

1 **NOAS**  
2 LEON GREENBERG, ESQ., SBN 8094  
3 RUTHANN DEVEREAUX-GONZALEZ, ESQ., SBN 15904  
4 Leon Greenberg Professional Corporation  
5 2965 South Jones Blvd- Suite E3  
6 Las Vegas, Nevada 89146  
7 (702) 383-6085  
8 (702) 385-1827(fax)  
9 [leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
10 Attorneys for Plaintiffs

Electronically Filed  
Dec 30 2021 02:30 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

8 JACQUELINE FRANKLIN, et al.,	)	Case No.: A-14-709372-C
9 Plaintiffs,	)	Dept.: XXXI
10 vs.	)	
11 RUSSELL ROAD FOOD AND	)	NOTICE OF APPEAL
12 BEVERAGE, LLC, et al.,	)	
13 Defendants.	)	
14	)	

15 Rhonda Roe, Denise Doe, Jane Doe Dancer, and Jane Doe Dancers 2 through 7,  
16 names fictitious and who have been identified to counsel for the parties by their true  
17 names, by and through their counsel of record Leon Greenberg, Esq., hereby appeal as  
18 proposed intervenors and/or as class member objectors to the Supreme Court of  
19 Nevada from the District Court's Final Judgment in this case entered on November 24,  
20 2021, and all prior Orders in this case including the order entered on November 3,  
21 2021, denying intervention.

22 Submitted by:

23 Leon Greenberg Professional Corporation

24 /s/ Leon Greenberg

25 Leon Greenberg, Esq.

26 LEON GREENBERG PROFESSIONAL  
CORPORATION

27 Attorney for the Proposed Intervenors/Objectors

28 2965 South Jones Boulevard - Suite E3

Las Vegas, Nevada 89146

(702) 383-6085

[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)

1  
2 PROOF OF SERVICE

3 The undersigned certifies that on December 20, 2021, he served the within:

4 NOTICE OF APPEAL

5 by court electronic service to:

6 TO:

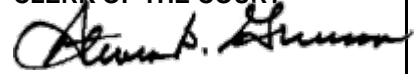
7 KIMBALL JONES, ESQ.  
8 **BIGHORN LAW**  
9 3675 W. Cheyenne Avenue, Suite 100  
10 North Las Vegas, Nevada 89032  
11 Phone: (702) 333-1111  
12 *Attorneys for Plaintiffs*

10 MICHAEL J. RUSING, ESQ.  
11 **RUSING LOPEZ & LIZARDI, PLLC**  
12 6363 North Swan Road, Suite 151  
13 Tucson, Arizona 85718  
14 Phone: (520) 792-4800  
15 *Attorneys for Plaintiffs*

14 JEFFERY A. BENDAVID, ESQ.  
15 STEPHANIE J. SMITH, ESQ.  
16 **BENDAVID LAW**  
17 7301 Peak Dr., Suite 150  
18 Las Vegas, NV 89128  
19 *Attorneys for Defendant/Counterclaimant*

18 /s/ *Leon Greenberg*

19 \_\_\_\_\_  
20 Leon Greenberg  
21  
22  
23  
24  
25  
26  
27  
28



LEON GREENBERG, ESQ., SBN 8094  
Leon Greenberg Professional Corporation  
2965 South Jones Blvd- Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
Attorneys for Appellants

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

RHONDA ROE, DENISE DOE, JANE  
DOE DANCER, AND JANE DOE  
DANCERS 2-7,

Appellants,

vs.

JACQUELINE FRANKLIN,  
ASHLEIGH PARK, LILY SHEPARD,  
STACIE ALLEN, MICHAELA  
DEVINE, SAMANTHA JONES,  
KARINA STRELKOVA, DANIELLE  
LAMAR individually, and on behalf of  
Class of similarly situated individuals,  
and RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
liability company (d/b/a CRAZY HORSE  
III GENTLEMEN'S CLUB) SN  
INVESTMENT PROPERTIES, LLC, a  
Nevada limited liability company (d/b/a  
CRAZY HORSE III GENTLEMEN'S  
CLUB), DOE CLUB OWNER, I-X, DOE  
EMPLOYER, I-X, ROE CLUB OWNER,  
I-X, and ROE EMPLOYER, I-X,

Respondents.

Case No.: A-14-709372-C

Dept.: XXXI

CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

Rhonda Roe, Denise Doe, Jane Doe Dancer and Jane Doe Dancers 2 through 4,  
are appellants who were denied intervention in this case by the district court and also  
members of the class of plaintiffs certified by the district court pursuant to NRCP Rule  
23 and subject to the final judgment entered by the district court and who filed

1 objections with the district court to the class action settlement that resulted in that final  
2 judgment; Jane Doe Dancers 5 through 7, are appellants who are members of the class  
3 of plaintiffs certified by the district court pursuant to NRCP Rule 23 and subject to the  
4 final judgment entered by the district court and who filed objections with the district  
5 court to the class action settlement that resulted in that final judgment. The true  
6 identities of all appellants were disclosed to the parties prior to final judgment although  
7 not publicly identified in the district court proceedings, the district court also denying  
8 the appellants' request that they be allowed to proceed pseudonymously and have  
9 information disclosing their true identities filed under seal with the district court.

10  
11 2. Identify the judge issuing the decision, judgment, or order appealed from:  
12 Honorable Joanna Kishner, Department 31

13  
14 3. Identify each appellant and the name and address of counsel for each  
15 appellant:

16 Appellants are Proposed Intervenor and class member Objectors in the district  
17 court, Rhonda Roe, Denise Doe, Jane Doe Dancer and Jane Doe Dancers 2 through 4,  
18 and class member Objectors in the district court, Jane Doe Dancers 5 through 7. All  
19 appellants are represented by Leon Greenberg, 2965 South Jones Boulevard, Suite E3,  
20 Las Vegas, Nevada 89146.

21  
22 4. Identify each respondent and the name and address of appellate counsel, if  
23 known, for each respondent:

24 Respondent defendants in the district court, Russell Road Food and Beverage,  
25 LLC, SN Investment Properties, LLC, and Doe Club Owner, I-X, Doe Employer, I-X,  
26 Roe Club Owner, I-X, and Roes Employer, I-X, are represented by Jeffery Bendavid,  
27 and Stephanie J. Smith, 7301 Peak Drive, Suite 150 Las Vegas, Nevada 89128.

28 Respondent plaintiffs in the district court, Jacqueline Franklin, Ashleigh Park,



1 Lily Shepard, Stacie Allen, Michaela Devine, Samantha Jones, Karina Strelkova, and  
2 Danielle Lamar individually and on behalf of the Class of similarly situated individuals  
3 are represented by Kimball Jones, 3675 W. Cheyenne Ave., Suite 100, North Las  
4 Vegas, Nevada 89032, and Michael J. Rusing 6363 North Swan Road, #151, Tucson,  
5 AZ 85718.

6  
7 5. Indicate whether any attorney identified above in response to question 3 or  
8 4 is not licensed to practice law in Nevada and, if so, whether the district court granted  
9 that attorney permission to appear under SCR 42 (attach a copy of any district court  
10 order granting such permission):

11 Michael J. Rusing was admitted Pro Hac Vice in this matter.

12  
13 6. Indicate whether appellant was represented by appointed or retained  
14 counsel in the district court:

15 Appellants were represented by retained counsel.

16  
17 7. Indicate whether appellant is represented by appointed or retained counsel  
18 on appeal:

19 Appellants are represented by retained counsel.

20  
21 8. Indicate whether appellant was granted leave to proceed in forma pauperis,  
22 and the date of entry of the district court order granting such leave:

23 No.

24  
25 9. Indicate the date the proceedings commenced in the district court (e.g., date  
26 complaint, indictment, information, or petition was filed):

27 This action was commenced by a complaint in the District Court on November 4,  
28 2014.

1  
2 10. Provide a brief description of the nature of the action and result in the district  
3 court, including the type of judgment or order being appealed and the relief granted by  
4 the district court.

5 Nature of action was a putative class action claim by plaintiff for unpaid  
6 minimum wages owed under Nevada's Constitution.

7 The result in the district court was a final judgment incorporating an order  
8 granting final approval of a class action settlement under NRCP Rule 23 between the  
9 plaintiffs and the defendants and binding all class members to that settlement and final  
10 judgment. That final judgment is being appealed along with all relevant orders entered  
11 prior to and after that judgment, including orders denying Appellants' motion to  
12 intervene and motion to proceed pseudonymously.

13  
14 11. Indicate whether the case has previously been the subject of an appeal to or  
15 original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court  
16 docket number of the prior proceeding:

17 This case has been previously before the Supreme Court under the caption  
18 "JACQUELINE FRANKLIN, ASHLEIGH PARK, LILLY SHEPARD, STACIE  
19 ALLEN, MICHAELA DEVINE, KARINA STRELKOVA and DANIELLE LAMAR,  
20 INDIVIDUALLY, AND ON BEHALF OF A CLASS OF SIMILARLY SITUATED  
21 INDIVIDUALS vs. RUSSELL ROAD FOOD AND BEVERAGE, LLC" Supreme  
22 Court Case No. 74332.

23  
24 12. Indicate whether this appeal involves child custody or visitation:

25 This case does not involve child custody or visitation.

26  
27 13. If this is a civil case, indicate whether this appeal involves the possibility of  
28 settlement:

1 Appellants do not believe settlement of this appeal is possible.

2

3 Dated: December 20, 2021

4

Submitted by

5

Leon Greenberg Professional Corporation

6

*/s/ Leon Greenberg*

7

---

Leon Greenberg, Esq.  
LEON GREENBERG PROFESSIONAL  
CORPORATION  
Attorney for the Intervenors/Objectors  
2965 South Jones Boulevard - Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1  
2       PROOF OF SERVICE

3       The undersigned certifies that on December 20, 2021, he served the within:

4                               CASE APPEAL STATEMENT

5                               by court electronic service to:

6 TO:

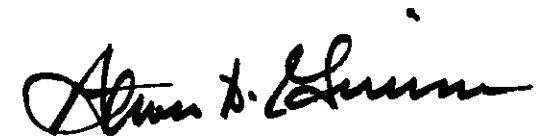
7  
8 KIMBALL JONES, ESQ.  
9 **BIGHORN LAW**  
10 3675 W. Cheyenne Avenue, Suite 100  
11 North Las Vegas, Nevada 89032  
12 Phone: (702) 333-1111  
13 *Attorneys for Plaintiffs*

14 MICHAEL J. RUSING, ESQ.  
15 **RUSING LOPEZ & LIZARDI, PLLC**  
16 6363 North Swan Road, Suite 151  
17 Tucson, Arizona 85718  
18 Phone: (520) 792-4800  
19 *Attorneys for Plaintiffs*

20 JEFFERY A. BENDAVID, ESQ.  
21 STEPHANIE J. SMITH, ESQ.  
22 **BENDAVID LAW**  
23 7301 Peak Dr., Suite 150  
24 Las Vegas, NV 89128  
25 Phone: (702) 385-6114  
26 *Attorneys for Defendant/Counterclaimant*

27 /s/ Leon Greenberg

28 \_\_\_\_\_  
Leon Greenberg



CLERK OF THE COURT

**NEOJ**

Ryan M. Anderson (NV Bar No. 11040)

Daniel R. Price (NV Bar No. 13564)

**MORRIS // ANDERSON**

716 S. Jones Blvd

Las Vegas, Nevada 89107

Phone: (702) 333-1111

Fax: (702) 507-0092

ryan@morrisandersonlaw.com

daniel@morrisandersonlaw.com

P. Andrew Sterling (NV Bar No. 13769)

Michael J. Rusing (AZ Bar 6617) (*Admitted Pro Hac Vice*)

**RUSING LOPEZ & LIZARDI, PLLC**

6363 North Swan Road, Suite 151

Tucson, Arizona 85718

Phone: (520) 792-4800

Fax: (520) 529-4262

rusinglopez@rllaz.com

*Attorneys for Plaintiffs*

**DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR CLARK COUNTY**

JACQUELINE FRANKLIN, ASHLEIGH  
PARK, LILY SHEPARD, STACIE  
ALLEN, JANE DOE DANCER, I through  
XI, individually, and on behalf of Class of  
similarly situated individuals,

Plaintiffs,

v.

RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
liability company (d/b/a CRAZY HORSE  
III GENTLEMEN'S CLUB) SN  
INVESTMENT PROPERTIES, LLC, a  
Nevada limited liability company (d/b/a  
CRAZY HORSE III GENTLEMEN'S  
CLUB), DOE CLUB OWNER, I-X, DOE  
EMPLOYER, I-X, ROE CLUB OWNER, I-  
X, and ROE EMPLOYER, I-X,

Defendants.

CASE NO.: A-14-709372-C  
DEPT. NO.: XXXI

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION TO ASSOCIATE  
COUNSEL**

///

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

2

3  
4  
5

6

;

9  
0  
1  
2

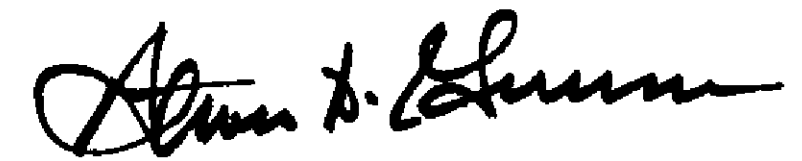
3  
4  
5  
6

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

Gregory J. Kamer, Esq.  
Bryan J. Cohen, Esq.  
KAMER ZUCKER ABBOTT  
3000 W. Charleston Blvd., Suite 3  
Las Vegas, NV 89102

Jeffery A. Bendavid, Esq.  
MORAN BRANDON BENDAVID MORAN  
630 S. 4th Street  
Las Vegas, NV 89101  
Attorneys for Defendant Russell Road Food and Beverage, LLC

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24



CLERK OF THE COURT

1 **ORDR**

Ryan M. Anderson (NV Bar No. 11040)

2 Daniel R. Price (NV Bar No. 13564)

**MORRIS // ANDERSON**

3 716 S. Jones Blvd

Las Vegas, Nevada 89107

4 Phone: (702) 333-1111

Fax: (702) 507-0092

5 ryan@morrisandersonlaw.com

daniel@morrisandersonlaw.com

6 P. Andrew Sterling (NV Bar No. 13769)

7 Michael J. Rusing (AZ Bar 6617) (*Pending Pro Hac Vice Admission*)

**RUSING LOPEZ & LIZARDI, PLLC**

8 6363 North Swan Road, Suite 151

Tucson, Arizona 85718

9 Phone: (520) 792-4800

Fax: (520) 529-4262

10 rusinglopez@rllaz.com

*Attorneys for Plaintiffs*

11 **DISTRICT COURT OF THE STATE OF NEVADA**  
12 **IN AND FOR CLARK COUNTY**

13 JACQUELINE FRANKLIN, ASHLEIGH  
14 PARK, LILY SHEPARD, STACIE  
15 ALLEN, JANE DOE DANCER, I through  
16 XI, individually, and on behalf of Class of  
17 similarly situated individuals,

Plaintiffs,

18 v.

17 RUSSELL ROAD FOOD AND  
18 BEVERAGE, LLC, a Nevada limited  
19 liability company (d/b/a CRAZY HORSE  
20 III GENTLEMEN'S CLUB) SN  
21 INVESTMENT PROPERTIES, LLC, a  
22 Nevada limited liability company (d/b/a  
23 CRAZY HORSE III GENTLEMEN'S  
24 CLUB), DOE CLUB OWNER, I-X, DOE  
EMPLOYER, I-X, ROE CLUB OWNER, I-  
X, and ROE EMPLOYER, I-X,

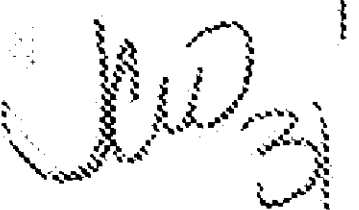
Defendants.

CASE NO.: A-14-709372-C  
DEPT. NO.: XXXI

**ORDER GRANTING MOTION TO**  
**ASSOCIATE COUNSEL**

///

///






1                                    ORDER GRANTING MOTION TO ASSOCIATE COUNSEL

2                                    ~~been placed on Department 51's Chambers Calendar~~  
3                                    This matter having ~~come on for hearing~~ on Plaintiff's Motion to Associate Counsel, receiving  
4                                    no objections, and no parties appearing, and the Court having read the pleadings and papers on file  
5                                    herein, and being fully advised in the premises, and good cause appearing therefore,

6                                    IT IS HEREBY ORDERED that Plaintiff's Motion to Associate Counsel Michael John  
7                                    Rusing is GRANTED.

8                                    DATED this 16 day of September, 2015.

9  
10                                      
11                                    DISTRICT COURT JUDGE

12                                    Submitted by:

13                                    MORRIS ANDERSON LAW

14                                    By:   
15                                    RYAN M. ANDERSON, ESQ.

16                                    Nevada Bar No. 11040

17                                    DANIEL R. PRICE, ESQ.

18                                    Nevada Bar No. 13564

19                                    716 S. Jones Blvd.

20                                    Las Vegas, Nevada 89107

21                                    Attorneys for Plaintiff  
22  
23  
24

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-14-709372-C****Ashleigh Park, Plaintiff(s)****vs.****Crazy Horse III Gentleman's Club at The Playground,  
Defendant(s)**§  
§  
§  
§  
§  
§Location: **Department 31**  
Judicial Officer: **Kishner, Joanna S.**  
Filed on: **11/04/2014**  
Cross-Reference Case **A709372**  
Number:  
Supreme Court No.: **74332****CASE INFORMATION****Statistical Closures**

10/03/2017 Stipulated Judgment

Case Type: **Employment Tort**Case  
Status: **10/03/2017 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number A-14-709372-C  
Court Department 31  
Date Assigned 11/04/2014  
Judicial Officer Kishner, Joanna S.**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Allen, Stacie</b>	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Divine, Michaela</b>	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Franklin, Jaqueline</b>	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Jones, Samantha</b> Removed: 06/12/2017 Dismissed	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Lamar, Danielle</b>	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Park, Ashleigh</b>	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Shepard, Lily</b>	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Stewart, LaShonda</b> Removed: 01/10/2017 Dismissed	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Strelkova, Karina</b>	<b>Anderson, Ryan M.</b> <i>Retained</i> 702-333-1111(W)
	<b>Tamayo, Dirubin</b> Removed: 01/10/2017	<b>Anderson, Ryan M.</b> <i>Retained</i>

# CASE SUMMARY

CASE NO. A-14-709372-C

Dismissed

702-333-1111(W)

**Van Woodsen, Veronica**

Removed: 01/10/2017

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Defendant**

**Crazy Horse III Gentleman's Club**

Removed: 02/19/2015

Inactive

**Crazy Horse III Gentleman's Club at The Playground**

**Kamer, Gregory J.**

*Retained*

7022598640(W)

**Russell Road Food and Beverage LLC**

**Kamer, Gregory J.**

*Retained*

7022598640(W)

**SN Investment Properties LLC**

Removed: 06/04/2015

Dismissed

**SN Investment Properties LLC**

**Counter Claimant**

**Russell Road Food and Beverage LLC**

Removed: 09/12/2018

Dismissed

**Kamer, Gregory J.**

*Retained*

7022598640(W)

**Counter Defendant**

**Allen, Stacie**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Divine, Michaela**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Franklin, Jaqueline**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Jones, Samantha**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Lamar, Danielle**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Park, Ashleigh**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Shepard, Lily**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Stewart, LaShonda**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Strelkova, Karina**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)

**Tamayo, Dirubin**

Removed: 09/12/2018

Dismissed

**Anderson, Ryan M.**

*Retained*

702-333-1111(W)










**Van Woodsen, Veronica**

**Anderson, Ryan M.**

## CASE SUMMARY

CASE NO. A-14-709372-C

Removed: 09/12/2018  
DismissedRetained  
702-333-1111(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
11/04/2014	 Complaint Filed By: Plaintiff Park, Ashleigh <i>[1] Plaintiff's Class Action Complaint for: Failure to Pay Wages, NRS 608.250; Failure to Pay Wages Upon Termination, NRS 608.020 et seq; Conversion; Unjust Enrichment; Declaratory Relief; Attorneys Fees, NRS 608.140; Punitive Damages</i>	
11/04/2014	 Initial Appearance Fee Disclosure Filed By: Plaintiff Park, Ashleigh <i>[2] Initial Appearance Fee Disclosure</i>	
11/04/2014	Case Opened	
02/19/2015	 Amended Complaint Filed By: Personal Representative Franklin, Jaqueline <i>[4] Plaintiffs' First Amended Class Action Complaint</i>	
02/19/2015	 Initial Appearance Fee Disclosure Filed By: Personal Representative Franklin, Jaqueline <i>[3] Amended Initial Appearance Fee Disclosure</i>	
03/16/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Russell Road Food and Beverage LLC <i>[6] Initial Appearance Fee Disclosure</i>	
03/16/2015	 Motion to Dismiss Filed By: Defendant Russell Road Food and Beverage LLC <i>[5] Defendant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiffs, Jane Doe Dancer I Through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiff's, Jacqueline Franklin, Ashleigh Park, Lily Shepard, Stacie Allen, and Jane Doe Dancer I through XI's First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(f)</i>	
03/30/2015	 Opposition to Motion to Dismiss Filed By: Personal Representative Franklin, Jaqueline <i>[7] Plaintiffs' Opposition to Defendant, Russell Road Food and Beverage's Motion to Dismiss Plaintiffs, Jane Doe Dancer I through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiffs, Jacqueline Franklin, Ashleigh Park, Lily Shepard, Stacie Allen, and Jane Doe Dancer, I through XI's First Amended Complaint Pursuant to N.R.C.P. 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to N.R.C.P. 12(f)</i>	
04/02/2015	 Affidavit of Service Filed By: Personal Representative Franklin, Jaqueline <i>[8] Affidavit of Service</i>	
04/02/2015	 Affidavit of Service Filed By: Personal Representative Franklin, Jaqueline <i>[9] Affidavit of Service</i>	

# CASE SUMMARY

CASE NO. A-14-709372-C

04/06/2015



## Notice of Hearing

Filed By: Defendant Russell Road Food and Beverage LLC

*[10] Notice of Continued Hearing on Defendant, Motion to Dismiss Plaintiffs, Jane Doe Dancer I Through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiffs, First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(F)*

05/01/2015



## Reply to Opposition

Filed by: Defendant Russell Road Food and Beverage LLC

*[11] Defendant, Russell Road Food and Beverage, LLC's Reply to Plaintiffs' Opposition to Defendant's Motion to Dismiss Plaintiffs, Jane Doe Dancer I through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VIII, and IX-XI and Defendant's Motion to Dismiss Plaintiffs, Jacqueline Franklin, Ashleigh Park, Lily Shepard and Stacie Allen, and Jane Doe Dancer I through XI's First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(f)*

05/18/2015



## Motion to Amend Complaint

Filed By: Personal Representative Franklin, Jaqueline

*[12] Motion for Leave to Amend Plaintiffs' First Amended Complaint on Order Shortening Time*

05/26/2015



## Opposition

Filed By: Defendant Russell Road Food and Beverage LLC

*[13] Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiff's Motion for Leave to Amend Plaintiff's First Amended Complaint on an Order Shortening Time*

