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9 *Attorneys for Plaintiff*  
 10 *and the Putative Classes*

11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF NEVADA**

13 CHRISTOPHER NELSON, on behalf of  
 14 himself and all others similarly situated,

15 Plaintiff,

16 vs.

17 WAL-MART ASSOCIATES, INC., and  
 18 DOES 1 through 50, inclusive,

19 Defendant(s).  
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 21  
 22  
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Case No.: 3:21-cv-00066-MMD-CLB

**FIRST AMENDED COLLECTIVE AND  
 CLASS ACTION COMPLAINT**

- 1) Failure to Pay Overtime in Violation of 29 U.S.C. § 207;
- 2) Failure to Pay Minimum Wages in Violation of the Nevada Constitution;
- 3) Failure to Compensate for All Hours Worked in Violation of NRS 608.140 and 608.016;
- 4) Failure to Pay Overtime Wages in Violation of NRS 608.140 and 608.018; and
- 5) Failure to Timely Pay All Wages Due and Owing in Violation of NRS 608.140 and 608.020-050.

**LIEN REQUESTED PURSUANT TO NRS  
 608.050**

**JURY TRIAL DEMANDED**

1 COMES NOW Plaintiff CHRISTOPHER NELSON on behalf of himself and all other  
2 similarly situated and typical persons and alleges the following:

3 All allegations in the Complaint are based upon information and belief except for those  
4 allegations that pertain to the Plaintiff named herein and his counsel. Each allegation in the  
5 Complaint either has evidentiary support or is likely to have evidentiary support after a reasonable  
6 opportunity for further investigation and discovery.

7 **JURISDICTION AND VENUE**

8 1. This Court has original jurisdiction over the federal claim alleged herein pursuant  
9 to the Fair Labor Standards Act (“FLSA”) 29 U.S.C. § 216(b) which states: “An action to recover  
10 the liability prescribed in either of the preceding sentences may be maintained against any  
11 employer (including a public agency) in any Federal or State court of competent jurisdiction by  
12 any one or more employees for and in behalf of himself or themselves and other employees  
13 similarly situated.”

14 2. This Court has supplemental jurisdiction over the state law claims alleged herein  
15 pursuant to 28 U.S.C. § 1367 because the state law claims alleged herein all arise out of the same  
16 transaction and occurrence (*i.e.*, the failure to properly pay all wages due and owing for  
17 compensable work performed yet unpaid) and there is no conflict between the procedures  
18 applicable to the FLSA and State law claims. *See Busk v. Integrity Staffing Solutions, Inc.*, 713  
19 F.3d 525, 528-30 (9th Cir. Nev. Apr. 12, 2013) (“In sum, we agree with the other circuits to  
20 consider the issue that the fact that Rule 23 class actions use an opt-out mechanism while FLSA  
21 collective actions use an Opt-in mechanism does not create a conflict warranting dismissal of the  
22 state law claims.” (reversed on other grounds)).

23 3. A party seeking to recover unpaid wages has a private right of action pursuant to  
24 the Nevada Constitutional Minimum Wage Amendment and Nevada Revised Statute (“NRS”)  
25 Chapter 608. *See Neville v. Eighth Judicial Dist., Terrible Herbst, Inc.*, 133 Nev. Adv. Op. 95  
26 (Dec. 7, 2017), 406 P.3d 499, 504 (2017) (recognizing that “The Legislature enacted NRS  
27 608.140 to protect employees, and the legislative scheme is consistent with private causes of  
28 action for unpaid wages under NRS Chapter 608.”); *HG Staffing, LLC v. Second Judicial District*

1 *Court in and for County of Washoe*, 2020 WL 2306318, at \*1 (May 7, 2020) (“In *Neville v. Eight*  
2 *Judicial District Court*, 133 Nev. 77, 406 P.3d 499 (2017), we held, by necessary implication, the  
3 exhaustion of administrative remedies is not required before filing an unpaid-wage claim in  
4 district court.”).

5 4. Plaintiff made a proper demand for wages due pursuant to NRS 608.140 on  
6 December 7, 2020, wherein Plaintiff mailed his demand letter, together with a draft complaint, to  
7 Defendant’s agent of service, CT Corporation System, located at 701 S. Carson Street Suite 200,  
8 Carson City Nevada, 89701. Plaintiff’s demand for wages was received by Defendant’s agent of  
9 service on December 8, 2020.

