

# NEW HAVEN ADVOCATE

## Exotic Dancers Stripped of Their Rights Are Leading the Fight to Save Class-Action Suits

By Win Vitkowsky

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During a break between sets, Dina D'Antuano and Karen Vilnit were called up to the main office of Groton's Gold Club. In the fall of 2008, they were told their boss was updating paperwork and needed them to sign some papers. But according to a lawsuit filed in New York City's Second Circuit Court of Appeals in January 2011, what these barely-dressed employees didn't realize is that they were signing away their rights as workers.

D'Antuano and Vilnit, along with Ramona Cruz (who did not sign any paperwork) are suing their former boss. If they win, it could change the way strip clubs do business in Connecticut. If they lose, it could be a major blow to the future of class-action labor violation lawsuits.

An agreement between dancers and a club is not uncommon, according to Gigi, a 20-year-old who works at a topless bar in Fairfield County. Although her job pays a stipend to employees who work a full shift, she says other places require dancers to pay a "shift fee."

Most of the 35 strip clubs in Connecticut consider their dancers independent contractors. That means owners can avoid paying an hourly wage, benefits, unemployment or worker's compensation. But the Gold Club, a small Connecticut chain with locations in Hartford and Groton, took that concept a step further, according to the lawsuit.

Shannon Liss-Riordan, the lawyer representing the dancers, says what the Gold Club has done is illegal. The Gold Club makes dancers sign "landlord-tenant" contracts, and charges "rent" to perform. In Connecticut, it is illegal to make someone pay for a job, Liss-Riordan says.

"They pay a shift fee, which the Gold Club calls 'rent,' they have to tip out the DJ, they have to hand over a portion of what they make from lap dances, too," Liss-Riordan says. "Connecticut law explicitly prohibits that.

"You have to be paid [an hourly wage] and you have to be able to keep your tips."

D'Antuano, Vilnit and Cruz are suing for back wages. Their case was thrown out in May by Superior Court Judge Mark Kravitz, not because their claims were invalid, but because the contract they signed included a promise that they would not join a class-action lawsuit. They are

appealing that decision in federal court. If they lose, it sets a legal precedent that favors employers who stiff their workers. Any worker with a wage and hour complaint would have to fight individually for damages from an employer.

Attorney Sarah Smolik also represents the dancers. She says it's unconscionable that the club would have the women sign a legal document without telling them to have a lawyer look it over.

“The [Gold Club's] argument is that it's a legal document between two businesses,” Smolik says. “But they were being asked in the middle of a set to supposedly update their paperwork. In the case of Dina and Ramona, these are both single moms supporting their kids. None of these women has anything beyond a high school education, and it was clearly a document drafted by a lawyer. Someone's asking you to sign a legal document when you're standing there basically in your underwear. It's not exactly an ideal time for you to consider what you're signing.”

Gold Club manager Miranda Bergeron, also named in the suit, didn't seem eager to defend herself or the company's practices.

“I don't know anything about it, I have no comment, I have nothing to say to you,” Bergeron said over the phone.

Ramona Cruz used to ride with a clique of dancers who regularly worked the Massachusetts, Rhode Island and eastern Connecticut circuit. She says the money you make on the stage amounts to just a handful of dollars. The real money is made giving \$25 lap dances on the floor, from which the Gold Club took \$5. For VIP dances, which took place in a room behind a beaded curtain, the dancers had to fork over \$50 — nearly a third of what they charge for that — to the house. If they showed up late, the club would charge them a \$20 fine.

“Some days I could go in and make a few hundred, some days I'd end up paying them and just break even,” Cruz says. “It was like Russian roulette, hit or miss. Sometimes you couldn't even make the fee but you had to pay it.”

The industry wasn't always like that.

Suzie Anthony (whose name has been changed) used to strip in Boston's red light district in the late 1970s and early '80s. She began stripping when she was 16 years old. Although back then she says there was an air of criminality permeating the entire district, at the very least workers were given a daily wage.

Rather than giving lap dances, which did not exist at the places she worked, women would solicit drinks after performing on stage. Customers would pay \$7 for a cocktail — roughly \$25 today, adjusted for inflation — and the women would drink it in their company. The bar would then split the proceeds with the dancers. Although it may have been exploitative, Anthony says she was at least guaranteed income.

Some modern clubs do pay their workers. At the Hideaway in Stamford, dancers get a \$35

stipend for performing. That is equal to about \$4.35 an hour, which is actually more than the minimum wage for tipped employees. Although she is classified as an independent contractor, topless dancer Gigi, who works at the Hideaway, says that classification allows her the freedom to refuse certain patrons and come and go as she pleases.

As far as paperwork is concerned, she did have to get her mother to sign a document allowing her to work in a place that serves alcohol (she is still under 21), but she never had to enter an agreement she didn't understand to keep working.

As part of their contract, the Gold Club dancers agreed not to join a class-action lawsuit if the landlord-tenant agreement was ever deemed illegal. A recent ruling in the Supreme Court upheld AT&T's claim that a similar provision in their customers' contracts was legal, and threw out a massive class-action suit against it.

Applying that decision to the case of the exotic dancers in Groton has consequences that could affect all workers, says Hartford labor lawyer Richard Hayber.

“Someone like me is extremely concerned by this. If employers can have you sign away your rights to collective actions and class actions, that makes things very hard for me,” Hayber says.

Class-action suits benefit labor lawyers and workers alike, because if a judgment is made against an employer, the court will notify all workers affected by the case and allow them to collect damages.

That means people who don't understand wage and hour laws, or realize there is a lawsuit going on, can still benefit.

In 2009, Lichten & Liss-Riordan P.C., the Boston-based law firm representing the workers, won thousands in back pay for 70 former strippers who were misclassified as indie contractors in Chelsea, Mass.

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