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19 **UNITED STATES DISTRICT COURT**
20 **DISTRICT OF NEVADA**

21 DONALD WALDEN, JR., et al., etc.,

22 Plaintiffs,

23 v.

24 THE STATE OF NEVADA, EX REL. NEVADA
DEPARTMENT OF CORRECTIONS, and
25 DOES 1-50,

26 Defendants.

Case No.: 3:14-cv-00320-MMD-WGC

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

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 Plaintiffs' Motion for Preliminary Approval of Collective and Class Action Settlement came
3 before this Court, the Honorable Chief Judge Miranda M. Du presiding, on December 1, 2022...
4 This Court, having considered the papers submitted in support of the Motion, HEREBY ORDERS
5 THE FOLLOWING:

6 1. This Court grants preliminary approval of the Settlement and the Settlement Classes
7 based upon the terms set forth in the Collective and Class Action Settlement and Release between
8 Plaintiffs Donald Walden, Jr., et. al. and Defendant the State of Nevada, Ex. Rel. Nevada
9 Department of Corrections ("Settlement"). The Settlement preliminarily appears to be fair,
10 adequate, and reasonable to the Class. The Joint Motion for Preliminary Approval is GRANTED.

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

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

17 4. This Court approves, as to form and content, the Notice of Pendency of Collective
18 and Class Action Settlement and Final Hearing Date ("Class Notice of Settlement"), in substantially
19 the form attached to the Settlement as Exhibit A. This Court approves the procedure for Class
20 Members to (i) participate (i.e., do nothing), (ii) opt out, or (iii) object, to the Settlement as set forth
21 in the Class Notice of Settlement.

22 5. The Court directs the mailing of Class Notice of Settlement by first class mail to the
23 Class Members in accordance with the Implementation Schedule set forth below. This Court finds
24 the dates selected for the mailing and distribution of the Class Notice of Settlement, as set forth in
25 the Implementation Schedule, meet the requirements of due process and provide the best notice
26 practicable under the circumstances and shall constitute due and sufficient notice to all persons
27 entitled thereto.

28 6. This Court has already conditionally certified the opt-in collective group pursuant to
the Fair Labor Standards Act (FLSA) and that decision is not disturbed. It is further ordered that a

1 Settlement Class, as defined in the Settlement, is preliminarily certified pursuant to Rule 23 of the
2 Federal Rules of Civil Procedure for settlement purposes only.

3 7. This Court re-affirms Plaintiffs DONALD WALDEN JR., NATHAN ECHEVERRIA,
4 AARON DICUS, BRENT EVERIST, TRAVIS ZUFELT, TIMOTHY RIDENOUR, and DANIEL TRACY
5 as Class Representatives.

6 8. This Court re-affirms Mark Thierman, Esq., Joshua Buck, Esq., Leah Jones, Esq.,
7 and Joshua R. Hendrickson, Esq. of Thierman Buck, LLP of Reno, Nevada and Christian Gabroy,
8 Esq. and Kaine Messer, Esq. of Gabroy Messer of Henderson, Nevada as Class Counsel.

9 9. This Court confirms Phoenix Class Action Administration Solutions.
10 as the Settlement Administrator.

11 10. This Court orders the following Implementation Schedule for further proceedings:

12 a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	<u>December 8, _____</u> 2022 [7 calendar days after Order granting Preliminary Approval]
13 b.	Deadline for Claims Administrator to Mail the Notice to Class Members	<u>December 15 _____</u> , 2022 [14 calendar days after Order granting Preliminary Approval]
14 c.	Deadline for Defendant to Make Good Faith Deposit To Settlement Account maintained by Claims Administrator	<u>December 29 _____</u> , 202__ [21 calendar days after Order granting Preliminary Approval or 30 calendar days from date of approval by the BOE and IFC, whichever is later]
15 d.	Deadline for Defendant's Insurer to Make Good Faith Deposit To Settlement Account maintained by Claims Administrator	<u>January 17 _____</u> , 2023 [45 calendar days after Order granting Preliminary Approval]
16 e.	Deadline for Class Counsel to File Motion for Final Approval of Fees, Costs, and Service Awards	<u>December 15 _____</u> , 2022 [21 calendar days after Order granting Preliminary Approval]
17 f.	Deadline for Class Members to Postmark Requests for Exclusions	<u>January 17 _____</u> , 2023 [30 calendar days after initial mailing of the Notice to Class Members]

1	g.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	<u>January 17,,</u> , 2023 [30 calendar days after initial mailing of the Notice to Class Members]
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3	h.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	<u>January 30</u> , 2023 [7 calendar days prior to Final Approval Hearing]
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6	i.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	<u>January 30</u> , 2023 [7 calendar days prior to Final Approval Hearing]
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10	j.	Final Fairness Hearing and Final Approval	<u>February 6</u> , 2023 at 9:00 AM in Reno Courtroom 5
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12	k.	Deadline for Defendant to Deposit Remaining Settlement Fund To Settlement Account maintained by Claims Administrator	<u>May 5</u> , 2023 [90 days after Effective Date]
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16	l.	Deadline for Claims Administrator to wire transfer the Attorneys' Fees and Costs to Class Counsel (if Settlement is Effective)	<u>May 15</u> , 2023 [10 days after receipt of Settlement Funds]
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19	m.	Deadline for Claims Administrator to mail the Settlement Awards to Class Members and the Enhancement Awards to Class Representatives (if Settlement is Effective)	<u>May 15</u> , 2023 [10 days after receipt of Settlement Funds]
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23	n.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	<u>November 1</u> , 2023 [180 days after Settlement Awards being issued]
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27	o.	Uncashed Checks to be Voided and Monies Remitted	<u>November 1</u> , 2023 [180 days after Settlement Awards being
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	To State of Nevada Unclaimed Property Fund	issued]
p.	Unclaimed Settlement Monies Revert to the State of Nevada	November 1 _____, 2024 [1 year following Settlement Awards being remitted to State of Nevada unclaimed property fund]

IT IS SO ORDERED.

Dated: December 1, 2022



DISTRICT COURT JUDGE