10 5. Plaintiff also claims a private cause of action to foreclose a lien against the  
11 property owner for wages due pursuant to NRS 608.050.

12 6. Venue is proper in the Court because the Defendant named herein maintains a  
13 principal place of business or otherwise is found in the judicial district and many of the acts  
14 complained of herein occurred in Storey County, Nevada.

15 **PARTIES**

16 7. Plaintiff CHRISTOPHER NELSON (hereinafter “Plaintiff” or “Mr. Nelson”) is a  
17 natural person who is and was a resident of the State of Nevada at all relevant times herein. Mr.  
18 Nelson was employed by Defendant as a non-exempt hourly employee from on or about October  
19 1, 2007 to the present.

20 8. Defendant WAL-MART ASSOCIATES, INC. (hereinafter “Defendant” or  
21 “Walmart”) is a foreign corporation incorporated in the state of Delaware, with a principal place  
22 of business in Bentonville, Arkansas, and is an employer engaged in commerce under the  
23 provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et. seq.* and is an employer  
24 under NRS 608.011.

25 9. The identity of DOES 1-50 is unknown at the time and the Complaint will be  
26 amended at such time when the identities are known to Plaintiff. Plaintiff is informed and believes  
27 that each Defendant sued herein as DOE is responsible in some manner for the acts, omissions,  
28

1 or representations alleged herein and any reference to “Defendant,” “Defendants,” “Walmart”  
2 herein shall mean “Defendant and each of them.”

3 **FACTUAL ALLEGATIONS**

4 10. Defendant operates approximately 44 food distribution warehouses across the  
5 country.

6 11. Plaintiff has been employed by Defendant as a non-exempt hourly paid warehouse  
7 worker at Defendant’s food distribution warehouse located at 2195 NV-439, Sparks, NV 89434.

8 12. Defendant’s food distribution warehouses are divided into “dry” and “cold”  
9 sections; Plaintiff has worked in both.

10 13. Plaintiff is currently assigned to the dry section as a “Processor”. Plaintiff’s  
11 current rate of pay is \$22.35 an hour; his base overtime rate is \$33.53.

12 14. Prior to his current assignment, Plaintiff was assigned to the cold section as a  
13 “Processor.” Plaintiff’s rate of pay in the cold section at the time of his transfer to the dry section  
14 was \$22.60 an hour; his base overtime rate was \$33.90.

15 15. Plaintiff is currently assigned to work four (4) shifts per workweek for a total of  
16 40 paid work hours. His current scheduled shift time is from 4:00 a.m. to 2:30 p.m., with a thirty  
17 (30) minute unpaid lunch break. In other words, Plaintiff is on-site for a ten and a half hour shift  
18 (10.5) but is only paid for ten (10) hours each shift because of the 30-minute unpaid lunch break.

19 16. Defendant requires that Plaintiff and all other similarly situated employees be at  
20 their assigned station and ready to work at the shift start time.

21 17. This case concerns the pre-shift activities that Plaintiff and all other similarly  
22 situated employees were required to perform without compensation in both the dry and cold  
23 sections at Defendant’s food processing warehouses.

24 **Dry Section Pre-Shift Activities**

25 18. Defendant requires Plaintiff and all other similarly situated employees to be ready  
26 to work at shift start time. However, Defendant does not allow Plaintiff and all other similarly  
27 situated employees to clock-in to the timekeeping system until immediately before their  
28 scheduled shift start time.

1           19. In order to be ready to work at the shift start time, Defendant requires that Plaintiff  
2 and all other similarly situated employees retrieve a mobile scanner and printer from the system  
3 control window. Plaintiff and all other similarly situated employees scan their employee badges  
4 at the control window in order to check out their equipment, thereby generating a data trail (and  
5 presumably a time stamp).

6           20. The mobile scanner and printer are integral and indispensable to the job of a  
7 warehouse worker in the dry section of Defendant's warehouses. Plaintiff and all other similarly  
8 situated employees use this equipment throughout their workday to inventory and label products  
9 for ultimate distribution to Defendant's retail locations.

