

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT NORSOPH,

Plaintiff

v.

RIVERSIDE RESORT AND CASINO, INC.,
et al.,

Defendants

Case No.: 2:13-cv-00580-APG-EJY

**Order (1) Approving Settlement and
(2) Relieving Plaintiffs' Counsel**

[ECF Nos. 137, 138]

This is a collective action under the Fair Labor Standards Act (FLSA). The parties have filed a joint motion to approve a settlement of this case. ECF No. 137. The plaintiffs' counsel has filed a motion to be relieved as the attorney for Plaintiffs Michelle Frank, Clifford Gerhard, Randall Johnson, Bobby Louis, Traci Moss and Nichole Rathman. ECF No. 138. Both motions are supported by good cause.

I THEREFORE ORDER as follows:

1. This court has jurisdiction over the subject matter of this litigation and personal jurisdiction over the named plaintiffs, all members of the FLSA collective action, and the defendant.

2. I adopt the defined terms in the Settlement Agreement.

3. As set forth in Exhibit A to this Order, 40 individuals have accepted the Settlement (Accepting Plaintiffs). As of the date of this Order, each Accepting Plaintiff has waived and shall be deemed to have fully, finally, and forever released, relinquished, and discharged all Released Claims, as set forth in the Settlement Agreement. Payment to all

1 Accepting Plaintiffs shall be completed in accordance with the terms of the Settlement
2 Agreement within 30 days of the Effective Date as set forth in the Settlement Agreement.

3 4. As set forth in Exhibit B to this Order, five individuals have not accepted the
4 Settlement. Each of the individuals listed in Exhibit B is dismissed from this case without
5 prejudice and shall have 60 days from the date of this Order to institute a FLSA claim in a new
6 litigation before the statute of limitations begins to run again, as provided for in the Settlement
7 Agreement. In respect to opt in plaintiff Mary Nolan, I have been advised she has settled her
8 FLSA claim as part of a court-supervised and approved settlement involving other legal claims
9 as well in the case of *Nolan v. Riverside Resort and Casino*, Eighth Judicial District Court of
10 Nevada, # A-19-790731-C, so her claim in this case is dismissed with prejudice.

11 5. I grant approval to this Settlement and find it to be a reasonable resolution of a
12 bona fide dispute of tips under the FLSA. The Settlement is reasonable in all respects,
13 including the service award to Robert Norsoph and the attorneys' fees and costs of Plaintiffs'
14 counsel. The Settlement confers a substantial benefit to all individuals similarly situated to
15 Plaintiffs, considering the strength of Plaintiffs' claims and the risk, expense, complexity, and
16 duration of further litigation. The settlement is the result of arms-length negotiations between
17 experienced counsel representing the interests of both sides.

18 6. The \$2,500 payment to plaintiff Robert Norsoph is \$1,000 more than the amount
19 paid to any other plaintiff. It is appropriate in recognition of his service to the other plaintiffs in
20 bringing this litigation and the risks he assumed as the named plaintiff in this case.

21 7. Plaintiffs' attorneys' fees and costs in the amount of \$44,000 are reasonable and
22 hereby approved.

23 8. I grant the Motion to be Relieved as Counsel of Record for plaintiffs listed on

1 Exhibit "B" to this Order. The Rejecting Plaintiffs should retain separate legal counsel if they
2 wish to pursue their legal claims and are reminded that they have 60 days from the date of this
3 Order to properly institute a new FLSA lawsuit that, for the purposes of the statute of limitations
4 set forth in 29 U.S.C. § 255, will be deemed commenced on the date they filed a consent to
5 joinder with the Court in this case.

6 9. Th plaintiffs' claims are dismissed with prejudice except as to those plaintiffs
7 listed on Exhibit "B" for whom such dismissal shall be without prejudice as provided for by this
8 Order. The clerk shall close this case.

9 Dated: January 8, 2021.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

FirstName	middleInIt	LastName
BRIAN	R	BAKER
RICHARD	P	BARONE
JEENIE		BERLIN
CHERYL	A	BEZADA
NICOLE	B	BIXENMANN
GENERIO	A	BUSTAMANTE
TOM	G	DALTON
JUSTIN	R	DOOLEY
PAUL	A	DREISIGACKER
PAMELA	E	FOX
MICHELLE	M	FRANK
JOHNNY	R	GREEN
JULIE	A	HAGSTROM
JEFFERY	A	HALL
JAMES	W	HALPINE
DOUGLAS	E	INGOLD
LAURA	L	LEITHEISER
DUC	X	MAI
DENNIS	D	MANUKYAN
CECILIA	V	MAS
JOSEPH	L	MASON
PAUL	J	MAZUR
RICHARD	L	MEHLHOFF
OFELIA	C	MORA
SHAYNA	N	MUFFOLETTO
DAVID	L	NEVELS
JEREMIE	M	NOLAN
ROBERT		NORSOPH
VAGRAM		PAPOYAN
STEPHEN	J	PISTURINO
BENJAMIN	W	PORTER
ALEJANDRINO		QUINTERO
GREGORY	C	RIO
CARLOS	R	RUIZ
RAUL		SALAZAR
YOLANDA	M	SALAZAR
PAUL	W	SEAMAN
CHRISTOPHER	C	SHRIVER
RANDY	R	SODA
BRANDT	M	STAFFELDT

First Name	Initial	Last Name
CLIFFORD	P	GERHARD
RANDALL	L	JOHNSON
BOBBY	R	LOUIS
TRACI	L	MOSS
NICHOLE	R	RATHMAN