Court's Order authorizing this Notice are posted on the website.

The Court is not able to answer questions about the lawsuit or this Notice. Please contact Plaintiff's counsel through the Notice Administrator if you have questions or need additional information.

This is a Court approved Notice. This is not a solicitation or advertisement.