

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

Allen v. Pinnacle Entertainment, Inc., et al.
Case No.: 4:17-cv-00374-GAF

**If you worked at Pinnacle Entertainment, Inc.,
or one of its subsidiary casinos (below) between
July 24, 2015 and July 22, 2016 and you used an automated
timeclock to clock-in and clock-out, a collective action
lawsuit may affect your legal rights.**

Ameristar Council Bluffs (Council Bluffs, IA)

Ameristar East Chicago (East Chicago, IN)

Ameristar Kansas City (Kansas City, MO)

Ameristar St. Charles (St. Charles, MO)

Belterra (Florence, IN)

Belterra Park (Cincinnati, OH)

Meadows (Washington, PA)

River City (St. Louis, MO)

Ameristar Vicksburg (Vicksburg, MS)

Boomtown Bossier City (Bossier City, LA)

Boomtown New Orleans (New Orleans, LA)

L'Auberge Baton Rouge (Baton Rouge, LA)

L'Auberge Lake Charles (Lake Charles, LA)

Ameristar Black Hawk (Black Hawk, CO)

Cactus Petes and Horseshu (Jackpot, NV)

**This is a Court-Authorized Notice and is not a Solicitation from a Lawyer.
The Court Has Made No Finding as to the Merits of the Case at this Time.**

Employees have sued Pinnacle Entertainment, Inc. ("Pinnacle") claiming that the company violated the law by failing to pay all wages owed to employees using an automated timeclock.

You are eligible to join this lawsuit if you are or were an hourly employee who worked at Pinnacle or one of its subsidiary casinos in the United States between July 24, 2015 and July 22, 2016, you clocked-in and clocked-out using an automated timeclock, and you have not previously released these claims as a result of separate litigation.

If you meet any of the above criteria, you are potentially eligible to join this lawsuit. Your legal rights may be affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

ASK TO BE INCLUDED	Join this lawsuit. Await the outcome. If you choose to be included in this lawsuit, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to separately sue Pinnacle about the same legal claims in this lawsuit. In order to be included in this lawsuit, you must complete, sign and return the enclosed <u>Consent to Join form by November 6, 2018</u> .
DO NOTHING	Do not join this lawsuit. Get no benefits from it. By doing nothing, you give up the possibility of getting money or benefits from a trial or a settlement of this lawsuit. You keep any rights to sue Pinnacle separately about the same legal claims in this lawsuit, but the statute of limitations continues to run.

Your legal rights and options under federal law are explained in this notice. Currently, the Plaintiffs are represented by Osman & Smay, LLP and McClelland Law Firm, P.C. (“Plaintiffs’ Counsel”). However, you may have other legal rights and options. You are free to contact the law firm to discuss your rights and options, or you may contact an attorney of your choosing.

BASIC INFORMATION

1. Why did I get this notice?

Pinnacle’s records show that you currently work, or previously worked, as an hourly employee who was required to clock-in and clock-out on a timeclock. The Court has conditionally certified a collective action lawsuit that may affect you. You have legal rights and options that you may exercise at this time in this lawsuit, which is titled *Allen v. Pinnacle Entertainment, Inc., et al.*, Case No.: 4:17-cv-00374-GAF pending in the United States District Court for the Western District of Missouri.

2. What is a collective action and who is involved?

In a collective action lawsuit, one or more people bring suit and ask the Court to permit other people who have similar claims to join the lawsuit. One court resolves the issues for everyone who decides to join the case.

THE CLAIMS IN THE LAWSUIT

3. What is this lawsuit about?

Plaintiffs contend that Pinnacle and its subsidiary casinos violated the Fair Labor Standards Act because potential collective action members were required to clock-in and clock-out on an automated timeclock. Plaintiffs contend that Pinnacle and its subsidiary casinos used a timekeeping policy that rounded employees’ time to the nearest quarter hour so that employees were not paid for all of the time they worked. Plaintiffs are seeking minimum wages and overtime wages. You can read Plaintiffs’ Complaint at <http://www.pinnaclewageclaims.com>.