05/28/2015



## Notice of Association of Counsel

Filed By: Personal Representative Franklin, Jaqueline

*[14] Notice of Association of Counsel*

05/28/2015



## Reply in Support

Filed By: Personal Representative Franklin, Jaqueline

*[15] Reply in Support of Motion for Leave to Amend First Amended Complaint*

05/29/2015



## Supplemental

Filed by: Personal Representative Franklin, Jaqueline

*[16] Plaintiffs' Supplemental Memorandum Re: Limitations Period for Minimum Wage Amendment Claims*

05/29/2015



## Memorandum of Points and Authorities

Filed By: Defendant Russell Road Food and Beverage LLC

*[17] Defendant, Russell Road Food and Beverage, LLC's Supplemental Memorandum of Points and Authorities*

06/04/2015



## Notice of Dismissal Without Prejudice

Filed By: Personal Representative Franklin, Jaqueline

*[18] Notice of Dismissal of Defendant SN Investment Properties, LLC, Without Prejudice*

06/25/2015



## Order

*[19] Order Granting in Part and Denying in Part Defendant, Russell Road Food and Beverage, LLC's Motion to Dismiss and Granting Defendant's Motion to Strike Prayer for Exemplary and Punitive Damages*

06/26/2015

# CASE SUMMARY

CASE NO. A-14-709372-C

	 Notice of Entry of Order Filed By: Defendant Russell Road Food and Beverage LLC <i>[20] Notice of Entry of Order</i>
06/29/2015	 Order Denying Motion Filed By: Defendant Russell Road Food and Beverage LLC <i>[21] Order Denying Plaintiffs' Motion for Leave to Amend First Amended Complaint on Order Shortening Time</i>
07/21/2015	 Initial Appearance Fee Disclosure Filed By: Plaintiff Divine, Michaela <i>[23] Plaintiffs' Second Amended Initial Appearance Fee Disclosure</i>
07/21/2015	 Second Amended Complaint Filed By: Plaintiff Divine, Michaela <i>[22] Plaintiffs' Second Amended Class Action Complaint for: Failure to Pay Wages; Unjust Enrichment; Attorney Fees; Exemplary &amp; Punitive Damages</i>
07/29/2015	 Motion to Associate Counsel Filed By: Personal Representative Franklin, Jaqueline <i>[24] Motion to Associate Counsel Michael John Rusing Esq.</i>
09/16/2015	 Order Admitting to Practice Filed By: Personal Representative Franklin, Jaqueline <i>[25] Order Granting Motion to Associate Counsel Michael John Rusing Esq.</i>
09/17/2015	 Notice of Entry of Order Filed By: Personal Representative Franklin, Jaqueline <i>[26] Notice of Entry of Order Granting Motion to Associate Counsel</i>
09/23/2015	 Notice of Appearance Party: Defendant Russell Road Food and Beverage LLC <i>[27] Notice of Appearance</i>
10/01/2015	 Stipulation and Order Filed by: Personal Representative Franklin, Jaqueline <i>[28] Stipulation and Order for Leave to Amend Second Amended Complaint</i>
10/02/2015	 Notice of Entry of Stipulation and Order Filed By: Personal Representative Franklin, Jaqueline <i>[29] Notice of Entry of Stipulation and Order for Leave to Amend Second Amended Complaint</i>
10/02/2015	 Third Amended Complaint Filed by: Personal Representative Franklin, Jaqueline <i>[30] Plaintiffs' Third Amended Class Action Complaint</i>
10/19/2015	 Answer to Amended Complaint Filed By: Defendant Russell Road Food and Beverage LLC <i>[31] Defendant, Russell Road Food and Beverage, LLC's Answer to Plaintiff's Third Amended Class Action Complaint and Counterclaims</i>
11/03/2015	 Answer to Counterclaim Filed By: Plaintiff Park, Ashleigh <i>[32] Plaintiffs' Answer to Defendant Russell Road's Counterclaim</i>

# CASE SUMMARY

CASE NO. A-14-709372-C

11/13/2015	 Notice of Early Case Conference Filed By: Personal Representative Franklin, Jaqueline <i>[33] Notice of Early Case Conference</i>
02/19/2016	 Joint Case Conference Report Filed By: Personal Representative Franklin, Jaqueline <i>[34] Joint Case Conference Report</i>
03/10/2016	 Scheduling Order <i>[35] Scheduling Order</i>
04/25/2016	 Order Setting Civil Non-Jury Trial <i>[36] Order Setting Civil Jury Trial , Pre-Trial Conference, Calendar Call, and Status Check</i>
04/27/2016	 Motion for Class Certification Filed By: Personal Representative Franklin, Jaqueline <i>[37] Plaintiffs' Motion for Class Certification</i>
05/06/2016	 Receipt of Copy Filed by: Defendant Russell Road Food and Beverage LLC <i>[38] Receipt of Copy</i>
05/16/2016	 Opposition to Motion Filed By: Defendant Russell Road Food and Beverage LLC <i>[39] Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiffs' Motion for Class Certification</i>
06/01/2016	 Stipulation and Order Filed by: Personal Representative Franklin, Jaqueline <i>[40] Stipulation and Order to Continue Hearing Date</i>
06/02/2016	 Notice of Entry of Stipulation and Order Filed By: Personal Representative Franklin, Jaqueline <i>[41] Notice of Entry of Stipulation and Order</i>
06/15/2016	 Stipulation and Order Filed by: Personal Representative Franklin, Jaqueline <i>[42] Stipulation &amp; Order to Vacate Hearing Date</i>
06/16/2016	 Notice of Entry of Stipulation and Order Filed By: Personal Representative Franklin, Jaqueline <i>[43] Notice of Entry of Stipulation and Order</i>
07/18/2016	 Motion to Compel Filed By: Personal Representative Franklin, Jaqueline <i>[44] Plaintiffs' Motion to Compel Discovery Responses from Defendant Russell Road Food and Beverage, LLC</i>
08/04/2016	 Opposition to Motion to Compel Filed By: Defendant Russell Road Food and Beverage LLC <i>[45] Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiff's Motion to Compel Discovery Responses</i>

# CASE SUMMARY

CASE NO. A-14-709372-C

08/13/2016	 Reply in Support Filed By: Personal Representative Franklin, Jaqueline <i>[46] Plaintiffs' Reply in Support of Motion to Compel Discovery Responses of Defendant Russell Road Food and Beverage, LLC</i>
09/26/2016	 Recorders Transcript of Hearing <i>[47] Transcript of Proceedings Plaintiffs' Motion to Compel Discovery Responses from Defendant Russell Road Food and Beverage, LLC Aug. 19, 2016</i>
10/04/2016	 Receipt of Copy Filed by: Defendant Russell Road Food and Beverage LLC <i>[48] Receipt of Copy</i>
10/19/2016	 Notice of Hearing Filed By: Personal Representative Franklin, Jaqueline <i>[49] Notice of Hearing on Plaintiffs' Motion for Class Certification</i>
11/14/2016	 Objection to Discovery Commissioners Report and Recommend Filed By: Personal Representative Franklin, Jaqueline <i>[50] Plaintiffs' Objection to the Discovery Commissioner's Report and Recommendations</i>
11/30/2016	 Response Filed by: Defendant Russell Road Food and Beverage LLC <i>[51] Defendant, Russell Road Food and Beverage, LLC's Response to Plaintiffs' Objection to Discovery Commissioner's Report and Recommendation</i>
12/05/2016	 Reply in Support Filed By: Personal Representative Franklin, Jaqueline <i>[52] Plaintiffs' Reply in Support of Motion for Class Certification</i>
12/07/2016	 Reply in Support Filed By: Personal Representative Franklin, Jaqueline <i>[53] Reply in Support of Plaintiffs' Objection to Discovery Commissioner's Report and Recommendations</i>
12/08/2016	 Discovery Commissioners Report and Recommendations Filed By: Personal Representative Franklin, Jaqueline <i>[54] Discovery Commissioner's Report and Recommendations</i>
12/12/2016	 Motion to Strike Filed By: Defendant Russell Road Food and Beverage LLC <i>[55] Defendant Russell Road Food and Beverage, LLC's Motion to Strike New Evidence Raised in Plaintiff's Reply for Their Motion for Class Certification on Order Shortening Time</i>
12/16/2016	 Opposition to Motion Filed By: Personal Representative Franklin, Jaqueline <i>[56] Opposition to Defendant Russell Road Food and Beverage, LLC's Motion to Strike New Evidence Raised in Plaintiffs' Reply for Their Motion for Class Certification on Order Shortening Time</i>
12/20/2016	 Stipulation and Order to Extend Discovery Deadlines Filed By: Personal Representative Franklin, Jaqueline <i>[57] Stipulation and Order to Extend Discovery Deadlines and Continue Trial First Request</i>
12/20/2016	 Stipulation and Order



# CASE SUMMARY

CASE NO. A-14-709372-C

	<p>Filed by: Defendant Crazy Horse III Gentleman's Club at The Playground  <i>[58] Stipulation and Order to Continue Hearing on Plaintiff's Motion for Class Certification and Defendant's Motion to Strike New Evidence Raised in Plaintiff's Motion for Class Certification on Order Shortening Time</i></p>
12/21/2016	<p> Notice of Entry of Stipulation and Order            Filed By: Personal Representative Franklin, Jaqueline  <i>[59] Notice of Entry of Stipulation and Order</i></p>
12/30/2016	<p> Amended Order Setting Jury Trial  <i>[60] Amended Order Setting Civil Jury Trial, Pre-Trial Conference, Calendar Call, And Status Check</i></p>
01/10/2017	<p> Stipulation and Order for Dismissal Without Prejudice            Filed By: Personal Representative Franklin, Jaqueline  <i>[61] Stipulation and Order for Dismissal of Plaintiffs Dirubin Tamayo, LaShonda Stewart, and Veronica Van Woodsen</i></p>
01/11/2017	<p> Notice of Entry of Stipulation &amp; Order for Dismissal            Filed By: Personal Representative Franklin, Jaqueline  <i>[62] Notice of Entry of Stipulation and Order</i></p>
01/25/2017	<p> Stipulation and Order            Filed by: Personal Representative Franklin, Jaqueline  <i>[63] Stipulation and Order for Supplemental Briefing Schedule on Plaintiffs' Motion for Class Certification</i></p>
01/25/2017	<p> Order            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[64] Proposed Order Affirming Discovery Commissioner's Report and Recommendations</i></p>
01/26/2017	<p> Notice of Entry of Stipulation and Order            Filed By: Personal Representative Franklin, Jaqueline  <i>[65] Notice of Entry of Stipulation and Order</i></p>
01/26/2017	<p> Notice of Entry of Order            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[66] Notice of Entry of Order</i></p>
01/31/2017	<p> Supplemental Brief            Filed By: Personal Representative Franklin, Jaqueline  <i>[67] Plaintiffs' Supplemental Brief in Support of Class Certification Motion</i></p>
02/24/2017	<p> Supplemental Brief            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[68] Defendant, Russell Road Food and Beverage, LLC's Supplemental Brief in Support of Denying Plaintiffs' Motion for Class Certification</i></p>
03/07/2017	<p> Reply in Support            Filed By: Personal Representative Franklin, Jaqueline  <i>[69] Plaintiffs' Supplemental Reply Brief in Support of Class Certification Motion</i></p>
03/24/2017	<p> Recorders Transcript of Hearing  <i>[70] Transcript of Proceedings: Motion for Class Certification -- 3-16-17</i></p>

