

Enterprise: Common Business Purpose

- “Z-Ultimate Self Defense Studios, LLC - ZUSDS -is a part of a **family of companies** that **formed with one goal** in mind - to provide **"Z-Ultimate" martial arts experience** for students and their families by providing life changing and character building experiences through **world-class personalized martial arts instruction.**”
- “With Z-USDS, **each and every location** is under **one umbrella**, closely managed & supported by Corporate Headquarters and the Board of Masters, as well as serviced by **sister companies**, all monitored and operated by principles and staff of Z-USDS.”
 - Z-Ultimate Website, Ex. A

Enterprise: Common Business Purpose

- Defendant Agendas expressly instruct Plaintiffs to use the other members of the enterprise, calling them “sister companies” and “systems of support”, including:
 - Accounting (WLC Management /Black Ink Accounting and E-Kredible Solution/ Black Ink Accounting)
 - Billing (Z-Ultimate Specialized Accounting)
 - Training (Z-Ultimate University)
 - Supplies (Z-Ultimate Martial Arts Supplies)
 - Defendants June 10 Supplemental Discovery Response at 22-42, Ex. H: Agendas, Ex. J



Z-ULTIMATE SELF DEFENSE STUDIOS

Z-BIG FUN FRIDAY MEETING OF Z-MINDS

June 6th, 2014

WHY WE OF Z DO WHAT WE DO - CONSISTENT STANDARDIZATION

- As with every aspect of life, begin your mental journey of consideration w/Gratitude.
- Reminder: People have not genetically changed in thousands of years - You included.
- We of Z collectively have hundreds of years of professional studio experience.
- With experience comes WISDOM - what to do, & more importantly, what NOT to do...
- Weekly Workouts / 12-9PM / Image / Daily Promotions / Tracking #'s / SOS Teams...
- For every counter there is a counter... *For every exception, there is an exception.*
- Before you seek to change what has proven to work, work it. Just ask those that do.

Enterprise

- Defendants group of companies is precisely the type of company contemplated for FLSA Coverage as an “enterprise”
 - Both as a “Multi Unit Business” and “Complex Business Organization”
 - 29 C.F.R. § 779.204

Enterprise Coverage

- 1) Defendants Engage in Related Activities
 - ✓ No Genuine Dispute
- 2) Common Control or Unified Operation
 - ✓ Undisputed Evidence Shows Common Control
 - ✓ Undisputed Evidence Shows Unified Operation
- 3) Defendants Companies Have a Common Business Purpose
 - ✓ Undisputed Evidence Shows Common Business Purpose

Defendants' Declarations Are Inadmissible

- Judge Wiley Y. Daniel held that two affidavits attached to a response to an MSJ were inadmissible where the affidavits are “not based on personal knowledge and are replete with legal conclusions, opinions, **self-serving or conclusory statements**, and statements that are **not supported by any corroborating evidence.**”
- *Curtis v. State Farm Mut. Auto. Ins. Co.*, 621 F. Supp. 2d 1122, 1126 (D. Colo. 2008) (citing *FrontRange Solutions USA, Inc. v. Newroad Software*, 505 F.Supp.2d 821 (D.Colo. 2007) (holding **affidavits with factually unsupported conclusions and self-serving assertions not corroborated by reference to any record evidence or contradicted by the other evidence are inadmissible**)).

Two Issues Before the Court

Based on Defendant' own sworn statements in depositions, discovery responses, emails to Chief Instructors, and statements to the public:

There is **NO Genuine Materal Dispute** that -

- **1) Chief Instructors ARE Employees** under the FLSA's suffer or permit standard.
- **2) Defendants ARE an "Enterprise"** and thus covered by the FLSA.

Geiger et. al. v. Z-Ultimate et. al.

Motions for Summary Judgment

14-cv-240 BNB-NYW

May 3, 2016 2:00pm

CONFIDENTIALITY, NON-DISCLOSURE & NON-COMPETITION AGREEMENT

The undersigned ("Independent Contractor") does hereby represent and warrant to Z Ultimate Self Defense Studios LLC ("Z Ultimate") and to _____ ("Company") that he/she is, in fact, the recipient of privileged and confidential information regarding Martial Arts training and the operation of the Martial Arts business, which confidential information constitutes a body of knowledge and practice which are trade secrets of Company.