10           21. Despite the integral and indispensable nature of the equipment to the job of a  
11 warehouse worker, Defendant does not compensate Plaintiff or any other similarly situated  
12 employee for the time it takes to retrieve these items before their scheduled shifts.

13           22. Plaintiff estimates that he regularly retrieves his equipment approximately fifteen  
14 (15) minutes prior to his scheduled shift so that he has sufficient time to (i) check out the  
15 equipment and (ii) proceed to his station for his start-up meeting at the start of his shift. Because  
16 Plaintiff is not compensated for these dry section pre-shift activities, Plaintiff alleges that he is  
17 entitled to recover 15-minutes in wages for each and every shift that he has worked over the  
18 relevant time period alleged herein.

19           23. For example, in the pay period from October 10, 2020 to October 23, 2020,  
20 Plaintiff worked 81.35 hours.<sup>1</sup> During that pay period, Plaintiff worked Tuesday October 13,  
21 2020 through Friday October 16, 2020 and then again from Tuesday October 20, 2020 through  
22 Friday October 23, 2020. He worked a total of four (4) ten and a half hour shifts (10.5) shifts,  
23 with a 30-minute lunch break, each of those workweeks. Because he was not compensated for  
24 the dry section pre-shift work activities described above, and since Plaintiff worked at least forty  
25 (40) hours for each workweek, the unpaid dry section pre-shift activities are owed at Plaintiff's  
26 overtime rate of \$33.53. Plaintiff is owed 1 hour for each workweek (15-minutes per shift) at his  
27

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28           <sup>1</sup> A true and correct copy of this online paystub for the pay period of October 10, 2020 to  
October 23, 2020 is attached hereto as Exhibit 1.

1 overtime rate. Therefore, Plaintiff must be compensated \$33.53 for each of these two exemplar  
2 workweeks.

3 24. While the above exemplar demonstrates one pay period and two workweeks  
4 wherein Plaintiff is owed unpaid wages, he seeks all the owed and unpaid wages due and owing  
5 to him and to all other similarly situated employees over the full course of the relevant time period  
6 alleged in this complaint.

7 **Cold Section Pre-Shift Activities**

8 25. Prior to his re-assignment to the dry section on or about August 18, 2020, Plaintiff  
9 worked for years in the cold section.

10 26. As with its “ready for work” policy in the dry section, Defendant required Plaintiff  
11 and all other similarly situated employees to be ready to work at shift start time in the cold section,  
12 too. However, as with its “ready for work policy” in the dry section, Defendant does not allow  
13 Plaintiff and all other similarly situated employees to clock-in to the timekeeping system until  
14 immediately before their scheduled shift start time.

15 27. While Plaintiff was not required to retrieve a scanner or printer prior to his shift in  
16 the cold section, he and all other similarly situated employees were required to don personal  
17 protective equipment (PPE)—i.e., freezer gear—prior to the start of their respective shifts.

18 28. The cold section is the freezer/refrigerator section of the food warehouse wherein  
19 freezer and refrigerated items are distributed. Understandably, Defendant requires all employees  
20 who work in the cold section to wear “cold store clothing” or “freezer wear” as PPE to prevent  
21 workplace illness and injury due to the cold environment. Therefore, Defendant requires Plaintiff  
22 and all other similarly situated employees to don the following PPE prior to the start of their  
23 respective shifts:

- 24
  - RefrigiWear insulated bibs<sup>2</sup>;

25 \_\_\_\_\_  
26 <sup>2</sup> RefrigiWear markets their PPE to cold storage employers and employees:

27 Cold storage employees are dedicated to ensuring the proper care  
28 and storage of customers’ products, which means a cold working  
environment no matter the season. RefrigiWear has spent the last 60  
years helping cold storage employees stay warm and protected in

- RefrigiWear thermal jacket;
- Thermal hooded sweatshirt;
- Stocking hat; and
- Wool socks.

29. Donning this PPE is integral and indispensable to the job of a warehouse worker in the cold section of Defendant’s warehouses. A cold section warehouse worker cannot perform his or her job safely and/or effectively without donning this PPE.

30. Despite the integral and indispensable nature of this PPE to the job of a warehouse worker in the cold section, Plaintiff and all other similarly situated employees were not compensated for the time they spent to don this PPE. Plaintiff and all other similarly situated employees were expected to don this PPE with enough time prior to the start of their respective shifts so that their PPE was fully donned and they were ready to start working at the beginning of the shift.

