

THIERMAN BUCK LLP  
7287 Lakeside Drive  
Reno, NV 89511  
(775) 284-1500 Fax (775) 703-5027  
Email info@thiermanbuck.com www.thiermanbuck.com

1 Mark R. Thierman, Nev. Bar No. 8285  
mark@thiermanbuck.com  
2 Joshua D. Buck, Nev. Bar No. 12187  
josh@thiermanbuck.com  
3 Leah L. Jones, Nev. Bar No. 13161  
leah@thiermanbuck.com  
4 THIERMAN BUCK, LLP  
7287 Lakeside Drive  
5 Reno, Nevada 89511  
6 Tel. (775) 284-1500  
7 Fax. (775) 703-5027

William H. Brown, Nev. Bar No. 7623  
wbrown@lambrosebrown.com  
LAMBROSE BROWN PLLC  
330 E. Charleston Blvd., Ste. 100  
Las Vegas, NV 89104  
Tel. (702) 816-2200  
Fax. (702) 816-2300  
*Attorneys for Defendant K-Kel, Inc.*

8 Christian Gabroy, Nev. Bar No. 8805  
christian@gabroy.com  
9 Elizabeth E. Aronson, Nev. Bar. No. 14472  
earonson@gabroy.com  
10 GABROY LAW OFFICES  
170 S. Green Valley Pkwy  
11 Henderson, NV 89012  
12 Tel. (702) 259-7777  
13 Fax. (702) 259-7704  
14 *Attorneys for Plaintiff*

DISTRICT COURT  
CLARK COUNTY, NEVADA

17 ANTHONY WINDOM and ALICIA  
18 GLENNY, on behalf of themselves and all  
others similarly situated,

19 Plaintiffs,

20 vs.

21 THE SPEARMINT RHINO COMPANIES  
22 WORLDWIDE, INC.; K-KEL, INC.; and  
23 DOES 1 through 50, inclusive,

24 Defendant(s).

Case No.: A-17-765720-C

Dept. No.: XXIV <sup>PLS</sup> JOINT MOTION FOR

<sup>MS</sup> ~~PROPOSED~~ ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

25 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

26 <sup>MS</sup> PLAINTIFFS' JOINT MOTION

27 The ~~Application~~ for Preliminary Approval of a Class Action Settlement came before this

28 Court, the Honorable Jim Crockett presiding, on March 6, 2018. This Court, having considered

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the papers submitted in support of the application of the parties, HEREBY ORDERS THE FOLLOWING:

1. This Court grants preliminary approval of the Settlement and the Settlement Classes based upon the terms set forth in the Joint Stipulation of Settlement and Release between Plaintiffs and Defendants (“Stipulation of Settlement”) filed herewith. The Settlement appears to be fair, adequate and reasonable to the Class.
2. The Settlement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.
3. A final fairness hearing on the question of whether the proposed Settlement, attorneys’ fees to Class Counsel, and the Class Representatives Enhancement Awards should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in accordance with the Implementation Schedule set forth below.
4. This Court approves, as to form and content, the Notice of Pendency of Class Action, Proposed Class Action Settlement, and Hearing Date for Court Approval (“Notice of Pendency of Class Action”), in substantially the form attached to the Stipulation of Settlement as Exhibit A, and the Claim Form in substantially the form attached thereto as Exhibit B. This Court approves the procedure for Class Members to participate in, to opt out of and to object to, the Settlement as set forth in the Notice of Pendency of Class Action.
5. This Court directs the mailing of the Notice of Pendency of Class Action and Proposed Settlement, and the Claim Forms by first class mail to the Class Members in accordance with the Implementation Schedule set forth below. This Court finds the dates selected for the mailing and distribution of the Notice and the Claim Form, as set forth in the Implementation Schedule, meet the requirements of due process and provide the best notice practicable under the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- circumstances and shall constitute due and sufficient notice to all persons entitled thereto.
6. It is ordered that the Settlement Class is preliminarily certified for settlement purposes only.
  7. This Court confirms Plaintiffs Anthony Windom and Alicia Glenny as Class Representatives and Thierman Buck, LLP and Gabroy Law Offices as Class Counsel.
  8. This Court confirms Simpluris as the Claims Administrator.
  9. To facilitate administration of the Settlement pending final approval, this Court hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Nevada Office of the Labor Commissioner) regarding claims released by the Settlement unless and until such Class Members have filed valid Requests for Exclusion with the Claims Administrator and the time for filing claims with the Claims Administrator has elapsed.
  10. This Court orders the following **Implementation Schedule** for further proceedings:

///  
///  
///

**THIERMAN BUCK LLP**  
 7287 Lakeside Drive  
 Reno, NV 89511  
 (775) 284-1500 Fax (775) 703-5027  
 Email info@thiermanbuck.com www.thiermanbuck.com

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

a.	Deadline for Defendants to Submit Class Member Information to Claims Administrator	March 23, 2018 [10 calendar days after Order granting Preliminary Approval]
b.	Deadline for Claims Administrator to Mail the Notice and the Claim Form to Class Members	March 30, 2018 [14 calendar days after Order granting Preliminary Approval]
c.	Deadline for Class Members to Postmark Claim Forms	April 30, 2018 [30 calendar days after initial mailing of the Notice and Claim Form to Class Members]
d.	Deadline for Class Members to Postmark Requests for Exclusions	April 30, 2018 [30 calendar days after initial mailing of the Notice and Claim Form to Class Members]
e.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	April 30, 2018 [30 calendar days after initial mailing of the Notice and Claim Form to Class Members]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	May 8, 2018 [7 calendar days before Final Approval Hearing]
g.	Deadline for Class Counsel to File Declaration from Claims	May 8, 2018 [7 calendar days before Final

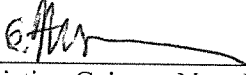
THIERMAN BUCK LLP  
 7287 Lakeside Drive  
 Reno, NV 89511  
 (775) 284-1500 Fax (775) 703-5027  
 Email info@thiermanbuck.com www.thiermanbuck.com

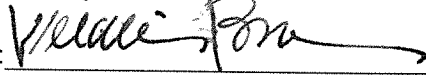
1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

	Administrator of Due Diligence and Proof of Mailing	Approval Hearing]
h.	Final Fairness Hearing in Department <sup>24</sup> <del>MS</del> and Final Approval	May 15, 2018
i.	Deadline for Defendant K-Kel, Inc. to Fund Settlement Account maintained by Claims Administrator	May 22, 2018 [ 5 calendar days after Effective Date, or June 15, 2018, whichever is later]
j.	Deadline for Claims Administrator to wire transfer the Attorneys' Fees and Costs to Class Counsel (if Settlement is Effective)	May 30, 2018 [5 calendar days after Defendant K-Kel, Inc. Funds Settlement Account]
k.	Deadline for Claims Administrator to mail the Settlement Awards to Class Members and the Enhancement Awards to Class Representatives (if Settlement is Effective)	June 6, 2018 [10 days after Defendant K-Kel, Inc. Funds Settlement Account]

1 2 3 4 5 6	i. Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	August 13, 2018 [90 calendar days after Effective Date]
----------------------------	--	---


8 IT IS SO STIPULATED this 23 day of March 2018:

9 By:   
10 Christian Gabroy, Nev. Bar No. 8805  
11 christian@gabroy.com  
12 Elizabeth E. Aronson, Nev. Bar. No. 14472  
13 earonson@gabroy.com  
14 GABROY LAW OFFICES  
15 170 S. Green Valley Pkwy  
16 Henderson, NV 89012  
17 Tel. (702) 259-7777  
18 Fax. (702) 259-7704  
19 Attorneys for Plaintiff

By:   
20 William H. Brown, Nev. Bar No. 7623  
21 wbrown@lambrosebrown.com  
22 LAMBROSE BROWN PLLC  
23 330 E. Charleston Blvd., Ste. 100  
24 Las Vegas, NV 89104  
25 Tel. (702) 816-2200  
26 Fax. (702) 816-2300  
27 Attorneys for Defendant K-Kel, Inc.

20 IT IS SO ORDERED.

22 Dated: 3/28/18

  
23 \_\_\_\_\_  
24 (MS) Judge of the District Court

THIERMAN BUCK LLP  
7287 Lakeside Drive  
Reno, NV 89511  
(775) 284-1500 Fax (775) 703-5027  
Email info@thiermanbuck.com www.thiermanbuck.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28