Independent Contractor hereby represents and warrants to Z Ultimate and/or Company that he/she will safeguard said trade secrets and disclose only that confidential information which Company specifically authorizes Independent Contractor to disclose and that said disclosures shall only be at those times and places and in those forms and fashions as may be set forth by Z Ultimate and/or Company.

Independent Contractor further acknowledges that it would be highly detrimental to Z Ultimate and/or Company if Independent Contractor were to discontinue his/her course of service for Z Ultimate and/or Company and establish a competitive business within the existing demographic area/region of Z Ultimate and/or Company. Independent Contractor further acknowledges that it is highly likely that Independent Contractor would benefit greatly from the trade secrets learned from Z Ultimate and/or Company if Independent Contractor were to establish a competitive business and that said benefit would be at the expense and to the detriment of Z Ultimate and/or Company.

Independent Contractor hereby represents and warrants to Company that, in the event that Independent Contractor discontinues his/her course of service for Z Ultimate and/or Company, he/she will not enter into a competitive business within FIVE (5) MILES of any established business operation of Z Ultimate and/or Company for a period of TWO (2) YEARS from and after the date upon which Independent Contractor discontinues said course of service.



Z-ULTIMATE SELF DEFENSE STUDIOS

Z-BIG FUN FRIDAY MEETING OF Z-MINDS

May 6th, 2011

Z-ULTIMATE MARTIAL ARTS SUPPLIES (ZUMAS)

- NEW PRODUCTS – Geisha Print Duffie Bags / Summer Apparel Coming Soon!!
- New Inventory of Z-Flex Hats & Polo T's / **TOURNAMENT GEAR IN STOCK!!!**
- ZUMAS now Official Distributor of Power Balance Bracelets- \$20Whls / \$30 Retail

MASTERS & Z-ULTIMATE SPECIALIZED ACCOUNTING (ZUSA)

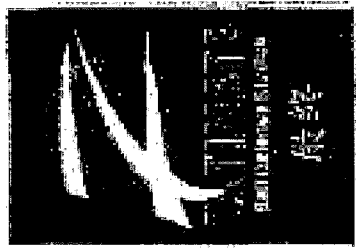
- 45 min daily bites are working – Maintain your consistent daily chew sessions.
- Online **HOW TO** Videos Available – Incredibly WELL DONE – THX Jenn Herzog!!
- Group and Private Tutoring is also available – Simply ASK FOR HELP!!
- Daily, Weekly, and Monthly **MASTERS** Checklist – EZ & immediate information.
- Double Books – Still maintain **WRITTEN** receipts or ledgers for you to compare.
- Take the time and review your past reports to ensure **ALL** students have paid!!
- The Pain of Discipline versus the Pleasure of Results – More Wisdom & Dough!!

Z-SALES & MARKETING / Z-MARKETING & SALES

- Studio websites are done!! “How To” Video in Google Videos w/more Coming!!
- Presentation Binder Pages Complete / Referral Poster / Brochure-mercial
- 9 Months New – Culting teeth, still drooling, and lots of smelly stuff to change!!
- Please forward your ideas and feedback to ideas@zultimate.com – Village Effort
- Red Card Crusaders – It still is working for those that are still working it!!
- The **ONLY** difference between the Good, Better, and **BEST** studio is **ATTITUDE!!**
- Never lose sight of our **CORE BIZ – World Class Martial Arts Instruction!!**

Z-ULTIMATE SPECIAL ANNOUNCEMENTS & INSIGHTS

- May 7th Brown & Black Belt Test / May 12th CO Tournament & Monk Seminar
- Special Grappling / MMA Training by Erik Paulson – Google him – **IMPRESSIVE!!**
- ZUSDS / ZUMAS / ZUSA / MASTERS – One “Hot Topics” EMAIL on **MONDAY** for print and review with Tuesday’s Meeting Agenda – **YOU ARE WELCOME!!**