31. Plaintiff estimates that it regularly took him approximately fifteen (15) minutes prior to his scheduled shift so that he has sufficient time to (i) don his PPE and (ii) proceed to his station for his start-up meeting at the start of his shift. Because Plaintiff was not compensated for these cold section pre-shift activities, Plaintiff alleges that he is entitled to recover 15-minutes in wages for each and every shift that he has worked over the relevant time period alleged herein.

32. For example, in the pay period from June 20, 2020 to July 3, 2020, Plaintiff worked 80.68 hours.<sup>3</sup> During that pay period, Plaintiff is informed and believes that he worked Tuesday

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the cooler and freezer while they work. We offer cold apparel like our iconic Iron-Tuff line and our stylish softshell options. We help you keep a professional look with embroidery services and stylish cooler and freezer gear that helps you master the cold. Whether it is jackets, pants, base layers, boots, or one of our many other products, RefrigiWear has the gear to keep cold storage employees protected from the cold.

See <https://www.refrigiwear.com/view/cold-storage> (last visited Dec. 2, 2020).

<sup>3</sup> A true and correct copy of this online paystub for the pay period of June 20, 2020 to July 3, 2020, is attached hereto as Exhibit 2.

1 June 23, 2020 through June 26, 2020 and then again from Tuesday June 30, 2020 through Friday  
2 July 3, 2020. He worked a total of four (4) ten and a half hour shifts (10.5) shifts, with a 30-  
3 minute lunch break, each of those workweeks. Because he was not compensated for the cold  
4 section pre-shift work activities described above, and since Plaintiff worked at least forty (40)  
5 hours for each workweek, the unpaid cold section pre-shift activities are owed at Plaintiff's  
6 overtime rate of \$33.90. Plaintiff is owed 1 hour for each workweek (15-minutes per shift) at his  
7 overtime rate. Therefore, Plaintiff must be compensated \$33.90 for each of these two exemplar  
8 workweeks.

9 33. While the above exemplar demonstrates one pay period and two workweeks  
10 wherein Plaintiff is owed unpaid wages, he seeks all the owed and unpaid wages due and owing  
11 to him and to all other similarly situated employees over the full course of the relevant time period  
12 alleged in this complaint.

13 **CLASS AND COLLECTIVE ACTION ALLEGATIONS**

14 34. Plaintiff realleges and incorporates by this reference all the paragraphs above in  
15 this Complaint as though fully set forth herein.

16 35. Plaintiff brings this action on behalf of himself and all other similarly situated and  
17 typical employees as a collective action under the federal Fair Labor Standards Act ("FLSA").  
18 Plaintiff brings this action on behalf of himself and the following Classes of individuals  
19 (hereinafter collectively referred to as the "FLSA Classes"):

20 **FLSA Dry Section Class:** All non-exempt hourly paid food  
21 distribution warehouse employees who  
22 (i) were employed by Defendant in the  
23 United States at any time within 3 years  
24 from the filing of the original complaint  
25 in this action, (ii) worked in the dry  
26 section of the food distribution  
27 warehouse, and (iii) were required to  
28 retrieve a scanner, printer, or other  
electronic device, pre shift.





1           **Nevada Dry Section Class:** All non-exempt hourly paid food  
2 distribution warehouse employees who  
3 (i) were employed by Defendant in the  
4 State of Nevada at any time within 3  
5 years from the filing of the original  
6 complaint in this action, (ii) worked in  
7 the dry section of the food distribution  
8 warehouse, and (iii) were required to  
9 retrieve a scanner, printer, or other  
10 electronic device, pre shift.

11           **Nevada Cold Section Class:** All non-exempt hourly paid food  
12 distribution warehouse employees who  
13 (i) were employed by Defendant in the  
14 State of Nevada at any time within 3  
15 years from the filing of the original  
16 complaint in this action, (ii) worked in  
17 the cold section of the food distribution  
18 warehouse, and (iii) were required to don  
19 cold storage personal protective  
20 equipment (PPE) pre shift.

