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

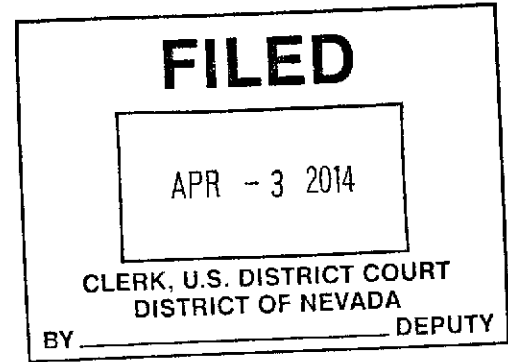
19 DANIELLE FICKEN, KIMBERLY
20 BLACKMORE, and LORETTA M.
21 BARKER, on behalf of themselves and all
22 others similarly situated,

23 Plaintiffs,

24 vs.

25 NEW CASTLE CORP. DBA EXCALIBUR
26 HOTEL AND CASINO and DOES 1 through
27 50, inclusive

28 Defendant.



Case No. 2:13-cv-00600-APG-GWF

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

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

The Application for Preliminary Approval of a Class Action Settlement came before this Court, the Honorable Andrew Gordon presiding, on April 3, 2014. This Court, having considered the papers submitted in support of the application of the parties, HEREBY ORDERS THE FOLLOWING:

1. This Court grants preliminary approval of the settlement based upon the terms set forth in the Joint Stipulation of Settlement and Release between Plaintiffs and

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Defendant (“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 Representative Enhancement Awards should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in accordance with the 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 Exclusion 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 the Exclusion Form by first class mail to the Class Members in accordance with the schedule set forth below. This Court finds the dates selected for the mailing and distribution of the Notice and the Exclusion Form, as set forth in the schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.
6. It is ordered that the Settlement Class (as defined in the Stipulation of Settlement) is preliminarily certified for settlement purposes only.

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- 7. This Court confirms Plaintiffs Danielle Ficken, Kimberly Blackmore and Loretta M. Barker as Class Representatives and Thierman Law Firm, P.C. as Class Counsel.
- 8. This Court confirms Class Action Administration, Inc. as CPT Group.
- 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 and the U.S. Department of Labor) 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 exclusions with the Claims Administrator has elapsed.
- 10. This Court orders the following schedule for further proceedings:

a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	<u>April 11, 2014</u> , 201 [10 calendar days after Order granting Preliminary Approval]
b.	Deadline for Claims Administrator to Mail the Notice and the Exclusion Form to Class Members	<u>April 18,</u> <u>2014</u> [15 calendar days after Order granting Preliminary Approval]
c.	Deadline for Class Members to Postmark Exclusion Forms	<u>May 19</u> , <u>2014</u> [30 calendar days after mailing of the Notice and Exclusion Form to Class Members]
d.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	<u>May 19</u> , <u>2014</u> [30 calendar days after mailing of the Notice and Exclusion Form to Class Members]
e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	<u>June 17</u> , <u>2014</u> [15 calendar days before Final Approval Hearing]
g.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	<u>June 17</u> , <u>2014</u> [15 calendar days before Final Approval Hearing]

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h.	Final Fairness Hearing and Final Approval	<u>July 2</u> , 2014 at 10 a.m.
i.	Deadline for Defendant to deposit the Net Settlement Amount into an escrow account set up by the Claims Administrator	5 days after the Final Fairness and Final Approval hearing
j.	Deadline for Claims Administrator to mail the Settlement Awards and the Enhancement Awards, and to wire transfer the Attorneys' Fees and Costs (if Settlement is Effective) except for those Awards to be paid to members of the Culinary Union which are to be distributed in accordance with the terms described in the Stipulation of Settlement	July 18 <u>August 4</u> , 2014 [21 calendar days after Effective Date]
k.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Awards, Attorneys' Fees and Costs (if Settlement is Effective)	<u>November 4</u> , 2014 [90 calendar days after Effective Date]
l.	Defense Counsel to File Proof of Payment of Settlement Awards to members of the Culinary Union.	<u>November 4</u> , 2014 [90 calendar days after Effective Date]

IT IS SO ORDERED.

Dated: April 3, 2014

Honorable Andrew P. Gordon
Judge of the United States District Court

4811-9377-6920, v. 1