

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP 26 2011	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEVADA

MICHAEL LEBER, RICK BRUNTON,
THOMAS KELLEY, SONIA NUNEZ, JOHN
RANGEL, and LOUIS A. CARIDEO,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

THE BERKLEY GROUP INC., ELDORADO
RESORTS CORPORATION, and JAMES
GRIMES, individually and doing business as
"Vacation Village Resorts" and "John Does",
name fictitious, actual name and number
unknown,

Defendants.

Case No. Case No. **08-civ 1752 PMP/PAL**

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

Date: September 26, 2011
Time: 10:00 a.m.
Courtroom: 7C

On September 26, 2011, the Court heard the parties' joint motion for final approval of their proposed class action settlement and the plaintiffs' motion for approval of enhancement payments to the representative plaintiffs, payment of plaintiffs' attorney's fees and costs, and payment of administration expenses, as set forth in the Stipulation and Settlement Agreement ("Stipulation"), in the above-captioned action that has been filed with the Court. Both motions were unopposed. The Court finds and orders as follows:

1. For the purposes of this Order, the Court adopts all defined terms as set forth in the Stipulation, previously filed with this Court.
2. This Court has jurisdiction over the subject matter of this litigation and over all parties and Class Members in this litigation.

1
2 3. The Court finds that the distribution of the Notice of Class Action
3 Settlement, which was carried out pursuant to the Stipulation, constituted the best notice
4 practicable under the circumstances and fully met the requirements of due process.
5

6 4. The Court finds that no Class Members have objected to the Settlement.
7 The following six Class Members have requested exclusion from the Settlement and are not
8 subject to any of the provisions of the Settlement: Cassia Costa, Anthony DiLaura, Robert
9 Montemarano, Evangelina Velasco, Fabian Villarreal, Ronald Zipser. Over 35.2% of the Class
10 have filed timely and valid claims such persons holding claims valued at over 50% of the total
11 cash value of all estimated class claims. These individuals have claimed, and will be paid, a
12 minimum of \$266,426.86 in cash from the settlement fund with 68 of such individuals electing
13 to receive a resort stay certificate in lieu of a cash payment, such certificates being collectively
14 valued at \$24,480.00
15

16 5. As counsel for the Class, Mark Thierman of the Thierman Law Firm and Leon
17 Greenberg of Leon Greenberg Professional Corporation, shall be paid a fees payment of
18 \$200,000.00 and a costs payment of \$10,000.00 from the Settlement Fund for their services on
19 behalf of the Plaintiffs and the Class.
20

21 6. As the Settlement Administrator, Kurtzman Carson Consultants LLC, shall be
22 paid from the Settlement Fund for their services rendered in administering the Settlement, in
23 accordance with the Stipulation and as provided in this paragraph. Pursuant to the declaration of
24 its Senior Consultant, Jonathan Carameros, submitted to this Court, its estimated maximum costs
25 for administration of the settlement of this matter is \$37,338.69. Its payment of costs in that
26 amount from the Settlement Fund is approved, provided, that it shall receive a lesser amount, if
27 any, that is equal to the actual charges properly paid to it for the services it provides in completing
28 the administration of the Settlement.

1
2 7. The Court finds that the Stipulation was the product of protracted, arm's
3 length negotiations between experienced counsel, facilitated by a respected mediator. After
4 considering Defendants' potential exposure, the likelihood of success on the class claims, the risk,
5 expense, complexity and delay associated with further litigation, the risk of maintaining class
6 certification through trial, the experience and views of Plaintiffs' Counsel, and the reaction of the
7 Class to the Settlement, as well as other relevant factors, the Court finds that the settlement, as set
8 forth in the Stipulation, is fair, reasonable, and in the best interests of the Class, and hereby grants
9 final approval of the settlement. The parties are ordered to carry out the settlement as provided in
10 the Stipulation. The Court finds that the applicable statute of limitations for the Nevada state
11 law claims asserted in this action is not longer than two years.

12
13 8. The Clerk of the Court is directed to enter a Final Judgment of dismissal
14 and the Complaint is dismissed with prejudice except as to Robert Montemarano and Evangelina
15 Velasco for whom such dismissal will be without prejudice and with a right to recommence
16 litigation against defendants within 90 days from the date of such Final Judgment with any such
17 recommenced action relating back for statute of limitations purposes to such person's joinder in
18 this action for FLSA purposes and the commencement of this action in respect to any State Law
19 claims.

20
21 9. The Court will retain jurisdiction for purposes of enforcing this Settlement,
22 addressing settlement administration matters, and addressing such post-judgment matters as may
23 be appropriate under court rules or applicable law.

24 IT IS SO ORDERED.

25 Dated: *Sept 26, 2011*



Philip M. Pro
UNITED STATES DISTRICT COURT JUDGE