21           41. NRCP Rule 23 Class treatment for all claims alleged in this complaint is  
22 appropriate in this case for the following reasons:

23           A. The Class is Sufficiently Numerous: Upon information and belief,  
24 Defendant employs, and has employed, in excess of 1,000 Nevada Class Members within the  
25 applicable statute of limitations. Because Defendant is legally obligated to keep accurate payroll  
26 records, Plaintiff alleges that Defendant's records will establish the identity and ascertainability  
27 of members of the Nevada Classes as well as their numerosity.

28           B. Common Questions of Law and Fact Exist: Common questions of law and  
fact exist and predominate as to Plaintiff and the Class, including, without limitation, the  
following: Whether the dry section pre-shift activities are compensable under Nevada law;  
Whether the cold section pre-shift donning of PPE is compensable under Nevada law; Whether  
members of the Nevada Classes who are former employees are entitled to continuation wages in  
the event that they are successful in the underlying claims for compensation.

          C. Plaintiff's Claims are Typical to Those of Fellow Class Members: Each  
member of the Nevada Classes is and was subject to the same practices, plans, and/or policies as

1 Plaintiff, as follows: Defendant required Plaintiff and all members of the Nevada Dry Section  
2 Class to retrieve equipment pre shift without compensation; Defendant required Plaintiff and all  
3 members of the Nevada Cold Section Class to don PPE pre shift without compensation.

4 D. Plaintiff is an Adequate Representatives of the Class: Plaintiff will fairly  
5 and adequately represent the interests of the Classes because Plaintiff is a member of the Nevada  
6 Classes, he has issues of law and fact in common with all members of the Nevada Classes, and  
7 he does not have any interests antagonistic to members of the Nevada Classes. Plaintiff and  
8 counsel are aware of their fiduciary responsibilities to Class Members and are determined to  
9 discharge those duties diligently and vigorously by seeking the maximum possible recovery for  
10 Class Members as a group.

11 E. Predominance/Superiority: Common questions predominate over  
12 individualized issues. A class action is also superior to other available means for the fair and  
13 efficient adjudication of their controversy. Each Class Member has been damaged and is entitled  
14 to recovery by reason of Defendant's illegal policy and/or practice of failing to compensate its  
15 employees in accordance with federal and Nevada wage and hour law. The prosecution of  
16 individual remedies by each Class Member will be cost prohibitive and may lead to inconsistent  
17 standards of conduct for Defendant and result in the impairment of Class Members' rights and  
18 the disposition of their interest through actions to which they were not parties.

19 **FIRST CAUSE OF ACTION**

20 **Failure to Pay Overtime Wages in Violation of the FLSA, 29 U.S.C. § 207**

21 (On Behalf of Plaintiff and Members of the FLSA Classes Against Defendant)

22 42. Plaintiff realleges and incorporates by reference all the paragraphs above in the  
23 Complaint as though fully set forth herein.

24 43. 29 U.S.C. Section 207(a)(1) provides as follows: "Except as otherwise provided  
25 in the section, no employer shall employ any of his employees who in any workweek is engaged  
26 in commerce or in the production of goods for commerce, or is employed in an enterprise engaged  
27 in commerce or in the production of goods for commerce, for a workweek longer than forty hours  
28

1 unless such employee receives compensation for his employment in excess of the hours above  
2 specified at a rate not less than one and one-half times the regular rate at which he is employed.”

3 44. By failing to compensate Plaintiff and FLSA Class Members for time spent  
4 engaging in pre-shift activities set forth above, Defendant failed to pay Plaintiff and members of  
5 the FLSA Classes overtime for all hours worked in excess of forty (40) hours in a week in  
6 violation of 29 U.S.C. Section 207(a)(1).

7 45. Defendant’s unlawful conduct has been widespread, repeated, and willful.  
8 Defendant knew or should have known that its policies and practices have been unlawful and  
9 unfair.

10 46. Wherefore, Plaintiff demands for himself and for all others similarly situated, that  
11 Defendant pay Plaintiff and all members of the FLSA Classes one and one-half times their regular  
12 hourly rate of pay for all hours worked in excess of forty (40) hours a week during the relevant  
13 time period together with liquidated damages, attorneys’ fees, costs, and interest as provided by  
14 law.

15 **SECOND CAUSE OF ACTION**

16 **Failure to Pay Minimum Wages in Violation of the Nevada Constitution**

17 (On Behalf of Plaintiff and Members of the Nevada Classes Against Defendant)

18 47. Plaintiff realleges and incorporates by this reference all the paragraphs above in  
19 this Complaint as though fully set forth herein.