4. What are Plaintiffs asking for?

Plaintiffs seek to recover damages from Pinnacle and its subsidiary casinos for overtime and minimum wages, reasonable attorneys’ fees, and the costs of the lawsuit. Plaintiffs are also seeking liquidated damages which would double the amount of damages the Plaintiffs claim to be owed.

Questions? Do not call the Court. Visit <http://www.pinnaclewageclaims.com> or call 888-429-2413

5. What is the position of Pinnacle and its subsidiary casinos?

Pinnacle and its subsidiary casinos deny the allegations in Plaintiffs' Complaint. Pinnacle and its subsidiary casinos contend that employees were paid all overtime and minimum wages that they are owed in accordance with the Fair Labor Standards Act. You can read Pinnacle's Answer to the Complaint at <http://www.pinnaclewageclaims.com>.

6. Has the Court decided who is right?

The Court has not decided whether Pinnacle or its subsidiary casinos did anything wrong. By conditionally certifying this lawsuit as a collective action and issuing this notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

YOUR RIGHTS AND OPTIONS

7. What happens if I join this lawsuit?

If you are an eligible member of this action and choose to join this lawsuit, you will be bound by any ruling or judgment, whether favorable or unfavorable. By joining this lawsuit, you authorize the named Plaintiffs, to the fullest extent permitted by law, to make decisions on your behalf concerning this lawsuit, the method and manner of conducting the lawsuit, the entering of an agreement with Plaintiffs' Counsel regarding payment of attorneys' fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit.

8. How do I ask the Court to include me in this case?

Enclosed is a form called "Consent to Join." If you choose to join this lawsuit, **it is extremely important that you read, sign and promptly return the Consent to Join Form in time to be filed with the Court by November 6, 2018.** An addressed and postage paid envelope has been sent to you for your convenience. Should the pre-addressed envelope be lost or misplaced, the Consent to Join Form must be sent to:

Allen v Pinnacle
c/o Analytics Consulting LLC
P.O. Box 2006
Chanhassen, MN 55317-2006

If you have any questions about the Consent to Join Form you can visit <http://www.pinnaclewageclaims.com> or contact an attorney representing the Plaintiffs at the information below:

Matthew Osman
Osman & Smay LLP
913-667-9243
mosman@workerwagerights.com

and

Ryan McClelland
McClelland Law Firm, P.C.
816-781-0002
ryan@mcclellandlawfirm.com

The Consent to Join must be returned in time to be filed with the Court by November 6, 2018. **If your signed Consent to Join is not postmarked by November 6, 2018, you may be prohibited from participating in any recovery obtained against Pinnacle or its subsidiary casinos in this lawsuit.**

9. Can Pinnacle or its subsidiary casinos retaliate against me if I join the lawsuit?

No. It is a violation of federal law for Pinnacle or its subsidiary casinos to retaliate against you for joining this case.

Questions? Do not call the Court. Visit <http://www.pinnaclewageclaims.com> or call 888-429-2413

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by Osman & Smay, LLP and McClelland Law Firm, P.C. This law firm is experienced in handling similar cases against other employers.

11. Should I get my own lawyer?

By joining you agree for Plaintiffs' Counsel to be your legal representative, however, you may hire a lawyer of your own choosing at your own expense. You will not share in any proceeds from a settlement or judgment to the Class and you will not be bound by any ruling, settlement or judgment, whether favorable or unfavorable.

12. Will I have to pay the lawyers and how will the lawyers be paid?

If the above-referenced attorneys get money or benefits for the collective, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants the attorneys' request, the fees and expenses would be either deducted from any money obtained for the persons that they represent or paid separately by Pinnacle and its subsidiary casinos, or may be a combination of the two.

GETTING MORE INFORMATION

13. Are more details available?

Visit the website, <http://www.pinnaclewageclaims.com>, to get more information regarding this lawsuit. You may also get more details by calling 888-429-2413 or by writing to:

Allen v Pinnacle
c/o Analytics Consulting LLC
P.O. Box 2006
Chanhassen, MN 55317-2006