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

20 ROBERT GREENE, on behalf of himself and)
 21 all others similarly situated,)
 22 Plaintiffs,)
 23 v.)
 24 ALAN WAXLER GROUP CHARTER)
 25 SERVICES, LLC dba AWG CHARTER)
 26 SERVICES, a Nevada Limited Liability)
 27 Company, Does 1-50, inclusive,)
 28 Defendants)

) Greene v. Alan Waxler Charter Services
) Case No.: 2:09-CV-00748-JCM-RJJ
) Consolidated with:
) Baum, et. al. v. Alan Waxler, et. al.
) Case No.: 2:09-CV-0914-LDG-PAL

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

29 SAM BAUM, et al.,)
 30 Plaintiffs,)
 31 v.)
 32 ALAN WAXLER, et al.,)
 33 Defendants.)

1 The Court has before it Plaintiffs' Amended Motion for Preliminary Approval of Class
2 and Collective Action Settlement ("Motion"). The Court has carefully considered the request
3 for preliminary approval of the parties' Settlement Agreement (ECF 213-1). The Court having
4 read and considered the Motion, the arguments of counsel, and the law, and good cause
5 appearing therefore, the Court hereby finds and orders as follows:

6 1. The Motion is granted. Unless otherwise noted, all terms herein shall have the
7 same meaning and definition as in the parties' Settlement Agreement.

8 2. The Court finds the Settlement meets the requirements for preliminary approval
9 as fair, adequate, and reasonable, and appears to be the product of arms-length and informed
10 negotiations.

11 3. For settlement purposes only, the Court certifies the following Settlement
12 Classes:

13 a. The FLSA Settlement Class, which shall consist of all Class Members
14 who timely complete and return a Consent/Claim Form; and

15 b. The Rule 23 State Law Claims Settlement Class, which shall consist
16 of all Class Members who do not timely complete and return a Request for
17 Exclusion.

18 4. The Court finds, for settlement purposes only, that the FLSA Settlement Class
19 meets the requirements for conditional certification under the Fair Labor Standards Act, 29
20 U.S.C. §§ 201-16 ("FLSA").

21 5. The Court also finds, for settlement purposes only, that the Rule 23 State Law
22 Claims Settlement Class meets the requirements for certification under Fed. R. Civ. P. 23(a)
23 and 23(b)(3) in that: (1) the Class is so numerous that joinder is impracticable; (2) there are
24 questions of law and fact common to the Class, which questions predominate over individual
25 issues; (3) Plaintiffs' claims are typical of the claims of the Class; (4) Plaintiffs and their
26 counsel will fairly and adequately protect the interests of the Class; and (5) a class action is
27 superior to other available methods for fairly and efficiently adjudicating this controversy.
28

1 6. The Court approves, as to form and content, the parties' proposed Class Notice,
2 Consent/Claim Form, and Request for Exclusion (collectively "Notice Packet") attached to the
3 Motion for Preliminary Approval of Class and Collective Action Settlement as Exhibits 2 and
4 3 respectively. The Court finds the Notice Packet sufficient to inform Class Members of the
5 terms of the Settlement, of their rights under the Settlement, of their rights to object to the
6 Settlement, and of their rights to make a claim or to elect not to participate in the Settlement, as
7 well as the processes for doing so. The Court finds the scheduled dates and methods for
8 distributing the Notice Packet meet the requirements of due process and provide the best notice
9 practicable under the circumstances and shall constitute due and sufficient notice to all persons
10 entitled thereto. Any blank or previously undetermined dates or fields shall be completed in
11 accordance with the Settlement and this Order.

12 7. The Court appoints, for settlement purposes only, the plaintiffs named in the
13 Complaint (Robert Greene, Sam Baum, Brad Clark, Keith Jackson, Allan Douthard, Joseph
14 Pellegrino, Zbigniew Obrycki, Juan Iglesia, Walter Clark, Ivron Mayfield, George Vande Logt,
15 Robert Reed, Paul Lauzen, Troy Smith, Ferenc Zombori and Jacqueline Thomson) as
16 representatives of the Class.

17 8. The Court appoints, for settlement purposes only, Lynch, Hopper, Salzano &
18 Smith, Kuller Law PC and Thierman Law Firm as Class Counsel.

19 9. The Court appoints Total Class Solutions ("TCS"), as the Claims Administrator.

20 10. The Final Approval Hearing will be held on August 3, 2015 at 1:30 P.M. At
21 such time, the Court will determine whether the parties' Settlement should be granted final
22 approval as fair, reasonable, and adequate as to Class Members. The Court will hear all
23 evidence and argument necessary to evaluate the Settlement, including (i) whether the Court
24 should approve the Settlement awards to Plaintiffs and Eligible Class Members, (ii) whether
25 the Court should approve the requested Fee Award and Litigation Costs and Expenses to Class
26 Counsel, (iii) whether the Court should approve the requested Enhancement Payments to
27 Plaintiffs and (iv) whether the Court should sustain any timely objections to the Settlement.
28

1 11. Plaintiffs, in cooperation with Defendants, shall file a Motion for Final
2 Approval of the Settlement, together with supporting briefs and other materials, no later than
3 15 days before the Final Approval Hearing date.

4 12. The Court orders the parties to carry out the Settlement in all other ways
5 according to its terms.

6 13. The Court reserves the right to continue the date of the Final Approval Hearing
7 without further notice to Class members. The Court retains jurisdiction to consider all further
8 applications arising out of or in connection with the Settlement.
9

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11 **IT IS SO ORDERED.**

12
13
14 Date: May 15, 2015

James C. Mahan

UNITED STATES DISTRICT COURT JUDGE