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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EMILY NEVETT and BONNIE NOBLE,  
on behalf of themselves and all other  
similarly situated individuals,

Plaintiffs,

v.

RENOWN HEALTH, and DOES 1 through  
50, inclusive,

Defendants.

CASE NO. 3:21-cv-00319-ART-CSD

**ORDER**

**(1) CONDITIONALLY CERTIFYING  
SETTLEMENT CLASS;**

**(2) PRELIMINARILY APPROVING THE  
CLASS SETTLEMENT;**

**(3) APPOINTING CLASS  
REPRESENTATIVE AND CLASS  
COUNSEL;**

**(4) APPROVING CLASS NOTICE AND  
RELATED MATERIALS;**

**(5) APPOINTING SETTLEMENT  
ADMINISTRATOR; AND**

**(6) SCHEDULING FINAL APPROVAL  
HEARING**

1 Having considered the Joint Motion of Plaintiffs, Emily Nevett and Bonnie Noble, and  
2 Defendant, Renown Health, for Preliminary Approval of Class and Collective Action Settlement,  
3 and all supporting legal authorities and documents, the Court finds the Joint Motion appropriate  
4 for decision on the papers. Accordingly, the Court **HEREBY VACATES** the hearing on the  
5 Joint Motion for Preliminary Approval of Class and Collective Action Settlement (ECF No. 71),  
6 which was scheduled on October 22, 2024, at 11:00 a.m., and further orders as follows:

7 **IT IS SO ORDERED:**

8 1. The Court has jurisdiction over this action and the parties' proposed settlement  
9 under 28 U.S.C. sections 1331 and 1367, as Plaintiffs' Complaint was brought under the Fair  
10 Labor Standards Act, 29 U.S.C. § 201 *et seq.*, and related Nevada wage-and-hour law; the Court  
11 has original jurisdiction over Plaintiffs' federal law claims; and the Court has supplemental  
12 jurisdiction over Plaintiffs' state-law claims because they arise from the same alleged transactions  
13 and occurrences as do Plaintiffs' federal-law claims.

14 2. The proposed settlement class satisfies the requirements of a class action  
15 settlement class under Fed. R. Civ. P. 23 and a collective action settlement class under section  
16 16(b) of the Fair Labor Standards Act, 29 U.S.C. §216(b), because the class members are readily  
17 ascertainable, and a well-defined community of interest exists in the common questions of law  
18 and fact affecting the parties.

19 3. The following classes of persons are certified in this action solely for the purposes  
20 of the Settlement:

21 All nonexempt hourly paid patient care employees who: (1) interacted with EPIC  
22 off the clock (as demonstrated by the comparison between the EPIC and KRONOS  
23 time data); (2) were subject to Defendant's Auto-Deduct Meal Break policy;  
24 and/or (3) were subject to Defendant's On-Call Overtime policy, at any time from  
25 April 3, 2017, through the date of final court approval of the Settlement.

26 4. The parties' Settlement Agreement (the "Settlement") is granted preliminary  
27 approval as it meets the criteria for preliminary settlement approval. The Settlement falls within  
28 the range of possible approval as fair, adequate, and reasonable to all potential members of the  
Settlement Class when balanced against the probable outcome of further litigation, and ultimately

1 relating to liability and damages issues, and appears to be the product of arm's length and  
2 informed negotiations.

3 5. The parties' proposed notice plan is constitutionally sound because individual  
4 notices will be mailed to all class members whose identities are known to the parties, and such  
5 notice is the best notice practicable. The parties' proposed (i) Notice of Proposed Settlement of  
6 Class Action, Conditional Certification of Settlement Class, Preliminary Approval of Settlement,  
7 and Hearing Date for Final Court Approval, and (ii) proposed Claim Form (Exhs. A and B) (the  
8 "Class Notice Packet") are sufficient to inform members of the Class of the terms of the  
9 Settlement, their rights under the Settlement, their rights to object to the Settlement, their right to  
10 receive a proportionate Settlement Share or opt-out and not to participate in the Settlement, and  
11 the processes for doing so, and the date and location of the final approval hearing, and therefore  
12 are approved.

13 6. Any member of the Class who submits a timely Claim Form and Consent to Join  
14 Settlement Form within thirty (30) days after the date the Settlement Administrator mails the  
15 Notice Packet will receive a Settlement Share.

