

DISTRICT COURT
CLARK COUNTY, NEVADA

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3 THERESA B. VOZZA, on behalf of herself and)
all others similarly situated,)

4 Plaintiff,)

5 vs.)

6 THE MARSHALL RETAIL GROUP, LLC)
d/b/a and a/k/a MARSHALL RETAIL)
7 GROUP, LLC; DOES 1 through 50; inclusive,)

8 Defendant.)

Case No. A-19-788823-C

Dept. No. 27

ORDER PRELIMINARILY
APPROVING CLASS ACTION
SETTLEMENT

Hearing Date: November 21, 2019

Hearing Time: 9:30 AM

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10 On November 21, 2019, this Court considered the Joint Motion for Preliminary Approval of
11 Class Action Settlement. Counsel for Plaintiff and Defendant appeared at the hearing. Having
12 considered the Joint Motion and all supporting legal authorities and documents the Court orders as
13 follows:

14 1. The Court hereby preliminarily approves settlement of this action upon the terms
15 and conditions set forth in the Agreement for Settlement of Class Action and Release (“Settlement
16 Agreement”), subject only to the objections of the Class Members and final review and approval of
17 the Court.

18 2. The court adopts all defined terms as set forth in the Agreement for Settlement of
19 Class Action and Release (hereinafter, “Settlement Agreement”).

20 3. The Court preliminarily finds that the gross maximum settlement amount of
21 \$650,000.00 is within the range of reasonableness necessary for preliminary approval and that this
22 amount is fair, adequate, and reasonable as to all potential members of the settlement class when
23 balanced against the probable outcome of further litigation, and ultimately relating to liability and
24 damages issues.

1 4. The Court conditionally certifies the following Class solely for purposes of
2 settlement:

3 All hourly paid non-exempt persons employed by or formerly employed by
4 Defendant The Marshall Retail Group, LLC in the state of Nevada who earned less
5 than 1½ times the applicable minimum wage and who worked over eight (8) hours in
a workday at any time from February 5, 2016 through the date of this Court's Final
Order and Judgment.

6 5. The Court appoints named Plaintiff Theresa B. Vozza as Class Representative.

7 6. The Court appoints Joshua D. Buck of Thierman Buck LLP and Christian Gabroy
8 of Gabroy Law Offices as Class Counsel.

9 7. The Court confirms American Legal Claim Services, LLC, as Claims administrator
10 and approves the notice and claim procedures set forth in the Settlement Agreement.

11 8. The Court approves, as to form and content, the Claim Form (Exhibit A) and the
12 Notice to the Class of Proposed Settlement (Exhibit B).

13 9. The Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting
14 any other cases, claims, suits, or administrative proceedings (including filing claims with the Nevada
15 Office of the Labor Commissioner) regarding the Released Claims unless and until such Class
16 Members have filed valid and timely Requests for Exclusion with the Claims Administrator and the
17 time for filing claims with the Claims Administrator has elapsed.

18 10. Within thirty (30) calendar days following notice of entry of this Preliminary
19 Approval Order, Defendant must provide to the Claims Administrator a spreadsheet listing the
20 following information for each Class Member derived from Defendant's payroll and/or personnel
21 records: name and last known (to Defendant) address of those who earned less than 1½ times the
22 applicable minimum wage and who worked over eight (8) hours in a workday at any time during the
23 Class Period ("Class Member Notice List") and the total number of hours worked by each Class
24 Member from February 5, 2016 through June 3, 2019. The Class Member Notice List must be

1 provided in a format reasonably acceptable to the Claims Administrator. Defendant will consult with
2 the Claims Administrator prior to the production date to ensure that the format will be acceptable to
3 the Claims Administrator. The Class Member Notice List will be used only by the Claims
4 Administrator for the sole purpose of effectuating the Settlement.

5 11. Within twenty-one (21) calendar days following receipt of the Class Member Notice
6 List, the Claims Administrator will mail a Notice and Claim Form to each Class Member.

7 12. Class Members have sixty (60) days following mailing of the Notice and Claim Form
8 to mail a fully-completed and signed Claim Form to the Claims Administrator.

9 13. Any Class Member who wants to be excluded from the Settlement must mail a
10 request for exclusion to the Claims Administrator no later than sixty (60) days following mailing of
11 the Notice.

12 14. Any Class Member who objects to the Settlement must file with the Court and serve
13 on Class Counsel, Defendant's counsel, and the Claims Administrator, his or her objection no later
14 than sixty (60) days following mailing of the Notice.

15 15. A final approval hearing will be held on April 23, 2020 at 9:30 a.m.in Courtroom No.
16 3A to determine (a) whether the proposed settlement is fair, reasonable, and adequate and should be
17 finally approved; (b) the amount of attorney's fees and costs to award to

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1 Class Counsel; and (c) the amount of the Enhancement Payment for the Class Representative.

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3 DATED: Dec 3, 2019

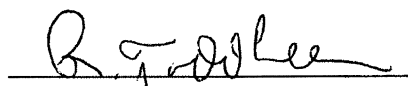
Nancy L. Alls
DISTRICT JUDGE, Eighth Judicial
District Court TD

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6 Approved as to Form and Content:

7 THIERMAN BUCK LLP

KAMER ZUCKER ABBOTT

8 By: 

By: 

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