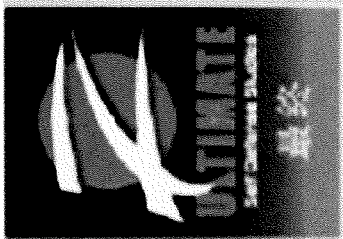
Z-ULTIMATE SELF DEFENSE STUDIOS

Z-BIG FUN FRIDAY MEETING OF Z-MINDS

April 1st, 2011

Z-SALES & MARKETING / Z-MARKETING & SALES

- MARTIAL ARTS MAKEOVER Promotion has experienced its own Before & After
- www.zultimate.com only continues to **IMPROVE** - **THANK YOU MR. HUFF!!!**
- Testimonials posted to main & studio sites / Brochure-Mercial in Progress
- Presentation Binder / Referral Program Poster / Online HOW TO video library
- Studio Growth through the Z Red Card Promo - Success SHARED by Ms. Bravo.
- ATTITUDE / BELIEF / CONSISTENCY will get you there and KEEP YOU THERE!!!



Z-ULTIMATE RATE SCHEDULE

Effective September 1, 2010

To ensure fairness to all students of Z-Ultimate Self Defense Studios and professional consistency amongst all Z-Ultimate studio locations, the following rate schedule reflects the minimal Enrollment, Tuition, and Testing Fees. All rates have been carefully and competitively calculated to assure maximum VALUE may be realized by our students and families.

Discount Tuition Agreements may be cancelled at any time by providing a 30-day written notification along with payment sufficient to cover the Enrollment and Tuition Discounts received to date. Cancellation will be authorized upon the receipt of both the written notification and full payment. Family, fire, military, police, and multiple lesson discounts begin at 10% off.

TESTING FEES	BLACK BELT PROGRAM
<i>Testing Fees are to include the Testing Procedure, Rank Certificate, New Belt, and Z-Ultimate Logo T-Shirt</i>	\$10,000.00 <i>Including</i>
Yellow & Orange	One (1) Private Lesson plus Unlimited Group Classes for a term of 48 Months
Purple	<i>or</i> Two (2) Private Lessons plus Unlimited Group Classes for a term of 24 Months
Blue & Blue / GS	<i>plus</i> Additional Incentives and Savings - Limited Availability
Green & Green / BS	<i>...</i>
Brown	Black Belt Programs are Non-Transferable
Black	
<i>All Brown and Black Belt Testing is conducted by Z-Ultimate Board of Masters - No Discounts Apply.</i>	

©2010 Z-Ultimate Self Defense Studios V10.21.12

All Rates have been Reviewed and Approved by the Z-Ultimate Board of Masters.

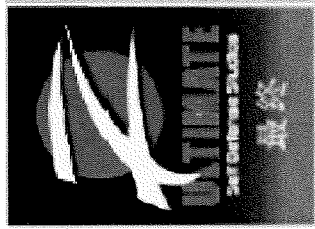


Z-ULTIMATE SELF DEFENSE STUDIOS

THE BEST & MOST EXTREME EXAMPLE OF ANY KIND

THE TEN ABSOLUTES OF BUILDING A SUCCESSFUL DOJO:

- REMAIN A STUDENT - WORKOUTS & MEETINGS = Practice what you teach.**
- STUDIO HOURS - No less than 12pm to 9pm of ACTIVE HOURS... vs 'inactive':**
- CLEAN STUDIO - Store front, windows, lobby, office, restroom, DOJO, etc.**
- INSTRUCTOR(S) IMAGE - Full Uniform & Belt during all dojo HOURS.**
- DAILY HIT LISTS - Daily, Weekly, Monthly, & Quarterly CHECK LIST of To Do's.**
- TRACKING - PC / AS / IN / PR / SU / Revenue / Active / In-Active / Profit & Loss.**
- PROMOTE Z & ENROLL THEE - Promotional Routines SCHEDULED daily.**
- TEACH-N-TRAIN & RETAIN - Every lesson & class BETTER than before - Inspire.**
- MANAGE, PROBLEM SOLVE & EVOLVE - Day to day with INTENT & PURPOSE.**
- FREE 30 DAY TEST DRIVE - Maintain TEN 30DTD at all times without exception.**



Z-ULTIMATE RATE SCHEDULE

INTRODUCTION

*Before you review the Z-Ultimate Rate Schedule, are you **PROFESSIONALLY COMMITTED** to:*

***INSPIRING** the Men, Women, and Children of Your Community to Realize their Personal Best?*

*Being a **TRUE PRODUCT** of What You Represent, accepting that Hypocrisy is the silent killer?*

*Maintaining a Professional Studio Environment that never compromises the Hours of Operation, Starts and Ends All Classes On Time, Always is Clean and Clutter Free, and has only **HAPPY** Instructors?*

Being an Active, Productive, and Supportive Member of Z-Ultimate Tribe offering realistic solutions?

