

1 Mark R. Thierman CSB 72913, NSB 8285  
2 **THIERMAN LAW FIRM**  
3 7287 Lakeside Drive  
4 Reno, NV 89511  
5 Tel: (775) 284-1500 Fax: (775) 703-5027  
6 email: laborlawyer@pacbell.net

7 H. Tim Hoffman, State Bar No. 49141  
8 Arthur W. Lazear, State Bar No. 184401  
9 **HOFFMAN & LAZEAR**  
10 180 Grand Ave., Suite 1550  
11 Oakland, CA 94612  
12 Telephone (510) 763-5700

13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT

15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 LILIANA SOLIS, on behalf of herself, the )  
17 general public and as an "aggrieved employee")  
18 under the California Labor Code Private )  
19 Attorneys General Act, )

20 Plaintiff, )

21 v. )

22 THE REGIS CORPORATION and each of )  
23 their subsidiaries doing business in California )  
24 under such names as Supercuts, MasterCuts, )  
25 Regis Salons, Trade Secret, SmartStyle, )  
26 Carlton Hair International, Mia & Maxx Hair )  
27 Studio, Hair Crafters, Great Expectations, We )  
28 Care Hair, HairMasters, Vidal Sassoon, and )  
DOES 1-50, )

Defendants. )

Case No.: C-05-03039 CRB

PLAINTIFF'S NOTICE OF MOTION FOR  
CLASS CERTIFICATION

Hearing Date: May 12, 2006

Hearing Time: 10:00 a.m.

Judge: Charles Breyer  
Courtroom 8, 19<sup>th</sup> Floor

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1 NOTICE IS HEREBY GIVEN that on May 12, 2006 at 10:00 a.m., or as soon  
2 thereafter as the matter may be heard, in the above-entitled court, Plaintiff will move, and hereby  
3 does move, the court as follows:

4 1. To certify that this action is maintainable as a class action for each of the following  
5 classes and/or sub-classes:

6 Class A or "The Overtime Class" consists of all hourly employees employed at  
7 Supercuts store locations, except those owned and operated by bone fide third party franchisees,  
8 located within the state of California within four years immediately preceding the filing of the  
9 complaint in this action until the date of judgment after trial who were paid overtime  
10 compensation based upon a matrix system which decreased the piece rate per task as the number  
11 of completed tasks were completed and which calculated the overtime rate on the basis of  
12 average piece rate over a period of time longer than a day and/or a workweek al in violation of  
13 Labor Code 510 and the overtime calculation requirements of California law.

14 Class B or "The Check Cashing Class" consists of all employees employed within the  
15 state of California within one year immediately preceding the filing of the complaint in this  
16 action until the date of judgment after trial or until the practice complained of herein ceased,  
17 whichever was sooner, who were paid by Defendant Regis Corporation and/or Supercuts  
18 Corporate Stores Inc, with checks, script or other forms of indebtedness (other than by direct  
19 deposit into the employee's own bank account) which checks, script or other form of  
20 indebtedness did not contain on the face of the instrument or in a separate piece of paper  
21 included in the pay envelope at the time of issuance of the instrument, the name and address of a  
22 place within the state of California where the instrument could be negotiated for cash (lawful  
23 legal tender) immediately without discount, charge or delay in violation of California Labor  
24 Code Section 212.  
25  
26  
27  
28

1. Class C or "The Pay Stub Class consists of all employees employed within the state of California within three years immediately preceding the filing of the complaint in this action until the date of judgment after trial or until the practice ceased, whichever was sooner, who were paid by Defendant Regis Corporation and/or Supercuts Corporate Stores Inc, a piece rate, the so-called matrix system, but were not furnished semimonthly or at the time of each payment of wages, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an accurate itemized statement in writing showing the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis as required by Labor Code 226(a).

2. To certify the individual plaintiff as the representative of the class and her counsel of record as counsel for the class.

This motion is based on this Notice, the Memorandum of Points and Authorities and Declarations filed herewith and in support of this motion and the complete files and records of this action, as well as the deposition testimony filed under seal in this case.

Dated this 7<sup>th</sup> day of April, 2006

By: \_\_\_\_\_/s/  
Mark R. Thierman

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