# CASE SUMMARY

CASE NO. A-14-709372-C

04/10/2017	 Motion for Summary Judgment Filed By: Personal Representative Franklin, Jaqueline <i>[71] Plaintiffs' Motion for Summary Judgment on Defendants Counterclaims</i>
04/11/2017	 Motion for Summary Judgment Filed By: Defendant Russell Road Food and Beverage LLC <i>[72] Defendant's Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to NRCP 56</i>
04/12/2017	 Notice of Entry of Order Filed By: Defendant Russell Road Food and Beverage LLC <i>[73] Notice of Entry of Order Denying Plaintiffs' Motion for Class Certification</i>
04/12/2017	 Order Denying Motion Filed By: Defendant Russell Road Food and Beverage LLC <i>[74] Order Denying Plaintiffs' Motion for Class Certification</i>
04/27/2017	 Opposition to Motion For Summary Judgment Filed By: Defendant Russell Road Food and Beverage LLC <i>[75] Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiff's Motion for Summary Judgment on Defendant's Counterclaims</i>
04/28/2017	 Opposition to Motion For Summary Judgment Filed By: Personal Representative Franklin, Jaqueline <i>[76] Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to N.R.C.P. 56</i>
05/04/2017	 Reply in Support Filed By: Personal Representative Franklin, Jaqueline <i>[77] Reply in Support of Plaintiffs' Motion for Summary Judgment on Defendants' Counterclaims</i>
05/19/2017	 Motion to Compel Filed By: Defendant Russell Road Food and Beverage LLC <i>[78] Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories</i>
05/19/2017	 Motion to Compel Filed By: Defendant Russell Road Food and Beverage LLC <i>[79] Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents</i>
05/25/2017	 Reply to Opposition Filed by: Defendant Russell Road Food and Beverage LLC <i>[80] Defendant, Russell Road Food &amp; Beverage, LLC's Reply to Plaintiffs' Opposition to its Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to NRCP 56</i>
05/30/2017	 Certificate of Service Filed by: Defendant Russell Road Food and Beverage LLC <i>[81] Certificate of Service</i>
05/30/2017	 Certificate of Service Filed by: Defendant Russell Road Food and Beverage LLC

# CASE SUMMARY

CASE NO. A-14-709372-C

[82] Certificate of Service

06/02/2017



Motion to Dismiss

Filed By: Defendant Russell Road Food and Beverage LLC

[83] Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3)

06/05/2017



Opposition to Motion

[84] Plaintiffs Opposition to Defendant/Counterclaimant Russell Road Food and Beverage, LLC s Motion for Order Compelling Discovery Pursuant to N.R.C.P. 37(A)(2) as to Requests for the Production of Documents

06/05/2017



Opposition to Motion

Filed By: Plaintiff Park, Ashleigh

[85] Plaintiffs Opposition to Defendant/Counterclaimant Russell Road Food and Beverage, LLC s Motion for Order Compelling Discovery Pursuant to N.R.C.P. 37(A)(2) as to Interrogatories

06/07/2017



Motion for Class Certification

Filed By: Plaintiff Park, Ashleigh

[86] Plaintiffs Renewed Motion for Class Certification

06/12/2017



Stipulation and Order for Dismissal Without Prejudice

Filed By: Defendant Crazy Horse III Gentleman's Club at The Playground

[87] Stipulation and Order for Dismissal

06/12/2017



Notice of Entry of Stipulation & Order for Dismissal

Filed By: Defendant Crazy Horse III Gentleman's Club at The Playground

[88] Notice of Entry

06/15/2017



Reply in Support

Filed By: Defendant Crazy Horse III Gentleman's Club at The Playground; Defendant Russell Road Food and Beverage LLC

[89] Defendant/Counterclaimant Russell Road Food and Beverage, LLC's Reply in Support of Motion for Order Compelling Discovery Pursuant to N.R.C.P. 37(a)(2) as to Requests for the Production of Documents

06/15/2017



Reply in Support

Filed By: Defendant Russell Road Food and Beverage LLC

[90] Defendant/Counterclaimant, Russell Road Food and Beverage, LLC's Reply in Support of Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2)as to Interrogatories

06/15/2017



Supplement

[91] Plaintiffs' Supplemental Briefing Opposing Defendant s Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to N.R.C.P. 56

06/15/2017



Supplemental Brief

Filed By: Defendant Russell Road Food and Beverage LLC

[92] Defendant, Russell Road Food and Beverage, LLC's Supplemental Brief in Support of Granting Motion for Summary Judgment against Plaintiffs Stacie Allen and Michala Moore

06/19/2017



Appendix

Filed By: Defendant Russell Road Food and Beverage LLC

[93] Appendix of Exhibits to Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56

# CASE SUMMARY

CASE NO. A-14-709372-C

06/19/2017	 Motion for Summary Judgment <i>[94] Plaintiffs Motion for Summary Judgment on Employee Status</i>
06/19/2017	 Opposition to Motion <i>[95] Plaintiffs' Opposition to Defendant/Counterclaimant Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiffs Complaint Pursuant to N.R.C.P. 12(b)(1) and N.R.C.P. 12(h)(3)</i>
06/19/2017	 Motion for Summary Judgment Filed By: Defendant Russell Road Food and Beverage LLC <i>[96] Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56</i>
06/26/2017	 Opposition to Motion Filed By: Defendant Russell Road Food and Beverage LLC <i>[97] Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiffs' Renewed Motion for Class Certification</i>
06/26/2017	 Motion to Strike Filed By: Defendant Russell Road Food and Beverage LLC <i>[98] Defendant, Russell Road Food and Beverage, LLC's Motion to Strike Plaintiffs' Renewed Motion for Class Certification and Motions to Strike Plaintiffs' Declarations on an Order Shortening Time</i>
07/03/2017	 Reply in Support Filed By: Plaintiff Park, Ashleigh <i>[99] Reply in Support of Renewed Motion for Class Certification</i>
07/03/2017	 Opposition to Motion Filed By: Personal Representative Franklin, Jaqueline <i>[100] Plaintiffs' Opposition to Defendant Russel Road Food and Beverage, LLC's Motion to Strike Plaintiffs Renewed Motion for Class Certification and Motion to Strike Plaintiffs Declarations on Order Shortening Time</i>
07/06/2017	 Reply to Opposition Filed by: Defendant Russell Road Food and Beverage LLC <i>[101] Defendant/Counterclaimant, Russell Road Food and Beverage, LLC's Reply to Plaintiffs Motion to Dismiss Plaintiffs Complaint Pursuant to N.R.C.P. 12(b)(1) and N.R.C.P. 12(h)(3)</i>
07/06/2017	 Reply to Opposition Filed by: Defendant Russell Road Food and Beverage LLC <i>[102] Defendant Russell Road Food and Beverage, LLC's Reply to Plaintiffs Opposition to Motion to Strike Plaintiffs Renewed Motion for Class Certification and Motion to Strike Plaintiffs Declarations on Order Shortening Time</i>
07/06/2017	 Appendix Filed By: Defendant Russell Road Food and Beverage LLC <i>[103] Appendix of Exhibits to Defendant's Opposition to Plaintiffs' Motion for Summary Judgment on Employee Status</i>
07/06/2017	 Opposition to Motion For Summary Judgment Filed By: Defendant Russell Road Food and Beverage LLC <i>[104] Defendant's Opposition to Plaintiffs' Motion for Summary Judgment on Employee Status</i>
07/07/2017	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Park, Ashleigh; Personal Representative Franklin, Jaqueline <i>[105] Plaintiffs Opposition to Defendant's Motion for Summary Judgment Against Plaintiffs</i>

# CASE SUMMARY

CASE NO. A-14-709372-C

Pursuant to N.R.C.P. 56

08/01/2017	 Stipulation and Order Filed by: Defendant Russell Road Food and Beverage LLC <i>[106] Stipulation and Order to Continue Hearing on Plaintiffs' Motion for Summary Judgment and Defendant's Motion for Summary Judgment</i>
08/01/2017	 Findings of Fact, Conclusions of Law and Judgment Filed by: Defendant Russell Road Food and Beverage LLC <i>[107] Findings of Fact and Conclusions of Law on Plaintiffs' Motion for Summary Judgment on Defendant's Counterclaims and Defendant's Motion for Summary Judgment Against Plaintiff Stacie Allen and Michaela Moore</i>
08/03/2017	 Notice of Entry Filed By: Defendant Russell Road Food and Beverage LLC <i>[108] Notice of Entry of Findings of Fact and Conclusions of Law on Plaintiffs' Motion for Summary Judgment on Defendant's Counterclaims and Defendants Motion for Summary Judgement Against Plaintiffs Stacie Allen and Michaela Moore</i>
08/04/2017	 Transcript of Proceedings <i>[109] Transcript Re: Defendant/Counterclaimant Russell Road Food and Beverage LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3) Plaintiff's Renewed Motion for Class Certification Defendant/Counterclaimant Russell Road Food and Beverage LLC's Motion to Strike Plaintiff's Renewed Motion for Class Certification and Motion to Strike Plaintiffs' Declarations on Order Shortening Time 7/11/17</i>
08/09/2017	 Reply in Support <i>[110] Plaintiffs' Reply in Support of their Motion for Summary Judgment on Employee Status</i>
08/11/2017	 Reply in Support Filed By: Defendant Russell Road Food and Beverage LLC <i>[111] Defendant's Reply In Support of its Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56</i>
08/13/2017	 Discovery Commissioners Report and Recommendations <i>[112] Discovery Commissioner's Report and Recommendations</i>
08/14/2017	 Notice of Entry Filed By: Plaintiff Park, Ashleigh <i>[113] Notice of Entry of Decision and Order</i>
08/23/2017	 Order Granting Motion Filed By: Defendant Russell Road Food and Beverage LLC <i>[114] Order Granting Defendant's Motion to Dismiss Plaintiff's Third Amended Complaint; Order Granting Defendant's Motion to Strike Renewed Motion for Class Cert; and Order Denying Renewed Motion for Class Certification</i>
08/24/2017	 Transcript of Proceedings <i>[115] Transcript - Plaintiffs' Motion for Summary Judgment on Employee Status / Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56 - 8/17/17</i>
08/25/2017	 Notice of Entry of Order Filed By: Defendant Russell Road Food and Beverage LLC <i>[116] Notice of Entry of Order</i>
08/25/2017	 Memorandum of Costs and Disbursements

# CASE SUMMARY

CASE NO. A-14-709372-C

	<p>Filed By: Defendant Russell Road Food and Beverage LLC  <i>[117] Defendant Russell Road Food and Beverage's Verified Memorandum of Costs</i></p>
09/14/2017	<p> Motion for Attorney Fees and Costs            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[118] Defendant Russell Road Food and Beverage, LLC's Motion for Attorney's Fees and Costs Affidavit of Jeffery A. Bendavid Filed Concurrently Herewith</i></p>
10/02/2017	<p> Opposition to Motion  <i>[119] Plaintiffs Opposition to Defendant Russell Road Food and Beverage, LLC s Motion for Attorneys Fees and Costs</i></p>
10/03/2017	<p> Finding of Fact and Conclusions of Law            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[120] Findings of Fact and Conclusions of Law on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment</i></p>
10/11/2017	<p> Reply to Opposition            Filed by: Defendant Russell Road Food and Beverage LLC  <i>[121] Defendant Russell Road Food and Beverage LLC's Reply to Plaintiffs' Opposition to its Motion for Attorneys' Fees and Costs</i></p>
10/12/2017	<p> Notice of Entry of Findings of Fact, Conclusions of Law            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[122] Notice of Entry of Findings of Fact and Conclusions of Law on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment</i></p>
10/17/2017	<p> Notice of Appeal  <i>[123] Notice of Appeal</i></p>
10/17/2017	<p> Case Appeal Statement  <i>[124] Case Appeal Statement</i></p>
10/24/2017	<p> Notice of Filing Cost Bond            Filed By: Personal Representative Franklin, Jaqueline  <i>[125] Notice of Filing Security for Payment of Costs on Appeal</i></p>
10/24/2017	<p> Supplemental Brief            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[126] Defendant Russell Road Food and Beverage LLC's Supplemental Brief In Support of Costs</i></p>
04/04/2018	<p> Order            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[127] Order Granting In Part and Denying In Part Defendant's Motion for Fees and Costs</i></p>
04/06/2018	<p> Notice of Entry of Order            Filed By: Defendant Russell Road Food and Beverage LLC  <i>[128] Notice of Entry of Order</i></p>
09/12/2018	<p> Stipulation and Order            Filed by: Defendant Russell Road Food and Beverage LLC  <i>[129] Stipulation and Order to Dismiss Defendant Russell Road Food &amp; Beverage LLC's Counterclaims</i></p>