16 7. Those members of the Class who wish to comment on, object to or opt-out of the  
17 Settlement have until thirty (30) days after the mailing of the Class Notice Packet to submit their  
18 comments, objection or opt-out notice pursuant to the procedures set forth in the Class Notice.

19 8. Simpluris is appointed to act as the Settlement Administrator, pursuant to the terms  
20 set forth in the Settlement.

21 9. Plaintiffs Emily Nevett and Bonnie Noble are appointed as Class Representatives  
22 along with Consent-to-Join Plaintiffs Vicki Dang, Collette Finley, and Natalie King, and the  
23 Court preliminarily approves a Class Representative Payment in the amount of \$15,000.00 to  
24 Plaintiffs Nevett and Noble, and \$5,000.00 each to Consent-to-Join Plaintiffs Vicki Dang,  
25 Collette Finley, and Natalie King.

26 10. Mark R. Thierman, Joshua Buck and Leah L. Jones of Thierman Buck, LLP are  
27 appointed Class Counsel, and the Court preliminarily approves their attorneys' fee request of no  
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1 more than \$2,916,666.67 and litigation costs not to exceed \$25,000.00.

2 11. The Class Notice Packet will be disseminated according to the notice plan  
3 described in the Settlement Agreement and substantially in the form submitted by the parties.  
4 Proof of distribution of notice will be filed by the parties at or prior to the final approval hearing.

5 12. Defendant is directed to provide the Settlement Administrator as soon as possible  
6 using best efforts, and in no event later than ten (10) business days after the date of this order, the  
7 Class Data as specified by the Settlement Agreement and Plaintiffs' Class Counsel shall provide  
8 to the Settlement Administrator any and all information regarding current addresses of class  
9 members.

10 13. The Settlement Administrator is directed to mail the approved Class Notice Packet  
11 by first-class mail to members of the respective classes as soon as possible using best efforts, with  
12 the intent of issuing the Class Notice Packet to every Class Member by November 19, 2024, such  
13 that all claims must be filed by December 19, 2024.

14 14. As stated in the Parties' joint motion, the instant action is a Rule 23 class action  
15 subject to the notice requirements of the Class Action Fairness Act (CAFA), 28 U.S.C. § 1715(b).  
16 Within ten (10) business days of the Parties' filing of the joint motion, Defendant served upon the  
17 appropriate State official of each State in which a class member resides, and the appropriate  
18 Federal official, a notice of the Settlement consistent with the requirements enumerated by 28  
19 U.S.C. § 1715(b)(1)–(8). The Court may not issue an order granting final approval of the  
20 Settlement earlier than ninety (90) days after service of the notice of Settlement upon the  
21 appropriate State and Federal official.

22 15. Thus, a final hearing will be held on January 29, 2025, at 1:00 p.m. to  
23 determine: (1) whether the proposed Settlement is fair, reasonable, and adequate and should be  
24 finally approved by the Court; (2) the amount of attorney's fees and litigation costs to award to  
25 Class Counsel; (3) the amount to be paid to the Claims Administrator; and (4) the amount of  
26 the Incentive Payments for the Class Representatives. The Court will hear all evidence and  
27 argument necessary to evaluate the Settlement and Class Members and their counsel may  
28 support, oppose, or comment upon the Settlement if they so desire, as set forth in the Class

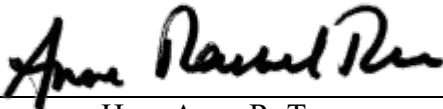
1 Notice.

2 16. Any Class Member may appear at the final approval hearing in person or by his or  
3 her own attorney and show cause why the Court should not approve the Settlement or object to  
4 the award of the Class Representative Payment or the Class Counsel Fees and Costs. For any  
5 comments or objections to be considered at the hearing, the Class Member must file written  
6 objections and/or comments with the Clerk of Court setting forth the nature of his/her comments,  
7 support or objection, and serve the same on counsel for the parties not later than thirty (30)  
8 calendar days after the Settlement Administrator mails the Class Notice Packets.

9 17. If no objections or comments are made to the Settlement, the parties may apply to  
10 the Court to expedite the date of the final approval hearing. The Court reserves the right to  
11 continue the date of the final approval hearing without further notice to Class Members. The  
12 Court retains jurisdiction to consider all further applications arising out of or in connection with  
13 the Settlement.

14 18. All papers filed in support of final approval of the settlement, and response to any  
15 objections, will be filed no later than January 20, 2025.

16 Dated: October 18, 2024.

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19 Hon. Anne R. Traum  
20 United States District Judge  
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