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Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARIAH MARTIN, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

DED OPS NV LLC d/b/a and a/k/a
WALLFLOWER also d/b/a and a/k/a
WALLFLOWER CANNABIS HOUSE; H
& H MANAGEMENT LLC; DOES 1
through 50; inclusive,

Defendants.

Case No.: A-22-863216-C
Dept. No.: 1

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS
ACTION SETTLEMENT**

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Joint Motion For Preliminary Approval Of Class Action Settlement came
3 before this Court, the Honorable Bitu Yeager presiding, on December 13, 2023.
4 This Court, having considered the papers submitted in support of the application
5 of the parties, HEREBY ORDERS THE FOLLOWING:

6 1. This Court grants preliminary approval of the Settlement and the
7 Settlement Class based upon the terms set forth in the Joint Stipulation of Settlement
8 (“Settlement” or “Agreement”) filed herewith. The Settlement appears to be fair,
9 adequate and reasonable to the Class.

10 2. The Settlement falls within the range of reasonableness and appears to
11 be presumptively valid, subject only to any objections that may be raised at the final
12 fairness hearing.

13 3. A final fairness hearing on the question of whether the proposed
14 Settlement, attorneys’ fees to Class Counsel, and the Class Representative
15 Enhancement Award should be finally approved as fair, reasonable, and adequate as
16 to the members of the Class is scheduled in accordance with the Implementation
17 Schedule set forth below.

18 4. This Court approves, as to form and content, the Notice of Class Action
19 Settlement (the “Notice”), in substantially the form attached to the Settlement as Exhibit
20 A, and the Claim Form (the “claim Form”), in substantially the form attached to the
21 Settlement as Exhibit B. This Court approves the procedure for Class Members to
22 participate in, to exclude themselves (opt out of), and to object to the Settlement as set
23 forth in the Notice.

24 5. This Court directs the mailing of the Notice and the Claim Form by first
25 class mail to the Class Members in accordance with the Implementation Schedule set
26 forth below and the procedures in the Settlement. This Court finds the dates selected
27 for the mailing and distribution of the Notice, as set forth in the Implementation
28 Schedule, meet the requirements of due process and provide the best notice

1 practicable under the circumstances and shall constitute due and sufficient notice to all
2 persons entitled thereto.

3 6. It is ordered that the Settlement Class is preliminarily certified for
4 settlement purposes only.

5 7. This Court confirms Plaintiff Mariah Martin as Class Representative and
6 Christian Gabroy, Esq., and Kaine Messer, Esq., of Gabroy | Messer and Mark
7 Thierman, Esq., Joshua Buck, Esq., Leah Jones, Esq., and Joshua R. Hendrickson,
8 Esq., of Thierman Buck LLP as Class Counsel.

9 8. This Court confirms Phoenix as the Claims Administrator.

10 9. To facilitate administration of the Settlement pending final approval, this
11 Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any
12 claims, suits or administrative proceedings (including filing claims with the Nevada
13 Office of the Labor Commissioner) regarding claims released by the Settlement unless
14 and until such Class Members have filed timely valid requests for exclusion with the
15 Claims Administrator and the time for filing claims with the Claims Administrator has
16 elapsed.

17 10. To further facilitate administration of the Settlement pending final
18 approval, this Court hereby stays all discovery pending final approval of the Settlement.
19 All resulting discovery and trial deadlines are hereby vacated.

20 11. This Court orders the following **Implementation Schedule** for further
21 proceedings:

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a.	Deadline for Defendants to Submit Class Member Information to Claims Administrator	10 business days after notice of entry of this Order Granting Approval of Class Action Settlement
c.	Deadline for Claims Administrator to Mail the Notice and Claim Form to Class Members	14 business days after receipt of Defendants' Class Member Information
d.	Deadline for Class Members to postmark and mail Claim Forms or requests for exclusion	30 calendar days after the date of initial mailing of the Notice to Class Members
e.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	30 calendar days after the date of initial mailing of the Notice to Class Members
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	March 27, 2023 [7 calendar days before Final Fairness Hearing]
g.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	March 27, 2023 [7 calendar days before Final Fairness Hearing]
h.	Final Fairness Hearing in Department 1	April 3, 2024, 9:30 a.m.
i.	Deadline for Claims Administrator to provide	5 business days after notice of entry of Final

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	Defendants with total amount to fund the Settlement Account maintained by Claims Administrator	Approval Order
j.	Deadline for Defendant H & H Management LLC to fund the Settlement Account maintained by Claims Administrator	14 business days after the later of the notice of entry of the Final Approval Order and receipt by Defendants of the calculation of payroll tax from the Claims Administrator
k.	Deadline for Claims Administrator to wire transfer the Class Counsel Award for attorneys' fees and actual costs to Class Counsel (if Settlement is Effective)	5 business days after the Effective Date of the Agreement, as defined in that Agreement
l.	Deadline for Claims Administrator to mail the Settlement Awards to Participating Class Members and the Enhancement Award to Class Representative (if Settlement is Effective)	30 days after the Effective Date of the Agreement, as defined in that Agreement
m.	Deadline for Claims Administrator to distribute to itself the Claims Administration Award for claims administration actual	5 business days after the Effective Date of the Agreement, as defined in that Agreement

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	costs (if Settlement is Effective)	
n.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	90 calendar days after notice of entry of the Final Approval Order

IT IS SO ORDERED.

Dated this 13th day of December, 2023



2D5 724 A044 C04F
Bita Yeager
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Mariah Martin, Plaintiff(s)

CASE NO: A-22-863216-C

7 vs.

DEPT. NO. Department 1

8 DED OPS NV LLC,
9 Defendant(s)

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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
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/13/2023

15 Steven Guinn sguinn@laxalt-nomura.com

16 Josh Buck josh@thiermanbuck.com

17 Thierman Buck legalfilings@thiermanbuck.com

18 Kaine Messer kmesser@gabroy.com

19 Christian Gabroy christian@gabroy.com

20 Legal Assistant assistant@gabroy.com

21 Law Clerk clerk@gabroy.com

22 Rachel Mullinax rachel@suttonhague.com

23 Jared Hague jared@suttonhague.com

24 Darla Mason Darla@suttonhague.com

25 S. Sutton brett@suttonhague.com

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Legal Assistant II

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