*Knowing that you will only **SUCCEED** in getting what you want, by helping others get what they want?*

*Believing in the immense **VALUE** that our Professional Instruction and studio environments provide to our students' lives? – Belief in an “exchange” that is truly priceless?*

*Asking for **HELP** when in doubt or confused, realizing the benefits of being a **STUDENT** on Z-GROW?*

*Knowing and Understanding the **REAL NUMBERS** and never seeking “reasons” to compromise rates?*

Daily Hit List

Opening:

- "Open" Studio: Turn on T.V.(s) – Lights – Open all doors for fresh air – Touch up cleaning (Febreeze carpets, shine glass)
- Read, Review & Reflect on posted goals in storeroom, unlock storeroom file cabinet.
- 10 Minute \$\$ Forecast (Enrollments, supplies, renewals, upgrades & outstanding balances)
- "Billing" time: Check Voice Mail and return calls IMMEDIATELY. Check & Reply to Emails – Follow up calls on any days missed lessons or pending issues – "Receive payments" - Enter new applications.
- Reminder Calls for next day's lessons and to sick / injured / vacationing students to show you care and keep rapport
- (Don't forget: Hand-out Test Cards, Update Greaseboards / FanPage Announcements, Hang Posters, Pass out Flyers, etc...)

Closing:

- Nightly Meeting (10 Minutes) – What happened today? What do we have planned for tomorrow? What did you learn? Numbers: Current & To Go! Review of day's performance / Transfer incomplete tasks to next days list
- Update Daily transactions (Payments In-House – Cancellations – Special Tuition Requests – Auto-Renew Notifications – Billing information changes)
- Log all private blocks used / Punch Cards
- Make all necessary call-backs to students
- Cumulate Weekly Receipts and write total in bottom corner of last receipt (if \$Bag contains \$500 or more, then deposit)
- Call in #'s to District Manager (Tuesday, Thursday, Saturday)
- Straighten up Dojo, disinfect bathroom, light Lysol over Dojo floor, Glass, Carpet Powder & Vacuum. (**Cleaning Hitlist**)
- "Close" studio: Turn off T.V.(s) – Lights – Turn Off Air Conditioner/Heater – Lock all Doors

Minimum Performance Requirements

- Teach exciting, energetic and enthusiastic classes & ASK FOR REFERRALS

- 20 Appointments Set (per instructor)

- 7 Presentations (per instructor – scheduled intro & walk by if need be!)

- 3 Sign Up (per instructor)

- \$ _____,00 Revenue

Monday

- 12-1 pm Studio Meeting (*CI/ZUG Meet Hitlist*) – Rep Check, Partners, Studio Issues, Communicate, Studio Trends, Momentum
- Make out next weeks schedule in Black Ink & Hi-Lite all open intro times – Look at next 3 weeks and Plan Ahead!
- Print out Master List - check balances - resale #'s – reps – student status check
- Assign Weekly Cleaning Tasks/Rooms using *Cleaning Hitlist*
- Inventory KSE supplies and cumulate last week's ZUMAS order and submit through Netsuite
- Promote: Lead / Guest Registry calls

Tuesday

- CI - Workout / Meeting
- Promote: Promo route – lead boxes and flyers
- Numbers call-in

Wednesday

- 12-1 pm Update MASTERS / Quickbooks: Enter Applications, Invoices and Receive Payments (use *Quickbooks Hitlist*)
- Promote: Inactive calls and Referral calls

Thursday

- CI – Workout
- Promote: Community packets and School packets
- Numbers call-in

Friday

- Inventory ZUMAS & "Enter Statement Charges" in Quickbooks (*ZUMAS Hitlist*)
- Back Up Quickbooks on the "Friday" CD / Thumbdrive
- Promote: Store front meet & greet

Saturday

- Intro and enrollment day!
- Total previous weeks Studio numbers (includes all Instructors)
- Write total revenue below last receipt in book
- Fill out Weekly Audit Sheet & "Save As" then print & staple & file w/ QB dep. Summary. ABC / ZUSA rpt., Inst. Payroll.
- Email Audit Sheet: agomez@zultimate.com, sblackink@aol.com, eperman@zultimate.com.
- Enter in "LAST WEEKS" performance numbers in STUDIO MASTER TRACKING sheet.
- Back Up Quickbooks on Saturday Disk
- Numbers call-in

