

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DISTRICT**

David Meller and Kerstin Robinson,)
individually and on behalf of all others)
similarly situated,)
)
Plaintiffs,)
)
v.)
)
Wings Over Spartanburg, LLC; Wings Over)
America, Inc.; Aetius Companies, LLC; Aetius)
Franchising, LLC; Aetius Holdings, LLC;)
Aetius Restaurant Holdings, LLC, Aetius)
Restaurant Group, LLC,)
)
Defendants.)

Civil Action No.: 2:15-cv-2094-PMD

JOINT STIPULATION

Plaintiffs David Meller and Kerstin Robinson, individually and on behalf of all others similarly situated, and all filed Opt-Ins to date (all jointly referred to hereinafter as “Plaintiffs”), by and through their undersigned counsel, and Defendants Wings Over Spartanburg, LLC; Wings Over America, Inc.; Aetius Companies, LLC; Aetius Franchising, LLC; Aetius Holdings, LLC; Aetius Restaurant Holdings, LLC; Aetius Restaurant Group, LLC (collectively “Defendants”), by and through their undersigned counsel, hereby stipulate to the following in an effort to streamline the conditional certification process:

1. Defendants agree that for purposes of Plaintiffs’ FLSA claims, notice may be distributed to the following corporate-owned Wild Wing restaurants: Mt. Pleasant, Downtown Charleston, Spartanburg, North Charleston, Bluffton, Columbiana, Greenville, Hilton Head, Wilmington, Vista, Southwest Charlotte, and Uptown Charlotte.
2. In exchange for the distribution of notice (for the FLSA claims) to the twelve corporate-owned restaurants listed above, Plaintiffs agree to dismiss with prejudice Aetius Franchising, LLC and all state and federal law claims asserted against any franchise location

operating under the “Wild Wing Cafe” trade name. Plaintiffs further agree not to pursue notice or class certification as to the franchise locations or to the Anderson location.

3. Plaintiffs also agree to dismiss with prejudice Wings Over America, Inc. which is no longer an operating entity and has not been involved with the restaurants at issue since it sold its assets to Aetius Holdings, LLC in January 2012.

4. To effectuate the dismissal of Aetius Holdings, LLC, Wings Over America, Inc. and all state and federal claims asserted against any franchise location operating under the “Wild Wing Cafe” trade name, Plaintiffs agree that counsel for Defendants may sign and file, on behalf of Plaintiffs and Defendants, the Stipulation of Dismissal attached hereto as Exhibit A.

5. In consenting to distribution of notice to the above-referenced restaurants at the conditional certification stage, Defendants are not conceding that the expeditors at these restaurants received an improper tip-out at any time during the relevant time period and Defendants specifically reserve their right (1) to move to decertify the class at a later date, and (2) to move to limit the relevant period at issue on a store-by-store basis.

6. Neither this Joint Stipulation nor any of its content shall be admissible to the jury.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

WE SO STIPULATE:

WE SO STIPULATE:

s/John G. Reckenbeil

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FRANCHISING, LLC; AETIUS HOLDINGS,
LLC; AETIUS RESTAURANT HOLDINGS,
LLC; AETIUS RESTAURANT GROUP, LLC

ATTORNEYS FOR PLAINTIFFS

April 12, 2016
Charleston, South Carolina