

1 Mark R. Thierman, Nev. Bar No. 8285  
 2 Joshua D. Buck, Nev. Bar No. 12187  
 THIERMAN BUCK LLP  
 3 7287 Lakeside Drive  
 4 Reno, Nevada 89511  
 Tel. (775) 284-1500  
 5 mark@thiermanbuck.com  
 6 josh@thiermanbuck.com

7 David R. Markham (*pro hac vice*)  
 The Markham Law Firm  
 8 750 B Street, Suite 1950  
 9 San Diego, CA 92101  
 Tel. (619) 399-3995  
 10 dmarkham@markham-law.com

11 Attorneys for plaintiffs Nicole McDonagh,  
 12 David Grucello, and the Putative Class

13  
 14 UNITED STATES DISTRICT COURT  
 15 DISTRICT OF NEVADA  
 16

17 NICOLE MCDONAGH and DAVID  
 18 GRUCELLO, on behalf of themselves,  
 19 and all other similarly situated,

20 Plaintiffs,

21 vs.

22  
 23 HARRAH'S LAS VEGAS, INC.,  
 24 HARRAH'S ENTERTAINMENT, LLC;  
 and DOES 1 through 50, inclusive,

25 Defendants.  
 26

Case No. 13-cv-01744 RFB CWH

Hon. Richard F. Boulware II  
 Carl W. Hoffman, Magistrate Judge

27  
 28 ~~[PROPOSED]~~ ORDER GRANTING  
 JOINT MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT

On December 13, 2016, the Court conducted a fairness hearing to consider the

1 Joint Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for  
2 Approval of Attorneys' Fees and Costs and Plaintiffs' Service Enhancements. Counsel  
3 for both plaintiffs and defendants appeared at the hearing.

4 Having considered the motion and all supporting legal authorities and documents  
5 the Court orders as follows:

6 IT IS HEREBY ORDERED THAT:

- 7 1. The Court adopts the defined terms in the Settlement Agreement.
- 8 2. The Court has jurisdiction over the subject matter of this litigation and all  
9 related matters, including plaintiffs, all settlement class members, and defendants.
- 10 3. The Court confirms as final the following settlement class pursuant to Fed.  
11 R. Civ. P. 23, as defined in the order granting preliminary approval of the settlement as:  
12 all current and former hourly paid dealers employed by Harrah's Las Vegas at any time  
13 from September 23, 2007 through June 30, 2010, and all current and former dual-rate  
14 hourly supervisors employed by Harrah's Las Vegas at any time from September 23,  
15 2007 through June 30, 2014.
- 16 4. The Court confirms the appointment of Nicole McDonagh and David  
17 Grucello as class representatives.
- 18 5. The Court approves enhancement payments of \$15,000 each for Nicole  
19 McDonagh and David Grucello and \$5,000 to plaintiff Kimberley Daprizio.
- 20 6. The Court confirms the appointment of The Markham Law Firm and  
21 Thierman Buck LLP as class counsel and approves their requests for attorney's fees of  
22 \$212,500 and litigation costs of \$31,055.29.
- 23 7. The class notice was distributed to class members, pursuant to this Court's  
24 orders, and fully satisfied the requirements of Fed. R. Civ. P. 23 and any other applicable  
25 law.
- 26 8. Pursuant to Fed. R. Civ. P. 23(e), the Court grants final approval to this  
27 settlement and finds that the settlement is fair, reasonable, and adequate in all respects,  
28

1 including the attorneys' fees, litigation costs, and service award provisions. The Court  
2 finds that the settlement confers a substantial benefit to all settlement class members,  
3 considering the strength of plaintiffs' claims and the risk, expense, complexity, and  
4 duration of further litigation. The response of the class supports settlement approval.  
5 No class members objected to or requested exclusion from the settlement. The Court  
6 also finds that the settlement is the result of arms-length negotiations between counsel  
7 with broad wage-hour class experience representing the interests of both sides, after  
8 thorough investigation of the claims and defenses asserted. This supports approval of  
9 the settlement in accordance with the standards discussed in the joint motion for final  
10 approval of settlement.

11 9. The Court finds that, as of the date of this Order, each settlement class  
12 member has waived and released claims as set forth in the Settlement Agreement and  
13 Notice of Class Action Settlement.

14 10. The Court finds that the settlement administrator CPT Group, Inc. is  
15 entitled to \$18,500 for administrative fees.

16 11. The Court directs the parties to effectuate the settlement terms as set forth  
17 in the Settlement Agreement and the settlement administrator to calculate and pay the  
18 claims of the class members in accordance with the terms set forth in the Settlement  
19 Agreement.

20 12. The Complaint is dismissed with prejudice.

21 13. The Court retains jurisdiction to enforce the terms of the settlement.

22  
23 Dated: December 13, 2016

24   
25 \_\_\_\_\_  
26 Carl W. Hoffman  
27 UNITED STATES MAGISTRATE JUDGE  
28

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November, 2016 I caused to be served a true and correct copy of [PROPOSED] ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT on all counsel of record via the Court's electronic filing system.

/s David R. Markham