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19 IN THE SUPREME COURT OF THE STATE OF NEVADA

20 JACQUELINE FRANKLIN,
21 ASHLEIGH PARK, LILY SHEPARD,
22 STACIE ALLEN, MICHAELA
23 DEVINE, KARINA STRELKOVA,
24 and DANIELLE LAMAR, individually
25 and on behalf of a class of similarly
26 situated individuals,

Appellants,

vs.

27 RUSSELL ROAD FOOD AND
28 BEVERAGE, LLC,

Respondent.

Case No. 74332

**JOINT MOTION TO DISMISS
APPEAL WITHOUT
PREJUDICE AND/OR
VACATE ORAL ARGUMENT
AND REMAND TO DISTRICT
COURT IN ORDER TO
EFFECTUATE SETTLEMENT**

1 A settlement has been reached and documented between Plaintiffs,
2 individually and on behalf of a proposed class, and Defendant, Russell Road Food
3 and Beverage, LLC. Since the Parties have signed a settlement agreement that is
4 contingent on final approval of the District Court in order to effectuate the
5 settlement terms, because this is a proposed class action settlement that needs final
6 approval from the District Court, the Parties are jointly requesting dismissal
7 without prejudice, contingent on final settlement approval, and the remand of this
8 matter in order to permit the District Court to have jurisdiction over settlement
9 proceedings.
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13 The dismissal without prejudice and remand will then permit the Parties to
14 jointly move for an order from the District Court conditionally certifying the class
15 for settlement purposes, giving preliminary approval of the settlement, setting a
16 date for the final approval hearing, and approving the class notice and claim form.
17
18 Upon completion of the claim process the Parties will then jointly file a motion for
19 final approval of the settlement. This dismissal without prejudice of the pending
20 appeal, subject to final settlement approval of the District Court, is necessary,
21 because if the Parties do not obtain final approval of the settlement, from the
22 District Court, it is the Parties' agreement and intent that this appeal be reinstated
23 and proceed as if no settlement had been attempted, with oral argument to be reset
24 subject to the Nevada Supreme Court's discretion The Parties have agreed that
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1 Plaintiffs are maintaining their appeal rights, should the District Court not approve
2 final settlement terms.

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4 As such, the parties respectfully request that oral argument be vacated and
5 this appeal be dismissed, without prejudice, and remanded to the District Court
6 subject to the Parties obtaining final approval of the settlement, and to be reinstated,
7 if as indicated the District Court does not approve the final settlement.
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9 DATED this 27th day of February, 2020.
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12

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