IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

SHAMINE POYNOR on behalf of herself and all others similarly situated, Plaintiff. v. NEVADA CANCER INSTITUTE, Defendant.	**Case No. 2:11-cv-00610-PMP-LRL**

NOTICE OF CLASS ACTION

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS.

TO: Former employees who were terminated as a result of the mass layoffs and/or shutdowns that were carried out on/or about April 8, 2011 at Defendant's Facilities located at One Breakthrough Way, Las Vegas, Nevada and 1800 West Charleston Boulevard, Las Vegas, Nevada.

SUBJECT: The claims of a former employee of Defendant Nevada Cancer Institute ("Defendant") whose rights under the WARN Act were violated, to recover 60 days' wages and ERISA benefits.

DATE: _____, 2011

The Class Claim

The Plaintiff, who is a former employee who worked at the Defendant's facility at One Breakthrough Way, Las Vegas (the "Breakthrough Way Facility"), was terminated from her job on or about April 8, 2011. The Plaintiff claims that she and other former employees of Defendant who worked at or reported to the Breakthrough Way Facility or the 1800 West Charleston Boulevard Facility (the "Charleston Blvd Facility") were terminated due to mass layoffs or shutdowns carried out on or about April 8, 2011. The Plaintiff claims that under the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 *et seq*. (the "WARN Act"), she and the other employees were entitled to receive written notice at least 60 days in advance of their termination dates. Plaintiff claims that, because they did not receive proper notice, she and the other former employees are entitled to an award of 60 days' wages and benefits. Plaintiff has brought this action on behalf of herself and all other former employees who were terminated on or about April 8, 2011 as a result of the plant closing and/or mass layoffs s or as the reasonable expected consequence of those mass layoffs and/or plant closings.

Plaintiff filed this action against Defendant on April 19, 2011. On June 13, 2011, Defendant filed an Answer wherein it essentially denied all liability to Plaintiff and the other former employees. Defendant also asserted a number of affirmative defenses, which if proven at trial, would reduce or eliminate its obligation to pay damages to Plaintiff and the other former employees. Among the affirmative defenses raised are that Defendant acted in good faith with regard to any acts or omissions which gave rise to the violations of the WARN Act, that any recovery by Plaintiff and

other similarly situated persons should be offset by Defendant's voluntary and unconditional payments to them, or a third party trustee, that its failure to give proper notice was excused because it was a faltering company, and that Plaintiff's claims are barred by the unforeseeable business circumstances defense.

The Court has taken no position regarding the contentions of either party.

The Definition of the Class

The Court has recently certified this case as a Class Action and defined the Class as: the Plaintiff and the other former employees of Defendant (i) who worked at or reported to Defendant's Facilities, located at One Breakthrough Way, Las Vegas, Nevada and 1800 West Charleston Boulevard, Las Vegas, Nevada, and were terminated on or about April 8, 2011, within 30 days of April 8, 2011, or in anticipation of or as the foreseeable consequence of the mass layoffs or plant closings ordered by Defendant on or about April 8, 2011, and who are affected employees within the meaning of 29 U.S.C. § 2101(a)(5), and (ii) who have not filed a timely request to opt-out of the class.

Class Counsel and the Class Representative

The Plaintiff who initiated this lawsuit is represented by Outten & Golden LLP, 3 Park Avenue, 29th Floor, New York, New York 10016, (212) 245-1000 and Semenza & Semenza LLP, 3025 East Post Road, Las Vegas, Nevada 89120, (702) 369-6999. The Court has also recently appointed Plaintiff Shamine Poynor as the Class Representative.

What to Do

If you wish to be a member of the class, you do not need to do anything and you will receive whatever benefits you, as a Class Member, may be entitled to receive. If you do nothing, you will automatically be a Class Member and be bound by any judgment (whether favorable or unfavorable) or court-approved settlement in the case. Before court approval, you, as a Class Member, will receive notice of any proposed settlement and will be afforded an opportunity to object to the settlement. You may appear by your own counsel if you are a Class Member.

If you do NOT wish to participate in this Action, and wish to be EXCLUDED and thereby reserve your rights under the WARN Act and NOT share in any recovery in the Action, check the box in the form below and sign and mail that form by certified mail, return receipt requested, to Outten & Golden LLP, 3 Park Avenue, 29th Floor, New York, New York 10016, Attn: René S. Roupinian. The form must be received by Ms. Roupinian no later than _____, 2011. All requests for exclusion received after that date will not be effective, and any person who sends a late request will be a member of the class in the Action and will be bound in the same way and to the same extent as all other Class Members.

If you wish more information or assistance, please contact Jenny Hoxha of Outten & Golden LLP at (212) 245-1000.

EXCLUSION FORM

Poynor v. Nevada Cancer Institute
United States District Court for the District of Nevada
Civil Action No. 2:11-cv-00610-PMP-LRL

I, the undersigned, have read the foregoing Notice and understand its contents. I, the undersigned, **do not** want to participate in the Class Action or receive any benefits from the Class Action and do not wish to be bound by the outcome of the Class Action.

_____	_____
NAME (Print)	SIGNATURE
_____	_____
PHONE NO.	ADDRESS
_____	
DATE	

Send completed form to:
Outten & Golden LLP
3 Park Avenue, 29th Floor
New York, New York 10016

Attn: René S. Roupinian