# CASE SUMMARY

CASE NO. A-14-709372-C

06/25/2020	 Notice of Change of Address Filed By: Attorney Anderson, Ryan M.; Plaintiff Park, Ashleigh; Personal Representative Franklin, Jaqueline; Plaintiff Shepard, Lily; Plaintiff Allen, Stacie; Plaintiff Divine, Michaela; Plaintiff Strelkova, Karina; Plaintiff Lamar, Danielle <i>[130] Notice of Change of Address</i>
06/25/2020	 Motion to Certify Class Filed By: Defendant Russell Road Food and Beverage LLC <i>[131] Joint Motion for an Order: (1) Conditionally Certifying Class; (2) Preliminarily Approving Class Settlement; (3) Directing Notice to Class Members; and (4) Scheduling Final Fairness Hearing</i>
06/25/2020	 Clerk's Notice of Hearing <i>[132] Notice of Hearing</i>
07/23/2020	 Memorandum <i>[133] Court's Memo RE: Remote appearances for 7/27/20 hearing</i>
08/03/2020	 Motion to Set Aside Filed By: Plaintiff Park, Ashleigh; Personal Representative Franklin, Jaqueline; Plaintiff Shepard, Lily; Plaintiff Allen, Stacie; Plaintiff Divine, Michaela; Plaintiff Strelkova, Karina; Plaintiff Lamar, Danielle <i>[134] Joint Motion to Conditionally Set Aside Rulings on Dispositive Motions and Class Certification Pending Final Approval of Settlement</i>
08/04/2020	 Clerk's Notice of Hearing <i>[135] Notice of Hearing</i>
08/04/2020	 Memorandum <i>[136] Court's Memo RE: Remote appearance for 8/6/20 hearing</i>
08/12/2020	 Order <i>[137] Order on Joint Motion heard August 6, 2020</i>
08/12/2020	 Order Granting <i>[138] Order Granting Joint Motion to Conditionally Set Aside Rulings on Dispositive Motions and Class Certification Pending Final Approval of Settlement</i>
09/10/2020	 Notice of Entry of Order Filed By: Attorney Anderson, Ryan M.; Plaintiff Park, Ashleigh; Personal Representative Franklin, Jaqueline; Plaintiff Shepard, Lily; Plaintiff Allen, Stacie; Plaintiff Divine, Michaela; Plaintiff Strelkova, Karina; Plaintiff Lamar, Danielle <i>[139] Notice of Entry of Orders</i>
10/07/2020	 Stipulation and Order Filed by: Defendant Russell Road Food and Beverage LLC <i>[140] Joint Stipulation and Order to Extend Time for Mailing and to Set Final Hearing Date</i>
11/06/2020	 Stipulation and Order Filed by: Defendant Russell Road Food and Beverage LLC <i>[141] Joint Stipulation and Order to Extend Time for Mailing and Set Final Hearing Date</i>
01/21/2021	 Stipulation and Order Filed by: Personal Representative Franklin, Jaqueline <i>[143] Stipulation and Order to Further Extend Time for Mailing and to Reset Final Hearing</i>



# CASE SUMMARY

CASE NO. A-14-709372-C

	Date
01/22/2021	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Park, Ashleigh; Personal Representative Franklin, Jaqueline; Plaintiff Shepard, Lily; Plaintiff Allen, Stacie; Plaintiff Divine, Michaela; Plaintiff Strelkova, Karina; Plaintiff Lamar, Danielle <i>[142] Notice of Entry of Stipulation and Order</i>
01/22/2021	 Stipulation and Order Filed by: Personal Representative Franklin, Jaqueline <i>[144] Stipulation and Order to Further Extend Time for Mailing and to Reset Final Hearing Date</i>
04/14/2021	 Motion <i>[145] Plaintiffs Motion Regarding Final Approval</i>
04/14/2021	 Motion <i>[146] Plaintiffs Motion for Approval of Attorney Fees and Costs</i>
04/15/2021	 Clerk's Notice of Hearing <i>[147] Clerk's Notice of Hearing</i>
04/15/2021	 Clerk's Notice of Hearing <i>[148] Notice of Hearing</i>
04/15/2021	 Order Shortening Time Filed By: Defendant Russell Road Food and Beverage LLC <i>[149] Motion to Continue Time for Mailing Notice on Order Shortening Time</i>
04/19/2021	 Response Filed by: Plaintiff Park, Ashleigh; Personal Representative Franklin, Jaqueline; Plaintiff Shepard, Lily; Plaintiff Allen, Stacie; Plaintiff Divine, Michaela; Plaintiff Strelkova, Karina; Plaintiff Lamar, Danielle <i>[150] Plaintiffs' Response to Defendant's Motion to Continue Time for Mailing Notice on Order Shortening Time</i>
04/21/2021	 Stipulation and Order <i>[151] Stipulation and Order to Continue Hearing Date on Motion to Continue Mailing Date on Order Shortening Time</i>
04/27/2021	 Memorandum <i>[152] Court's Memo RE: Remote Appearance Information for APRIL 29, 2021, Hearing</i> <b>**PLEASE REVIEW IN ITS ENTIRETY**</b>
04/29/2021	 Stipulation and Order <i>[153] Joint Stipulation and Order to Continue Time for Mailing, Continue Final Approval Hearing Date, and Vacate Motions and Hearings Set for April 29, 2021, and May 20, 2021</i>
04/30/2021	 Filing Fee Remittance Filed By: Defendant Russell Road Food and Beverage LLC <i>[154] Filing Fee Remittance</i>
05/04/2021	 Notice of Entry of Stipulation and Order Filed By: Personal Representative Franklin, Jaqueline <i>[155] Notice of Entry of Stipulation and Order</i>



# CASE SUMMARY

CASE NO. A-14-709372-C

08/31/2021	 Objection Filed By: Objector Roe, Rhonda; Objector Doe, Denise <i>[156] Notice of Filing of Written Objections to Proposed Class Action Settlement and Intent to Appear at Hearing</i>
09/02/2021	 Motion Filed By: Objector Roe, Rhonda; Objector Doe, Denise <i>[157] Motion for Protective Order and to Allow Objectors and Intervenors to Proceed Pseudonymously</i>
09/02/2021	 Joinder Filed By: Objector Doe Dancer, Jane <i>[158] Notice of Joinder in Support of Written Objections to Proposed Class Action Settlement and Intent to Appear at Hearing</i>
09/03/2021	 Clerk's Notice of Hearing <i>[159] Notice of Hearing</i>
09/03/2021	 Order Shortening Time <i>[160] Motion to Intervene and Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal on Order Shortening Time</i>
09/03/2021	 Notice of Entry of Order Filed By: Objector Roe, Rhonda; Objector Doe, Denise; Objector Doe Dancer, Jane <i>[161] NOTICE OF ENTRY OF ORDER SHORTENING TIME ON MOTION TO INTERVENE, TO HEAR AND UPHOLD OBJECTIONS TO PROPOSED CLASS ACTION SETTLEMENT AND REINSTATE APPEAL ON AN ORDER SHORTENING TIME</i>
09/09/2021	 Notice Filed By: Objector Doe Dancer 2, Jane; Objector Doe Dancer 3, Jane <i>[162] Notice of Joinder in Support of Written Objections to Proposed Class Action Settlement and Intent to Appear at Hearing</i>
09/14/2021	 Joinder Filed By: Objector Doe Dancer 4, Jane <i>[163] Notice of Joinder in Support of Written Objections to Proposed Class Action Settlement and Intent to Appear at Hearing</i>
09/15/2021	 Notice of Hearing <i>[164] Notice of Order Setting Hearing</i>
09/15/2021	 Motion Filed By: Defendant Russell Road Food and Beverage LLC <i>[165] Joint Motion for Final Approval of Class Action Settlement</i>
09/16/2021	 Clerk's Notice of Hearing <i>[166] Notice of Hearing</i>
09/16/2021	 Opposition to Motion <i>[167] Plaintiffs Response To Written Objections To Proposed Class Action Settlement and Plaintiffs Response To Motion To Intervene</i>
09/16/2021	 Opposition Filed By: Defendant Russell Road Food and Beverage LLC

# CASE SUMMARY

CASE NO. A-14-709372-C

	<i>[168] Opposition to Motion to Intervene On Order Shortening Time and Response to Objections</i>
09/16/2021	 Errata Filed By: Defendant Russell Road Food and Beverage LLC <i>[169] Errata to Joint Motion for Final Approval of Class Action Settlement</i>
09/16/2021	 Opposition Filed By: Defendant Russell Road Food and Beverage LLC <i>[170] Opposition to Motion for Protective Order to Proceed Pseudonymously</i>
09/20/2021	 Memorandum <i>[171] Court's Memo RE: Remote Appearance Information for SEPTEMBER 23, 2021, Hearing **PLEASE REVIEW IN ITS ENTIRETY**</i>
09/20/2021	 Reply Filed by: Objector Roe, Rhonda; Objector Doe, Denise; Objector Doe Dancer, Jane; Objector Doe Dancer 2, Jane; Objector Doe Dancer 3, Jane; Objector Doe Dancer 4, Jane <i>[172] Reply of Objectors and Intervenors to Responses to Motion to Intervene, to Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal on an Order Shortening Time</i>
09/21/2021	 Errata Filed By: Objector Roe, Rhonda; Objector Doe, Denise; Objector Doe Dancer, Jane; Objector Doe Dancer 2, Jane; Objector Doe Dancer 3, Jane; Objector Doe Dancer 4, Jane <i>[173] ERRATA TO REPLY OF OBJECTORS AND INTERVENORS TO RESPONSES TO MOTION TO INTERVENE, TO HEAR AND UPHOLD OBJECTIONS TO PROPOSED CLASS ACTION SETTLEMENT AND REINSTATE APPEAL ON AN ORDER SHORTENING TIME</i>
09/22/2021	 Joinder Filed By: Objector Doe Dancer 5, Jane <i>[174] Notice of Joinder in Support of Written Objections to Proposed Class Action Settlement and Intent to Appear at Hearing</i>
09/23/2021	 Notice Filed By: Objector Doe Dancer 6, Jane <i>[175] Notice of Joinder in Support of Written Objections to Proposed Class Action Settlement and Intent to Appear at Hearing</i>
09/27/2021	 Joinder Filed By: Objector Doe Dancer 7, Jane <i>[176] Notice of Joinder In Support of Written Objections to Proposed Class Action Settlement and Intent to Appear at Hearing</i>
09/27/2021	 Recorders Transcript of Hearing <i>[177] Transcript of Proceedings: Motion to Intervene and Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal on Order Shortening Time -- 9-23-21</i>
09/27/2021	 Memorandum <i>[178] Court's Memo RE: Remote Appearance Information for SEPTEMBER 30, 2021, Hearing **PLEASE REVIEW IN ITS ENTIRETY**</i>
09/28/2021	 Reply to Opposition Filed by: Objector Roe, Rhonda; Objector Doe, Denise; Objector Doe Dancer,

# CASE SUMMARY

CASE NO. A-14-709372-C

Jane; Objector Doe Dancer 2, Jane; Objector Doe Dancer 3, Jane; Objector Doe Dancer 4, Jane; Objector Doe Dancer 5, Jane; Objector Doe Dancer 6, Jane; Objector Doe Dancer 7, Jane

*[179] Reply to Opposition of Defendant to Motion for Protective Order and to Allow Objectors and Intervenors to Proceed Pseudonymously*

