


CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

KAYLYNN BYERS and EVERARDO
JUAREZ, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

CUSTOMER CONNEXX LLC; VM7
CORPORATION; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: A-23-877788-C

Dept. No.: 8

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO APPROVE
NRCP 23 CLASS NOTICE AND
DISTRIBUTION**

This matter came on hearing on January 25, 2024, on Plaintiffs KAYLYNN BYERS and EVERARDO JUAREZ ("Plaintiffs") Motion to Approve NRCP 23 Class Notice and Distribution, pursuant to Rule 23 of the Nevada Rules of Civil Procedure ("Motion"). Appearing for Plaintiffs was their attorney of record, Leah L. Jones of Thierman Buck, LLP. Defendants Customer Connexx and VM7 CORPORATION ("Defendants" or "Customer Connexx") did not appear.

1 Having reviewed all the moving papers and heard oral argument with respect to this
2 Motion, and upon review of all relevant papers and pleadings in this action, the Court hereby
3 FINDS and, CONCLUDES, and ORDERS as follows:

4 **FINDINGS OF FACT**

5 1. The Court granted Plaintiffs' Motion for NRCP 23 Class Certification on
6 December 20, 2023.

7 2. The Class is defined as: All individuals employed by Customer Connexx who
8 were owed wages as of August 19, 2023, and have not been paid their wages within three days
9 of their termination pursuant to the August 19, 2023 letter.

10 3. Although timely and properly served, Defendants have not appeared in this case
11 and thus obtaining a class list from Defendants is not practicable under the circumstances.

12 4. Plaintiffs are in possession of the names, addresses, and email addresses of
13 forty-three (43) persons who filed claims with the Labor Commissioner, State of Nevada, who
14 fit the definition of the class.

15 5. The attorneys at Thierman Buck, LLP are Class Counsel for the above captioned
16 case, *Byers v. Customer Connexx* as well as the NRCP 23 certified case if *Curley v. Customer*
17 *Connexx*, Case No. A-18-767155-C currently pending in the Honorable Judge Escobar's Court.

18 6. Third-party Claims Administrator Pheonix Claims Administration is in
19 possession of the names and addresses of 414 persons who received Notice in *Curley v.*
20 *Customer Connexx*, Case No. A-18-767155-C.

21 **APPLICABLE LAW**

22 7. Class Members must receive notice of the action before the merits of the case
23 are adjudicated. *Schwarzschild v. Tse*, 69 F.3d 293, 295 (9th Cir. 1995).

24 8. The Notice must set forth an impartial recital of the subject matter of the suit,
25 inform members what their rights are in the litigation, and alerts them to take appropriate steps
26 to make certain their individual interests are protected. *Georgine v. Amchem Prod., Inc.*, 160
27 F.R.D. 478, 490 (E.D. Pa. 1995).

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1 THE COURT FURTHER ORDERS that the Class members will have 30-days from the
2 date of the mailing of the Class Action Notice to determine whether they wish to exclude
3 themselves from this Class Action.

4
5 Dated this 29th day of January, 2024

6 
7

8 **3FF B8D 970D 0846**
9 **Jessica K. Peterson**
10 **District Court Judge**

EXHIBIT 1

Proposed Notice

EXHIBIT 1

DISTRICT COURT

CLARK COUNTY, NEVADA

KAYLYNN BYERS and EVERARDO
JUAREZ, on behalf of themselves and all
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Plaintiffs,

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inclusive,

Defendants.

Case No.: A-23-877788-C

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NOTICE OF PENDENCY OF CLASS ACTION LAWSUIT

THIS IS NOT A SOLICITATION FROM A LAWYER

**THE DISTRICT COURT CLARK COUNTY, NEVADA AUTHORIZED THIS NOTICE
PLEASE READ THIS NOTICE CAREFULLY AS YOUR LEGAL RIGHTS MAY BE
AFFECTED**

**If you were employed by Customer Connexx, in the State of Nevada and were owed
wages as of August 19, 2023, and have not been paid within three days of the August 19,
2023, Lay Off letter, this notice provides important information about your rights.**

I. INTRODUCTION

The purpose of this Notice is to inform you of the existence of a class action lawsuit and to inform you of your rights and options. Please read this Notice carefully. Your legal rights may be affected by whether you act or not.

Former employees employed in Nevada by Customer Connexx, and VM7 Corporation ("Defendants" or "Customer Connexx") have sued Customer Connexx for failing to pay regular rate and overtime wages for all hours worked prior to separation and failure to pay penalties for wages due and owing at the time of separation of employment.

The District Court Clark County, Nevada has allowed the lawsuit to proceed as a class action on behalf of all employees employed by Customer Connexx in the State of Nevada. The

1 Court in charge of this case has not expressed any opinion as to the merit of any claim or defense
2 raised by the parties to the lawsuit.

3 You need not do anything to participate in this class action, although you are free to
4 exclude yourself and file your own claim(s). Whether or not you participate in this class action is
entirely your decision.

5 The Court has not decided whether Plaintiffs' allegations in this lawsuit are correct or if
6 Customer Connexx did anything wrong. There is no money available now, and no guarantee there
will be, however, your legal rights are affected, and you have a choice to make now.

7
8 **SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:**

9 If you do nothing	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you may be eligible to receive money or benefits 10 from a trial or a settlement, but you give up any rights to sue Defendants 11 separately for the same claims alleged in this lawsuit. You are also bound by any adverse decision by the Court.
12 You may ask to be 13 excluded	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded you will not participate in any money or 14 benefits obtained in this lawsuit, but you may bring claims against Defendants elsewhere for the same legal claims.

