

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

ANDREA GROVE and
CHRYSTINA WINCHELL,
individually and on behalf
of similarly situated individuals,

Plaintiffs,

v.

MELTECH, INC.,
H&S CLUB OMAHA, INC.,
SHANE HARRINGTON, and
BRAD CONTRERAS,

Defendants.

NO. 8:20-CV-00193-JFB-MDN

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs Andrea Grove and Chrystina Winchell, through counsel, hereby move for class certification for a class of all individuals who worked as exotic dancers at Club Omaha at any time within the three years prior to the filing of this lawsuit who were misclassified as independent contractors and who were not paid minimum wage or overtime compensation as required by the Nebraska Wage and Hour Act, Neb. Rev. Stat. §48-1201 *et. seq.* (the "Nebraska Class").¹

As set out in the accompanying Memorandum of Law, Plaintiffs and Nebraska Class Members meet the requirements for class certification under Rule 23. They all performed the same work, were subject to the same rules and policies, and suffered a common violation –

¹ A proposed Class Action Notice is attached hereto as Exhibit A.

namely, being improperly classified as independent contractors and denied minimum wage and overtime compensation. The evidence used to adjudicate Plaintiffs' and the class members' claims centers on Defendants' standard rules and policies, and uniform classification and compensation policies, which apply to all members of the Nebraska Class.

For the foregoing reasons, Plaintiffs respectfully request that the Court certify, pursuant to Fed. R. Civ. P. 23, a class of all individuals who worked as exotic dancers at Club Omaha at any time between May 26, 2017 and the present, who were misclassified as independent contractors and who were not paid minimum wage and overtime compensation.

DATED: May 10, 2021

Respectfully submitted,

ANDREA GROVE and
CHRYSTINA WINCHELL,
on behalf of themselves
and all others similarly situated,

By their attorneys,

/s/ Olena Savytska

Harold Lichten
Olena Savytska
LICHTEN & LISS-RIORDAN, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
(617) 994-5800
hlichten@llrlaw.com
osavytska@llrlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 10 day of May, 2021 a copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send notice of this filing to all counsel of record.

/s/ Olena Savytska
Olena Savytska, Esq.