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RCI HOSPITALITY HOLDINGS, INC.
and THE END ZONE, INC. T/A CLUB
ONYX, PHILADELPHIA

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CHANTEE WILLIAMS and DEIDRE
ANDREWS, Plaintiffs, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

RCI HOSPITALITY HOLDINGS, INC. and
THE END ZONE, INC. T/A CLUB ONYX,
PHILADELPHIA,

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

AUGUST TERM, 2018

NO. 180802541

JURY TRIAL DEMANDED

DEFENDANTS RCI HOSPITALITY HOLDINGS, INC. AND THE END ZONE, INC.
T/A CLUB ONYX'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT

Defendants RCI Hospitality Holdings, Inc., and The End Zone, Inc. t/a Club Onyx (collectively “Defendants”) file this Original Answer to Plaintiffs’ Second Amended Complaint (“SAC”) as follows:

Responding to the Introduction Allegations

1. Defendants deny that they unlawfully refused to pay a minimum wage and overtime pay to the Entertainers at Club Onyx, Philadelphia, an adult nightclub. Defendants deny that they unlawfully withheld from the Entertainers’ tips or otherwise charged the Entertainers for Defendants’ expenses. Defendants deny that they unlawfully charged unjust fees for dancing privileges and other services. Defendants deny that they unlawfully charged fines and penalties for rules and scheduling infractions. Defendants deny that they took such action with respect to Chantee Williams, Deidre Andrews, Rashana Karee Mobley, Erica Jackson, Keyanna Curtis, Patricia Williams, Aniya Gullette, Katherine Wright, Rinita Miller, Keyona Mitchell, Keiarah Bazemore or others similarly situated. Defendants deny that they acted in bad faith.

2. The first sentence in Paragraph 2 of Plaintiffs’ SAC is not directed at Defendants. Defendants deny the remaining allegations in Paragraph 2 of Plaintiffs’ SAC.

Responding to the Party Allegations

Plaintiffs

3. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 3 of Plaintiffs’ SAC. Defendants admit the allegations contained in the second sentence of Paragraph 3 of Plaintiffs’ SAC.

4. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 4 of Plaintiffs’ SAC. Defendants admit the allegations contained in the second sentence of Paragraph 4 of Plaintiffs’ SAC.

5. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 5 of Plaintiffs' SAC. Defendants deny the allegations contained in the second sentence of Paragraph 5 of Plaintiffs' SAC.

6. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 6 of Plaintiffs' SAC. Defendants admit the allegations contained in the second sentence of Paragraph 6 of Plaintiffs' SAC.

7. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 7 of Plaintiffs' SAC. Defendants admit the allegations contained in the second sentence of Paragraph 7 of Plaintiffs' SAC.

8. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 8 of Plaintiffs' SAC. Defendants deny the allegations contained in the second sentence of Paragraph 8 of Plaintiffs' SAC.

9. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 9 of Plaintiffs' SAC. Defendants deny the allegations contained in the second sentence of Paragraph 9 of Plaintiffs' SAC.

10. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 10 of Plaintiffs' SAC. Defendants admit the allegations contained in the second sentence of Paragraph 10 of Plaintiffs' SAC.

11. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 11 of Plaintiffs' SAC. Defendants admit the allegations contained in the second sentence of Paragraph 11 of Plaintiffs' SAC.

12. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 12 of Plaintiffs' SAC. Defendants admit the allegations contained

in the second sentence of Paragraph 12 of Plaintiffs' SAC.

13. Defendants lack sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 13 of Plaintiffs' SAC. Defendants deny the allegations contained in the second sentence of Paragraph 13 of Plaintiffs' SAC.

Defendants

14. Defendants admit the allegations in Paragraph 14 of Plaintiffs' SAC.

15. Defendants admit the allegations in Paragraph 15 of Plaintiffs' SAC.

16. Defendants admit the allegations in Paragraph 16 of Plaintiffs' SAC.

17. Defendants deny the allegations in Paragraph 17 of Plaintiffs' SAC.

Factual Allegations

18. Defendants deny the allegations in Paragraph 18 of Plaintiffs' SAC.

19. Defendants deny the allegations in Paragraph 19 of Plaintiffs' SAC.

20. Defendants admit that no entertainers who performed at Club Onyx were classified as employees.

21. Defendants deny the allegations in Paragraph 21 of Plaintiffs' SAC.

22. Defendants deny the allegations in Paragraph 22 of Plaintiffs' SAC.

23. Defendants deny the allegations in Paragraph 23 of Plaintiffs' SAC.

24. Defendants deny the allegations in Paragraph 24 of Plaintiffs' SAC.

25. Defendants deny the allegations in Paragraph 25 of Plaintiffs' SAC.

Responding to Joint Employer/Integrated Enterprise Allegations

26. Defendants deny the allegations in Paragraph 26 of Plaintiffs' SAC.

27. Defendants deny the allegations in Paragraph 27 of Plaintiffs' SAC.

Responding to the Class Action Allegations – Rule 1701 Pa. R. Civ. P.