15 **II. WHY DID I GET THIS NOTICE?**

16 You are receiving this notice because you were identified as a person who was employed
17 by Defendants until on or about August 19, 2023. The Court directed that this notice be sent to
18 advise you and other potential class members of your rights and options that you may exercise
before decisions are made on the merits of the claims that may affect your rights.

19 You are not a Class Member simply because you received this notice. Only individuals
20 who fit the following definition are in the class:

21 **All individuals employed by Customer Connex who were owed**
22 **wages as of August 19, 2023 and have not been paid their wages**
23 **within three days of their termination pursuant to the August**
24 **19, 2023 letter.**

25 **III. WHAT IS THIS LAWSUIT ABOUT?**

26 On September 14, 2023, Plaintiff Kaylynn Byers and Everardo Juarez, former employees
27 of Defendants filed a lawsuit for failure to pay all regular rate and overtime wages due for work
completed but not paid.

1 Plaintiffs' lawsuit contends that on or about August 19, 2023, Defendants laid off all
2 persons employed at their Las Vegas location. Plaintiffs allege that they worked without pay for
3 several weeks prior to the layoff, have not been paid for work completed prior to the layoff, and
4 have yet to be paid for all the work they performed for Defendants. Plaintiffs allege that the
failure of Defendants to pay all wages due and owing to employees upon separation from
employment violates Nevada State wage and hour law.

5 In addition to seeking backpay for unpaid wages and overtime, Plaintiffs seek statutory
6 damages and penalties, attorneys' fees, costs, and interest.

7 Defendants have yet to respond to these claims.

8 **IV. WHAT IS BEING SOUGHT IN THE LAWSUIT?**

9 The lawsuit seeks actual and statutory damages under Nevada wage and hour law, in
10 addition to sixty days penalty wages for each laid off employee, as well as reasonable attorney's
11 fees and costs. This would include all regular and overtime wages owed to laid off employees
12 that had not been paid as of the August 19, 2023, layoff, as well as damages permitted by certain
statutes.

13 **V. LEGAL EFFECT OF DOING NOTHING**

14 By doing nothing, you remain a member of the Class. If you are a class member and
15 choose to remain in this lawsuit, you will be bound by any ruling, settlement, or judgment,
16 whether favorable or unfavorable. You will not be able to sue Defendants as part of any other
lawsuit about the same legal claims that are the subject of this lawsuit.

17 If the Plaintiffs obtain money either as a result of trial or a settlement, you will be notified.
18 By remaining in the lawsuit, you designate named Plaintiffs the authority to make decisions on
19 your behalf concerning the lawsuit, including the method and manner of conducting the lawsuit,
and the approval of settlements. These decisions and agreements made and entered into will be
binding on you if you remain in the lawsuit.

20 While the lawsuit is pending, you may be required to provide information, appear for a
21 deposition or at trial, or otherwise participate in the case.

22 **VI. YOUR RIGHT TO EXCLUDE YOURSELF**

23 You do not have to participate in Plaintiffs' class action. If you choose not to participate,
24 you will not receive any money if Plaintiffs win at trial or if there is a settlement, nor will you be
25 affected by any judgment rendered, whether favorable or unfavorable. If you exclude yourself
26 from this lawsuit, you remain free to file your own lawsuit concerning the claims in this case,
27 provided you do so in a timely manner. If you wish to file your own claims, you may want to
speak to a lawyer regarding the applicable limitations period for bringing such claims.

To exclude yourself from this case, you must mail an “Exclusion Request” in the form of a letter stating that you want to be excluded from *Byers v. Customer Connexx, et al.* Be sure to include your name and address and sign the letter. You must mail your Exclusion Request postmarked by [insert date 30-days following the date of mailing], to: *Byers v. Customer Connexx, et al.* Exclusion Request, [insert class administrator information]. Please note that if you exclude yourself now you will not be permitted to re-enter the class at a later time, even if money is made available after trial or settlement.

VII. NO RETALITATION PERMITTED

Nevada law prohibits any form of retaliation or harassment based upon your participation in this lawsuit.

VIII. YOUR IMMIGRATION STATUS DOES NOT MATTER

You are entitled to be paid wages in accordance with the law even if you are not otherwise legally entitled to work in the United States. Bringing a claim for unpaid wages in this lawsuit is not a basis to be deported from the United States.

IX. YOUR LEGAL REPRESENTATION

If you choose to remain in this lawsuit, you agree to be represented by the named Plaintiffs through their attorneys. Your counsel in this action will be:

Mark R. Thierman, Joshua D. Buck, and Leah L. Jones
Thierman Buck LLP
325 West Liberty Street
Reno, NV 89501
775-284-1500
info@thiermanbuck.com

X. FURTHER INFORMATION

Further information about this Notice or questions about this lawsuit may be obtained by contacting the Third-Party Administrator at [insert class administrator information] or Plaintiffs’ counsel at the above address, or by phone at (775) 284-1500, or by email at info@thiermanbuck.com. You are also free to consult the files for this case, which are located in the Clerk’s office of the District Court Clark County, Nevada, located at the Regional Justice Center, 200 Lewis Avenue, Las Vegas Blvd. South, Las Vegas, NV 89155.

**DO NOT CONTACT THE JUDGE OR COURT CLERK WITH QUESTIONS
ABOUT THIS**

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Kaylynn Byers, Plaintiff(s)

CASE NO: A-23-877788-C

7 vs.

DEPT. NO. Department 8

8 Customer Connexx LLC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

Service Date: 1/29/2024

15 Joshua Sliker

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