Sunday

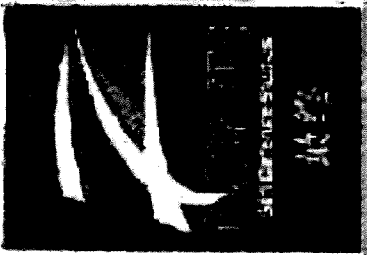
- Teach exciting, energetic and enthusiastic classes & ASK FOR REFERRALS
- Write out summary of day's events to review Monday morning
- Call in daily totals to Chief Instructor

Important Dates to Remember

- Big Fun Friday - First Friday of every month (ZUMAS items Return Day)
- Last Tuesday of the month - Z-Vally Territory Workout & Meeting
- 1st of Month - Review Quickbooks Resale Numbers for the next 2 months
- 1st of Month - *Back Up My Documents & Current Projects Folder to Alternating Thumbdrives*
- April, July, October, January - Quarterly Number Review of Studio Master Tracking File with Team

28th of Every Month - Inventory Cleaning, Office & Printing Supplies

- Cleaning: See Cleaning Hitlist
- Printing: ZUUMAP Brochures, Studio Info Guide, Guest Registries, Business Cards, IEP & Current Promo Flyers, Red Cards, Posters, Applications, CC Auth Forms, Daily Planning/Tracking Sheets, Lead Pads, Who Do You Knows, Child Perf. To-Do-Lists, Class Schedules. Inside Logo Stickers, Z-Ultimate Folders, IDTheft Flyers and Brochures, Sign-Up Boards, Welcome New Student Packs: Adults ages 14+ & Juniors ages 10-13 (C.O.C., Mission, Std Image, Logo Def.) - Child (same - STAR Program), TinyTigs (Same + Ninja Warrior and Parents C.O.C.) 25 for each group.
- Office: Receipt Books, Poster Tape, Pens-Blue-Black-Red-Highlighter, Staples, White Out, Tape, Dry Erase Pens and Cleaner, **Z-USDS Bags**



Z-ULTIMATE SELF DEFENSE STUDIOS

Z-BIG FUN FRIDAY MEETING OF Z-MINDS

February 6th, 2015

PEOPLE, PRODUCT, & PROCESS - THE PROCESS OF PRESENTATION

- Just like the Martial Arts, we have a **SYSTEM** to Signing Up = KSE + Discounted Tuition Plans.
- Just like the Martial Arts, we have a **STYLE** of how we Teach-N-Train our students/ clients.
- The 8-Step Sign Up is our **PROCESS** - Know & Understand the 'ins & outs' of each step.

Just like a police officer, ability to shoot under all circumstances could prove to save your life.

- Commit the next 30 days to memorizing your "**Presentation Script**" - Recite it in the mirror.



Z-ULTIMATE UNIVERSITY OF MARTIAL ARTS PROFESSIONALS

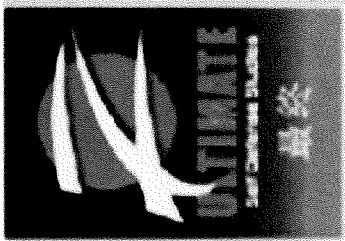
Enrollment Information Guide

Kick Start Enrollment Package - \$395.00

Includes

- Lifetime Membership to ALL Z-Ultimate Self Defense Studio locations, which provides you with no cost transferability plus significant family and/or multiple lesson discounts. Your Lifetime Membership will also provide you with eligibility to attend all exclusive tournaments and special training events taught by the Masters. As an active member, you will also have unlimited use of our facilities along with the privilege to sponsor and grant your family and friends with significant enrollment discounts.

Valued at \$250.00



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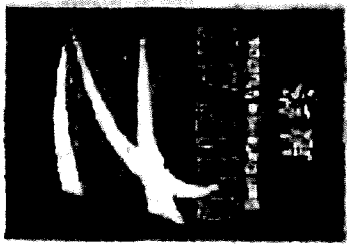
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TESTING FEES	BLACK BELT PROGRAM												
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