28. Defendants admit the allegations in Paragraph 28 of Plaintiffs' SAC.
29. Defendants admit the allegations in Paragraph 29 of Plaintiffs' SAC, except that they deny that others are similarly situated to Plaintiffs.
30. Defendants deny the allegations in Paragraph 30 of Plaintiffs' SAC.
31. Defendants deny the allegations in Paragraph 31 of Plaintiffs' SAC.
32. The statement in Paragraph 32 of Plaintiffs' SAC is not directed at Defendants, but Defendants deny that the Plaintiffs should represent the class described in Paragraph 32 of Plaintiffs' SAC.
33. Defendants deny the allegations in Paragraph 33 of Plaintiffs' SAC.
34. Defendants deny the allegations in Paragraph 34 of Plaintiffs' SAC.
35. Defendants deny the allegations in Paragraph 35 of Plaintiffs' SAC.
36. Defendants deny the allegations in Paragraph 36 of Plaintiffs' SAC.
37. Defendants deny the allegations in Paragraph 37 of Plaintiffs' SAC.

Responding to the First Cause of Action

38. Defendants incorporate their responses in the foregoing paragraphs.
39. Defendants deny the allegations in Paragraph 39 of Plaintiffs' SAC.
40. Defendants deny the allegations in Paragraph 40 of Plaintiffs' SAC.
41. Defendants deny the allegations in Paragraph 41 of Plaintiffs' SAC.
42. Defendants deny the allegations in Paragraph 42 of Plaintiffs' SAC.
43. Defendants deny the allegations in Paragraph 43 of Plaintiffs' SAC.
44. Defendants deny the allegations in Paragraph 44 of Plaintiffs' SAC.

Responding to the Second Cause of Action

45. Defendants incorporate their responses in the foregoing paragraphs.
46. Defendants deny the allegations in Paragraph 46 of Plaintiffs' SAC.
47. Defendants deny the allegations in Paragraph 47 of Plaintiffs' SAC.
48. Defendants deny the allegations in Paragraph 48 of Plaintiffs' SAC.
49. Defendants deny the allegations in Paragraph 49 of Plaintiffs' SAC.
50. Defendants deny the allegations in Paragraph 50 of Plaintiffs' SAC.
51. Defendants deny the allegations in Paragraph 51 of Plaintiffs' SAC.

Responding to the Third Cause of Action

52. Defendants incorporate their responses in the foregoing paragraphs.
53. Defendants deny the allegations in Paragraph 53 of Plaintiffs' SAC.
54. Defendants deny the allegations in Paragraph 54 of Plaintiffs' SAC.
55. Defendants deny the allegations in Paragraph 55 of Plaintiffs' SAC.

Responding to the Prayer

Defendants deny that Plaintiffs are entitled to the relief requested. Defendants deny that there is a class of similarly situated individuals.

Affirmative Defenses

1. Plaintiffs' claims are barred, in whole or in part, because the SAC fails to state a claim upon which relief can be granted.
2. Plaintiffs' claims are barred by the doctrine of offset/setoff.
3. Plaintiffs' claims are barred, in whole or in part, by laches, estoppel, waiver and/or ratification.
4. Plaintiffs' claims are barred, in whole or in part, by equitable estoppel.

Conclusion

WHEREFORE, Answering Defendants RCI Hospitality Holdings, Inc., and The End Zone, Inc. t/a Club Onyx pray that Plaintiffs Chantee Williams, Deidre Andrews, Rashana Karee Mobley, Erica Jackson, Keyanna Curtis, Patricia Williams, Aniya Gullette, Katherine Wright, Rinita Miller, Keyona Mitchell, and Keiarah Bazemore take nothing by way of this lawsuit, respectfully requests for Judgment in their favor and against the Plaintiffs, and that Defendants be discharged without liability, that Defendants recover its attorneys' fees costs, and for all other relief to which they may be entitled.

Respectfully submitted,

/s/ John A. Underwood, Esq.

JOHN A. UNDERWOOD

ATTORNEY FOR DEFENDANT

Dated: June 27, 2022

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been served upon the following counsel of record on June 27, 2022.

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/s/ John A. Underwood
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