10/04/2021



Memorandum

*[180] Court's Memo RE: Remote Appearance Information for OCTOBER 5, 2021, Hearing*  
**\*\*PLEASE REVIEW IN ITS ENTIRETY\*\***

10/12/2021



Recorders Transcript of Hearing

*[181] Recorder's Transcript Re: Plaintiffs' Motion Regarding Final Approval/Plaintiffs' Motion for Approval of Attorney Fees and Costs/Defendant/Counterclaimant's Joint Motion for Final Approval of Class Action Settlement - September 30, 2021*

10/13/2021



Stipulation and Order

Filed by: Defendant Crazy Horse III Gentleman's Club at The Playground  
*[182] Stipulation and Order to Extend Time to Submit a Proposed Order for Joint Motion for Final Approval of Class Action Settlement*

10/19/2021



Notice of Entry of Stipulation and Order

Filed By: Defendant Russell Road Food and Beverage LLC  
*[183] Notice of Entry of Stipulation and Order to Extend Time to Submit A Proposed Order for Joint Motion for Final Approval of Class Action Settlement*

10/22/2021



Stipulation and Order

Filed by: Defendant Crazy Horse III Gentleman's Club at The Playground; Defendant Russell Road Food and Beverage LLC  
*[184] Stipulation and Order to Time to Submit Proposed A Order for Joint Motion for Final Approval of Class Action Settlement*

11/03/2021



Findings of Fact, Conclusions of Law and Order

*[185] Findings of Fact and Conclusions of Law Denying Proposed Intervenors' Motion to Intervene to Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal on an Order Shortening Time*

11/04/2021



Stipulation and Order

*[186] Stipulation and Order to Extend Time to Submit Proposed Order for Joint Motion for Final Approval of Class Action Settlement*

11/04/2021



Order

*[187] Order on Objectors and Proposed Intervenors Rhonda Roe and Denise Doe's Motion for Protective Order and to Allow Objectors and Intervenors to Proceed Pseudonymously*

11/05/2021



Notice of Entry

Filed By: Defendant Russell Road Food and Beverage LLC  
*[188] Notice of Entry of Order of Findings of Fact and Conclusions of Law Denying Proposed Intervenors' Motion to Intervene to Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal on Order Shortening Time*

11/24/2021



Findings of Fact, Conclusions of Law and Order

Filed By: Defendant Russell Road Food and Beverage LLC  
*[189] Findings of Fact and Conclusions Denying and Overruling Objections and Granting Final Approval of Class Action Settlement*

11/24/2021



Order Granting

# CASE SUMMARY

CASE NO. A-14-709372-C

Filed By: Plaintiff Park, Ashleigh; Plaintiff Shepard, Lily; Plaintiff Strelkova, Karina; Plaintiff Lamar, Danielle

[190] Order Granting Plaintiffs' Attorneys' Fees and Costs

12/01/2021



Notice of Entry

Filed By: Defendant Russell Road Food and Beverage LLC

[191] NOTICE OF ENTRY OF ORDER OF FINDINGS OF FACT AND CONCLUSIONS OF LAW DENYING AND OVERRULING OBJECTIONS AND GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

12/03/2021



Notice of Entry of Order

Filed By: Plaintiff Park, Ashleigh

[192] Notice of Entry of Order

12/21/2021



Notice of Appeal

Filed By: Objector Roe, Rhonda; Objector Doe, Denise; Objector Doe Dancer, Jane; Objector Doe Dancer 2, Jane; Objector Doe Dancer 3, Jane; Objector Doe Dancer 4, Jane; Objector Doe Dancer 5, Jane; Objector Doe Dancer 6, Jane; Objector Doe Dancer 7, Jane

[193] NOTICE OF APPEAL

12/21/2021



Case Appeal Statement

Filed By: Objector Roe, Rhonda; Objector Doe, Denise; Objector Doe Dancer, Jane; Objector Doe Dancer 2, Jane; Objector Doe Dancer 3, Jane; Objector Doe Dancer 4, Jane; Objector Doe Dancer 5, Jane; Objector Doe Dancer 6, Jane; Objector Doe Dancer 7, Jane

[194] CASE APPEAL STATEMENT

## **DISPOSITIONS**

06/04/2015

**Dismissal Pursuant to NRCP 41** (Judicial Officer: Kishner, Joanna S.)

Debtors: SN Investment Properties LLC (Defendant)

Creditors: Ashleigh Park (Plaintiff), Jaqueline Franklin (Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff)

Judgment: 06/04/2015, Docketed: 06/12/2015

01/10/2017

**Order of Dismissal Without Prejudice** (Judicial Officer: Kishner, Joanna S.)

Debtors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant), SN Investment Properties LLC (Defendant)

Creditors: Veronica Van Woodsen (Plaintiff), LaShonda Stewart (Plaintiff), Dirubin Tamayo (Plaintiff)

Judgment: 01/10/2017, Docketed: 01/19/2017

06/12/2017

**Order of Dismissal Without Prejudice** (Judicial Officer: Kishner, Joanna S.)

Debtors: Samantha Jones (Plaintiff)

Creditors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant), SN Investment Properties LLC (Defendant)

Judgment: 06/12/2017, Docketed: 06/12/2017

08/01/2017

**Summary Judgment** (Judicial Officer: Kishner, Joanna S.)

Debtors: Russell Road Food and Beverage LLC (Counter Claimant)

Creditors: Ashleigh Park (Counter Defendant), Jaqueline Franklin (Counter Defendant), Lily Shepard (Counter Defendant), Stacie Allen (Counter Defendant), Michaela Divine (Counter Defendant), Karina Strelkova (Counter Defendant), Danielle Lamar (Counter Defendant)

Judgment: 08/01/2017, Docketed: 08/01/2017

Comment: Certain Claim

Debtors: Stacie Allen (Plaintiff), Michaela Divine (Plaintiff)

Creditors: Russell Road Food and Beverage LLC (Defendant)

Judgment: 08/01/2017, Docketed: 08/01/2017


Comment: Certain Claim

# CASE SUMMARY

CASE NO. A-14-709372-C

08/23/2017	<p><b>Order of Dismissal</b> (Judicial Officer: Kishner, Joanna S.)  Debtors: Ashleigh Park (Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff), Michaela Divine (Plaintiff), Karina Strelkova (Plaintiff), Danielle Lamar (Plaintiff)  Creditors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant), SN Investment Properties LLC (Defendant)  Judgment: 08/23/2017, Docketed: 08/31/2017</p>
10/03/2017	<p><b>Summary Judgment</b> (Judicial Officer: Kishner, Joanna S.)  Debtors: Jaqueline Franklin (Plaintiff)  Creditors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant)  Judgment: 10/03/2017, Docketed: 10/04/2017</p>
04/04/2018	<p><b>Judgment</b> (Judicial Officer: Kishner, Joanna S.)  Debtors: Ashleigh Park (Plaintiff), Jaqueline Franklin (Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff), Michaela Divine (Plaintiff), Karina Strelkova (Plaintiff), Danielle Lamar (Plaintiff)  Creditors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant)  Judgment: 04/04/2018, Docketed: 04/05/2018  Total Judgment: 15,289.20</p>
09/12/2018	<p><b>Order of Dismissal Without Prejudice</b> (Judicial Officer: Kishner, Joanna S.)  Debtors: Ashleigh Park (Counter Defendant), Jaqueline Franklin (Counter Defendant), Lily Shepard (Counter Defendant), Stacie Allen (Counter Defendant), Michaela Divine (Counter Defendant), Veronica Van Woodsen (Counter Defendant), Samantha Jones (Counter Defendant), Karina Strelkova (Counter Defendant), LaShonda Stewart (Counter Defendant), Danielle Lamar (Counter Defendant), Dirubin Tamayo (Counter Defendant)  Creditors: Russell Road Food and Beverage LLC (Counter Claimant)  Judgment: 09/12/2018, Docketed: 09/13/2018</p>
11/24/2021	<p><b>Order</b> (Judicial Officer: Kishner, Joanna S.)  Debtors: Jaqueline Franklin (Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff), Michaela Divine (Plaintiff), Karina Strelkova (Plaintiff), Danielle Lamar (Plaintiff)  Creditors: Bighorn Law (Other)  Judgment: 11/24/2021, Docketed: 11/29/2021  Total Judgment: 8,901.15</p> <p>Debtors: Ashleigh Park (Plaintiff), Jaqueline Franklin (Personal Representative, Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff), Michaela Divine (Plaintiff), Karina Strelkova (Plaintiff), Danielle Lamar (Plaintiff)  Creditors: Bighorn Law (Other)  Judgment: 11/24/2021, Docketed: 11/29/2021  Total Judgment: 5,625.00</p> <p>Debtors: Ashleigh Park (Plaintiff), Jaqueline Franklin (Personal Representative, Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff), Michaela Divine (Plaintiff), Karina Strelkova (Plaintiff), Danielle Lamar (Plaintiff)  Creditors: Rusing Lopez and Lizardi PLLC (Other)  Judgment: 11/24/2021, Docketed: 11/29/2021  Total Judgment: 219,375.00</p>

## HEARINGS

05/07/2015	<p> <b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Kishner, Joanna S.)  <b>05/07/2015-05/08/2015, 06/05/2015, 06/12/2015, 06/19/2015, 06/25/2015</b>  <i>Defendant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiffs, Jane Doe Dancer I Through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiffs, Jacqueline Franklin, Ashleigh Park, Lily Shepard, Stacie Allen, and Jane Doe Dancer I through XI's First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(f)</i>  Continued;</p>
------------	--

# CASE SUMMARY

CASE NO. A-14-709372-C

Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Decision and Order filed 6/25/15  
Minute Order - No Hearing Held;

Journal Entry Details:

*See Decision and Order filed June, 25th 2015. CLERK'S NOTE: A copy of the foregoing minute order was distributed to the parties via electronic mail (6/25/15 amn). ;*

*See Decision and Order filed June, 25th 2015. CLERK'S NOTE: A copy of the foregoing minute order was distributed to the parties via electronic mail (6/25/15 amn). ;*

Continued;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Decision and Order filed 6/25/15  
Minute Order - No Hearing Held;

Continued;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Decision and Order filed 6/25/15  
Minute Order - No Hearing Held;

Continued;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Decision and Order filed 6/25/15  
Minute Order - No Hearing Held;

Continued;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Decision and Order filed 6/25/15  
Minute Order - No Hearing Held;

Journal Entry Details:

**DEFENDANT, RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO DISMISS PLAINTIFFS, JANE DOE DANCER 1 THROUGH XI AND/OR MOTION TO STRIKE PLAINTIFFS, JANE DOE DANCER II, III, VI, VIII AND IX THROUGH XI AND DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD, STACIE ALLEN, AND JANE DOE DANCER I THROUGH XI'S FIRST AMENDED COMPLAINT PURSUANT TO NRCP 12(B)(5) AND/OR MOTION TO STRIKE PLAINTIFFS' FIRST CAUSE OF ACTION, PRAYER FOR EXEMPLARY AND PUNITIVE DAMAGES, AND PRAYERS FOR RELIEF PURSUANT TO NRCP 12(F) Further arguments by counsel. (continued from 5/7/15) RULING DEFERRED. Counsel may provide supplemental briefing (although not required) by 5/29/15 regarding statute of limitations only for the Court's consideration and a Decision will issue from Chambers. Court noted counsel may also provide (although not required) findings of fact and conclusions of law in Word format to Court's JEA or Law Clerk by 5/29/15. CONTINUED FOR DECISION: 6/5/15 (CHAMBERS) ;**

Continued;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Continued for Chambers Decision;  
Decision and Order filed 6/25/15  
Minute Order - No Hearing Held;  
Journal Entry Details:

# CASE SUMMARY

CASE No. A-14-709372-C

DEFENDANT, RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO DISMISS PLAINTIFFS, JANE DOE DANCER I THROUGH XI AND/OR MOTION TO STRIKE PLAINTIFFS, JANE DOE DANCER II, III, VI, VIII AND IX THROUGH XI AND DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD, STACIE ALLEN, AND JANE DOE DANCER I THROUGH XI'S FIRST AMENDED COMPLAINT PURSUANT TO NRCP 12(B)(5) AND/OR MOTION TO STRIKE PLAINTIFFS' FIRST CAUSE OF ACTION, PRAYER FOR EXEMPLARY AND PUNITIVE DAMAGES, AND PRAYERS FOR RELIEF PURSUANT TO NRCP 12(F) Court provided its inclination. Arguments by counsel. All counsel agree that additional argument is needed. COURT ORDERED, matter CONTINUED. Court offered tomorrow (5/8/15) at 10:00 am or Monday (5/11/15) at 2:00 pm. Counsel to contact Chambers, in writing, with agreed upon date by 4:00 pm today. CONTINUED TO: (DATE TO BE DETERMINED);

06/02/2015



**Motion to Amend Complaint (9:00 AM)** (Judicial Officer: Kishner, Joanna S.)

*Plaintiffs' Motion for Leave to Amend Plaintiff's First Amended Complaint on Order Shortening Time*  
Denied;

Journal Entry Details:

*Arguments by counsel. Court finds Defendant's motion to dismiss still pending, therefore procedurally, COURT ORDERED, Plaintiffs' Motion for Leave to Amend Plaintiff's First Amended Complaint is DENIED. Defense counsel to prepare the Order, circulating to Plaintiffs' counsel for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order. 6/19/15 STATUS CHECK: ORDER (CHAMBERS);*

06/19/2015

**Status Check (3:00 AM)** (Judicial Officer: Kishner, Joanna S.)

*Status Check: Order 6/2/15*

Hearing Set;

Order received

09/04/2015



**Motion to Associate Counsel (3:00 AM)** (Judicial Officer: Kishner, Joanna S.)

Events: 07/29/2015 Motion to Associate Counsel

*Plaintiff's Motion to Associate Counsel (Michael John Rusing, Esq.)*

Granted;

Journal Entry Details:

*On July 29, 2015, a Motion to Associate Counsel, Michael John Rusin, Esq., was filed by Plaintiffs. The matter was subsequently placed on Department XXXI's Chamber Calendar. As no opposition has been filed, the Court finds that the motion is appropriately GRANTED pursuant to EDCR 2.20, and on the merits. Plaintiffs' counsel is directed to prepare the Order, and submit it to chambers within 10 days pursuant to EDCR 7.21. A status check is hereby set on Department XXXI's Chamber Calendar for Friday, September 18, 2015 regarding submission of the proposed Order. If the Court receives the Order prior to that date, the status check will be vacated. If the Order is not received, the Court will order an in person status check, where personal appearances by counsel will be mandatory. 9/18/15 STATUS CHECK: ORDER (CHAMBERS) CLERK'S NOTE: The above minute order has been distributed via e-mail to: Ryan Anderson, Esq. and Gregory Kamer, Esq.\sjh 9-4-15;*

09/18/2015

**CANCELED Status Check (3:00 AM)** (Judicial Officer: Kishner, Joanna S.)

*Vacated - per Order*

*Status Check: Order 9/4/15*

06/14/2016

**CANCELED Motion for Class Certification (9:00 AM)** (Judicial Officer: Kishner, Joanna S.)

*Vacated - per Stipulation and Order*

*Plaintiffs' Motion for Class Certification*

08/19/2016



**Motion to Compel (9:00 AM)** (Judicial Officer: Bulla, Bonnie)

*Plaintiffs' Motion to Compel Discovery Responses from Deft Russell Road Food and Beverage, LLC*

Granted in Part; Plaintiffs' Motion to Compel Discovery Responses from Deft Russell Road Food and Beverage, LLC

Journal Entry Details:

*Jeffrey Bendavid, Esquire, for Russell Road Food and Beverage LLC. Colloquy re: unjust*




# CASE SUMMARY

CASE NO. A-14-709372-C

enrichment; discovery going back two years before Complaint was filed up to the present is warranted. No class certification yet per Mr. Price. Commissioner advised counsel if the client has records that go back four years, preserve them. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; Request to Produce 1 - reasonably respond as discussed in Open Court; Interrogatory 1 - answer and verify; specifics of transfer of ownership document are PROTECTED with the exception of a paragraph related to assumption of risk or liability, that part of document must be turned over. Colloquy re: Interrogatories 17 (and RTP 2) through 35. COMMISSIONER RECOMMENDED, RFP 1 and Interrogatory 1 - go back four years related to ownership. MATTER TRAILED AND RECALLED. COMMISSIONER RECOMMENDED, Interrogatory 17 and RTP 2 - further response is PROTECTED (marking materials); set forth a better foundation; RTP 4, 13, and 15 - counsel agreed to produce in Excel format if possible; for in/out clock system, Mr. Bendavid will produce in Excel format if possible; Interrogatory 10 - counsel agreed Deft will produce the list from November 4, 2012 to present (active / inactive status, address, date of hire / date of departure, otherwise, in care of counsel's firm), work schedule is PROTECTED; take a deposition of employee or Manager; however, work schedules for Dancers in class must be produced. COMMISSIONER RECOMMENDED, supplement Request for Admissions 1, 2, 3, and Ms. Bretell will bring another Motion if necessary; within 30 days of initial expert disclosure supplement contention Interrogatories and related RTP; counsel agreed production due by 9/2/16; no fees and costs, but counsel may renew request later based on compliance; Status Check SET in 60 days. Commissioner is available by conference call. Ms. Bretell to prepare the Report and Recommendations, and Mr. Bendavid to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Bretell to appear at status check hearing to report on the Report and Recommendations. 9/23/16 11:00 a.m. Status Check: Compliance 10/21/16 9:00 a.m. Status Check: Compliance / Sanctions;


09/23/2016 **CANCELED Status Check: Compliance (11:00 AM)** (Judicial Officer: Bulla, Bonnie)  
Vacated - per Commissioner

10/21/2016  **Status Check: Compliance (9:00 AM)** (Judicial Officer: Bulla, Bonnie)  
Status Check: Compliance / Discovery  
Matter Heard;  
Journal Entry Details:  
Lauren Calvert, Esquire, for Pltfs. The Report and Recommendation from the August 19, 2016 hearing was recently submitted, and Ms. Calvert received the discovery. COMMISSIONER RECOMMENDED, matter CONTINUED; Ms. Calvert to prepare the Report and Recommendations from the August 19, 2016 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Calvert to appear at status check hearing to report on the Report and Recommendations from the August 19, 2016 hearing. 12/2/16 11:00 a.m. Status Check: Compliance;

12/02/2016 **CANCELED Status Check: Compliance (11:00 AM)** (Judicial Officer: Bulla, Bonnie)  
Vacated - per Commissioner

01/10/2017 **Hearing (9:00 AM)** (Judicial Officer: Kishner, Joanna S.)  
Hearing on Plaintiffs' Motion for Class Certification  
Per fax received from counsel  
Parties were informed of 1/12/17 hearing date but wanted 1/10/17 date per stip and order  
Continued;



01/10/2017 **Motion to Strike (9:00 AM)** (Judicial Officer: Kishner, Joanna S.)  
Defendant Russell Road Food and Beverage, LLC's Motion to Strike New Evidence Raised in Plaintiff's Reply for Their Motion for Class Certification on Order Shortening Time  
Continued;

01/10/2017  **All Pending Motions (9:00 AM)** (Judicial Officer: Kishner, Joanna S.)  
Matter Heard;  
Journal Entry Details:  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION...DEFENDANT RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO STRIKE NEW EVIDENCE RAISED IN PLAINTIFF'S REPLY FOR THEIR MOTION FOR CLASS CERTIFICATION ON ORDER SHORTENING TIME Arguments by counsel. Court notes clarification needed, suggests



# CASE SUMMARY

CASE NO. A-14-709372-C

	<p>supplemental briefing on the standard the Court needs to take into account with regard to the claims, present day, the most updated information, fact and law. Counsel to work out a stipulation, briefing schedule and a new requested hearing date including how much time will be needed for the hearing. Counsel to provide stipulation by the end of the week. COURT ORDERED, matter SET for Status Check regarding receipt of stipulation and resetting of hearing. CONTINUED TO: DATE TO BE DETERMINED 1/13/17 STATUS CHECK: STIPULATION / NEW HEARING DATE (CHAMBERS);</p>
01/12/2017	<p> <b>Objection to Discovery Commissioner's Report</b> (9:00 AM) (Judicial Officer: Kishner, Joanna S.)</p> <p><i>Plaintiffs' Objection To Discovery Commissioner's Report and Recommendations</i> Discovery Commissioner's Decision Affirmed; Journal Entry Details: <b>PLAINTIFFS' OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS</b> Arguments by counsel. Court stated its findings, and ORDERED, Discovery Commissioner's Report and Recommendations are AFFIRMED. Defense counsel to prepare the Order, circulating to Plaintiffs' counsel for approval as to form and content in accordance with EDCR 7.21.;</p>
01/13/2017	<p><b>Status Check</b> (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <b>01/13/2017, 01/20/2017</b> <i>Status Check: Stipulation / New Hearing Date</i> Continued; Hearing Set; Continued; Hearing Set;</p>
02/14/2017	<p><b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i></p>
03/16/2017	<p> <b>Motion to Certify Class</b> (10:00 AM) (Judicial Officer: Kishner, Joanna S.)</p> <p><i>Plaintiffs' Motion for Class Certification</i> Denied Without Prejudice; Journal Entry Details: <i>Arguments by counsel. Court stated its findings, and ORDERED, Plaintiffs' Motion for Class Certification is DENIED WITHOUT PREJUDICE. Mr. Bendavid to prepare the Order, circulating to all counsel for approval as to form and content in accordance with EDCR 7.21 ;</i></p>
03/16/2017	<p><b>CANCELED Pre Trial Conference</b> (10:15 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i></p>
04/04/2017	<p><b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i></p>
04/17/2017	<p><b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i></p>
06/01/2017	<p><b>Status Check</b> (9:30 AM) (Judicial Officer: Kishner, Joanna S.) <b>STATUS CHECK</b> To be heard with other matters at 9:30 a.m. Matter Heard;</p>
06/01/2017	<p><b>Motion for Summary Judgment</b> (9:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Motion for Summary Judgment on Defendants Counterclaims</i> Pursuant to fax received from counsel Granted in Part;</p>
06/01/2017	<p><b>Motion for Summary Judgment</b> (9:30 AM) (Judicial Officer: Kishner, Joanna S.) <b>06/01/2017, 06/23/2017</b> <i>Defendant's Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to NRCP 56</i></p>

# CASE SUMMARY

CASE NO. A-14-709372-C

Pursuant to fax received from counsel  
Continued for Chambers Decision;

06/01/2017



**All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS COUNTERCLAIMS... DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS MICHAELA MOORE AND STACIE ALLEN PURSUANT TO NRCP 56... STATUS CHECK...** Court stated its detailed inclination. Ms. Calvert argued in support of the Plaintiff's Motion for Summary Judgment, stating if the dancers are deemed as employees then you cannot take back tips and the unjust enrichment claim falls apart. Mr. Bendavid argued against Plaintiff's Motion for Summary Judgment, stating Plaintiff is trying to argue a Federal Law where you can't sue an employee for conversion as a retaliatory action, and stated the dancers were independent contractors. **COURT ORDERED**, Plaintiff's Motion for Summary Judgment **GRANTED IN PART**; **GRANTED** with regards to Breach of the Implied Covenant of Good Faith and Fair Dealing, the Conversion claim, ; **DENIED WITHOUT PREJUDICE** with regards to the Breach of Contract Offset claim, and as to the Unjust Enrichment claim, and regards to the Declaratory Judgment claim. Arguments by counsel regarding Defendant's Motion for Summary Judgment. Upon Court's inquiry, Ms. Calvert and Mr. Bendavid confirmed the Court's request for supplemental briefing regard if the Court has jurisdiction over Allen and Moore in light of the status of the Minimum Wage claim. Court directed parties if they wish to submit supplemental briefing to provide it to the Court on or before June 15, 2017 by 5:00 p.m. **COURT FURTHER ORDERED** Defendant's Motion for Summary Judgment **CONTINUED** to Chambers. Upon Court's inquiry, Ms. Calvert stated her clients are open to a settlement conference. Mr. Bendavid stated he would need to speak with his clients, and may be open to it. **6/23/17 DECISION RE: DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFF'S MICHELA MOORE AND STACIE ALLEN PURSUANT TO NRCP 56 (CHAMBERS CALENDAR)**;