20 48. Article 15 Section 16 of the Nevada Constitution sets forth the minimum wage  
21 requirements in the State of Nevada and further provides that “[t]he provisions of the section may  
22 not be waived by agreement between an individual employee and an employer. . . . An employee  
23 claiming violation of the section may bring an action against his or her employer in the courts of  
24 the State to enforce the provisions of the section and shall be entitled to all remedies available  
25 under the law or in equity appropriate to remedy any violation of the section, including but not  
26 limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in  
27 any action to enforce the section shall be awarded his or her reasonable attorney’s fees and costs.”  
28







1 68. By failing to pay members of the Nevada Classes their applicable wages as  
2 described above, Defendant has failed to pay members of the Nevada Classes who are former  
3 employees all their wages due and owing at the time of their separation from employment.

4 69. Despite demand, Defendant willfully refuses and continues to refuse to pay all  
5 members of the Nevada Classes who are former employees their full wages due and owing to  
6 them upon the termination of their employment.

7 70. There is no good-faith defense to the imposition of continuation wages under NRS  
8 608.040-.050. *See D'Amore v. Caesars Enterprise Svcs, LLC, et al.*, Case No. 2:18-cv-01990-  
9 JCM (Dec. 16, 2019).

10 71. Wherefore, Plaintiff demands thirty (30) days wages under NRS 608.140 and  
11 608.040, and an additional thirty (30) days wages under NRS 608.140 and 608.050, for all  
12 members of the Nevada Classes who are former employees during the relevant time period  
13 alleged herein, together with attorneys' fees, costs, and interest as provided by law.

14 **JURY TRIAL DEMANDED**

15 Plaintiff hereby demands a jury trial pursuant to Federal Rule of Civil Procedure 38.

16 **PRAYER FOR RELIEF**

17 Wherefore Plaintiff, by himself and on behalf of all members of the Classes, pray for relief  
18 as follows relating to their class action allegations:

- 19 1. For an order conditionally certifying the action under the FLSA and providing  
20 notice to all members of the FLSA Classes so they may participate in the lawsuit;
- 21 2. For an order appointing Plaintiff as the Representative of the FLSA Classes and  
22 his counsel as Class Counsel;
- 23 3. For damages according to proof for overtime compensation for all hours worked  
24 over 40 per week;
- 25 4. For liquidated damages pursuant to 29 U.S.C. § 261(b);
- 26 5. For an order certifying the Nevada Classes under Nevada Rule of Civil Procedure  
27 23;
- 28



- 1           6.     For an order appointing Plaintiff as the Representative of the Classes and his
- 2                     counsel as Class Counsel;
- 3           7.     For damages according to proof for the applicable minimum rate pay under the
- 4                     Nevada Constitution for all hours worked;
- 5           8.     For damages according to proof for regular rate pay under NRS 608.140 and
- 6                     608.016 for all hours worked;
- 7           9.     For damages according to proof for overtime compensation under NRS 608.140
- 8                     and 608.018 for all hours worked for those employees who earned a regular rate
- 9                     of less than one and one-half times the minimum wage for hours worked in excess
- 10                    of 8 hours per day and/or for all class members for overtime premium pay of one
- 11                    and one half their regular rate for all hours worked in excess of 40 hours per week;
- 12          10.    For continuation wages pursuant to NRS 608.140 and 608.040-.050;
- 13          11.    For a lien on the property where Plaintiff and all members of the Nevada Classes
- 14                    labored pursuant to NRS 608.050;
- 15          12.    For interest as provided by law at the maximum legal rate;
- 16          13.    For punitive damages;
- 17          14.    For reasonable attorneys' fees authorized by statute;
- 18          15.    For costs of suit incurred herein;
- 19          16.    For pre-judgment and post-judgment interest, as provided by law, and
- 20          17.    For such other and further relief as the Court may deem just and proper.

21 DATED: April 2, 2021

THIERMAN BUCK LLP

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23  
24 /s/ Joshua D. Buck

Mark R. Thierman  
Joshua D. Buck  
Leah L. Jones  
Joshua R. Hendrickson

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27 *Attorneys for Plaintiff*  
*and the Putative Classes*