06/21/2017

**Motion to Compel** (9:30 AM) (Judicial Officer: Bulla, Bonnie)

*Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories*  
Granted in Part;

06/21/2017

**Motion to Compel** (9:30 AM) (Judicial Officer: Bulla, Bonnie)

*Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents*  
Granted in Part;

06/21/2017



**All Pending Motions** (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:

*Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories .. Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents* Commissioner inquired why two Motions were submitted each with 30 Pages, and no compliance with 2.40. In the future, do not engage in this type of Motion work. **COMMISSIONER RECOMMENDED**, Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories is **GRANTED IN PART**; Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents is **GRANTED IN PART**; Interrogatory 2 is modified and Pltf must answer during the entire time they worked at Crazy Horse; Interrogatory 3 - Pltf answered, no further response. **COMMISSIONER RECOMMENDED**, Interrogatory 10 - Pltf will look back and supplement, or give best estimate; Interrogatory 8 is **PROTECTED**; Interrogatory 12 - Pltf will identify amount they think are due and owing (even conceptually); Commissioner suggested counsel need to approach Judge Kishner about the Trial date as discussed; Interrogatory 16 - supplement to the extent it has not been supplemented or best estimate; Ms. Calvert discussed disclosures of other sources of income from other similar Gentlemen's Clubs may have a Protective Order. Commissioner suggested providing a Key, and hold it until the Court orders it disclosed. Ms. Calvert agreed. **COMMISSIONER**

# CASE SUMMARY

CASE NO. A-14-709372-C

*RECOMMENDED, keep businesses confidential until otherwise ordered by the District Court Judge; best estimate is acceptable if Pltf does not have tax returns; Objections are DEFERRED to the District Court Judge at the time of trial; SUPPLEMENT Interrogatories from Pltf to Deft no later than 7-21-17; Request to Produce 6 is PROTECTED; RTP 9 - no further response; Request 1 and 3 - no further responses; RTP 4 - same type of suggestion from Commissioner, and redact documents, prepare a privilege log, and there must be a Court Order in place to reference; must produce attached W-2 or 1099 for the relevant timeframe, but REDACT social security number and personal identifying information; RTP 8 - unless something Commissioner is not aware of, it was already produced; RTP 2 is PROTECTED; RTP 11 - supplement with redactions, but use the key; RTP 16 - produce as discussed; SUPPLEMENT RTP from Pltf to Deft no later than 7-21-17; no fees or costs. If counsel still have concerns about confidentiality, Commissioner will address issues separately. Initial discovery was served one year ago and should have been brought to Commissioner's attention much sooner. Ms. Calvert to prepare the Report and Recommendations, and Ms. Smith to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. ;*

06/23/2017



**Minute Order** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;

Journal Entry Details:

*This matter came on for hearing on June 10, 2017 on - PLAINTIFFS MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS COUNTERCLAIMS. DEFENDANT S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS MICHAELA MOORE AND STACIE ALLEN PURSUANT TO NRCP 56... STATUS CHECK At the hearing the Court Granted in part and DENIED in part Plaintiffs Motion for Summary Judgment and addressed the Status Check as set forth in the record of that hearing and as summarized in the minutes. The Court deferred ruling on Defendant s Motion for Summary Judgment to allow the parties to provide supplemental briefing on the issue of the Court s jurisdiction in light of the facts presented. Supplemental briefing was due by June 15th and both parties provided supplemental briefs. Based on the record in this case including the oral argument of counsel and the supplemental briefs, the Court finds that there are material issues of fact as to what damages the Plaintiffs could assert in the case and that Nevada Supreme Court precedent as cited in the supplemental briefs provides that the Court cannot as a matter of law make the determination requested by Defendant. Accordingly, the Court finds that at present, given the disputed facts and the allegations set forth in the record, Defendant s Motion for Summary Judgment as to Plaintiffs Moore and Allen is DENIED without prejudice. This Decision sets forth the Court s intended disposition on the subject but anticipates further Order of the Court to make such disposition effective as an Order or Judgment. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument. Plaintiff s Counsel to prepare the Order(s) on both its Motion for Summary Judgment and the instant Motion and submit it/them to Chambers for consideration within ten (10) days in accordance with EDCR 7.21. \*\*CLERK'S NOTE: Minute Order e-served./kh 6-23-17;*

07/11/2017

**Motion to Dismiss** (9:30 AM) (Judicial Officer: Saitta, Nancy)

*Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3)*

Granted Without Prejudice;

07/11/2017

**Motion for Class Certification** (9:30 AM) (Judicial Officer: Saitta, Nancy)

*Plaintiffs Renewed Motion for Class Certification*

To be heard with other motions

Denied;

07/11/2017

**Motion to Strike** (9:30 AM) (Judicial Officer: Saitta, Nancy)

*Defendant, Russell Road Food and Beverage, LLC's Motion to Strike Plaintiffs' Renewed Motion for Class Certification and Motions to Strike Plaintiffs' Declarations on an Order Shortening Time*

Granted Without Prejudice;

07/11/2017



**All Pending Motions** (9:30 AM) (Judicial Officer: Saitta, Nancy)

Matter Heard;

Journal Entry Details:

*As to Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3), Mr. Bendavid stated this*

# CASE SUMMARY

CASE NO. A-14-709372-C

case was previously denied class certification and there was 2 months remaining of discovery, which is now closed. Mr. Bendavid argued plaintiffs, individually, do not meet the \$10,000.00 requirement and argued the statute with respect to the third parties. Additional arguments by Mr. Bendavid with respect to superseding complaints and stated plaintiffs are combining their claim on plaintiff with Count 2 for jurisdictional purposes. Ms. Calvert stated these arguments were previously presented and that motion was denied. Arguments regarding the damages and \$10,000.00 threshold. Ms. Calvert stated plaintiffs did not have the calculations at the time the brief was prepared. Additionally, Ms. Calvert argued there is on plaintiff which meets the threshold and additionally argued Plaintiff Ashleigh Parks wage claim and unjust enrichment exceed \$13,000.00. Court inquired as to the legal basis for combining the two claims to get plaintiff to the jurisdictional amount. Further arguments by counsel. **COURT FOUND** Plaintiffs Franklin and Strelkova's damages each exceed \$10,000.00 and **ORDERED**, motion **GRANTED WITHOUT PREJUDICE**. As to Plaintiffs Renewed Motion for Class Certification, **COURT ORDERED, DENIED**. As to Defendant, Russell Road Food and Beverage, LLC's Motion to Strike Plaintiffs' Renewed Motion for Class Certification and Motions to Strike Plaintiffs' Declarations on an Order Shortening Time, **GRANTED**. ;

08/03/2017



**Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

*Counsel estimate 2 days for trial. Colloquy. COURT ORDERED, matter SET for Trial.*

*Pretrial Memorandum DUE 9/19/17. 9/26/17 9:00 AM CALENDAR CALL 10/2/17 9:00 AM*

*JURY TRIAL ;*

08/10/2017

**CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)

*Vacated - per Commissioner*

08/17/2017

**Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Plaintiffs' Motion for Summary Judgment on Employee Status*

Motion Denied; Plaintiffs' Motion for Summary Judgment on Employee Status

08/17/2017

**Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56*

Motion Granted; Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to

NRCP 56

08/17/2017



**All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

*DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS*

*PURSUANT TO NRCP 56...PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON*

*EMPLOYEE STATUS After the Court's consideration of the papers submitted by counsel in*

*connection with this matter, and, having heard the oral arguments presented by both Ms.*

*Calvert and Mr. Bendavid, COURT FINDS the standards have been met for independent*

*contractor status under 608.0155, that there are no undisputed material facts, and ORDERED,*

*Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56 is*

*GRANTED; and Plaintiffs' Motion for Summary Judgment on Employee Status is DENIED.*

*Mr. Bendavid to prepare a detailed Findings of Fact and Conclusions of Law pursuant to*

*EDCR 7.21 within 30 days. COURT FURTHER ORDERED, Calendar Call and Trial Date*

*VACATED.;*

09/26/2017

**CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Vacated - per Judge*

10/02/2017

**CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Vacated - per Judge*

10/17/2017



**Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Defendant Russell Road Food and Beverage, LLC's Motion for Attorney's Fees and Costs*

*Affidavit of Jeffery A. Bendavid Filed Concurrently Herewith*

Denied in Part;

Journal Entry Details:



# CASE SUMMARY

CASE NO. A-14-709372-C

*COURT stated its inclination. Mr. Bendavid indicated Defense would submit a supplement brief regarding the costs. Ms. Calvert concurred. COURT ORDERED, Defendant Russell Road Food and Beverage, LLC's Motion for Attorney's Fees and Costs DENIED IN PART as to the Attorney's Fees on the two alternative motions, FURTHER ORDERED, ruling DEFERRED as to Costs. COURT ADDITIONALLY ORDERED, matter SET for Chambers regarding supplemental brief; Defendant's Supplement Brief due by Oct 24, 2017. Plaintiff's Response due by November 1, 2017, and Defendant's Reply due by November 6, 2017. 11/9/17 SUPPLEMENT BRIEF (CHAMBERS) ;*

11/09/2017



**Status Check (3:00 AM)** (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;

Journal Entry Details:

*Pursuant to the October 7, 2017 Court Minutes, the Court deferred its ruling as to Costs and directed parties to submit Supplemental Briefing regarding the same. The Court allowed Defendant to file its Supplement Brief by October 24, 2017. If Plaintiff wished to file a Response or Opposition to the supplemental briefing by Defendant it was to do so no later than November 1, 2017. If an Opposition, was filed then Defendant's Reply was due by November 6, 2017. The Court further stated that it would make a ruling with the supplemental briefing it received by the affirmative deadlines. Pursuant to the deadlines, the Court has only received Defendant's Supplement brief on October 24, 2017. Accordingly, the Court will issue its ruling by November 14, 2017 taking into consideration the pleadings that were timely filed. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/11/09/17 ;*

03/09/2018



**Minute Order (11:00 AM)** (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court had previously deferred its ruling as to Costs and directed parties to submit Supplemental Briefing regarding the same. The Court has received supplemental briefing from Defendant Russell Road Food and Beverage LLC, but no supplemental briefing from any Plaintiff nor has the Court received any request for any additional time to provide such briefing. Accordingly, the Court makes the following ruling in the absence of any supplemental briefing from Plaintiffs. The Court finds that as a prevailing defendant in a matter in which Plaintiff sought more than \$2,500, Defendant is entitled to an award of costs pursuant to NRS 18.020(3). However, in Cadle Co. v. Woods & Erickson, LLP, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1054 (2015), the Nevada Supreme Court stated that in order for costs to be appropriately awarded they must be reasonable, necessary and actually incurred. "Without evidence to determine whether a cost was reasonable and necessary, a district court may not award costs." Id. See Also In RE Dish Network, 133 Nev. Adv. Op. 61, 401 P.3d 1081. Here, Defendant seeks \$788.69 for filing fees, \$4,427.70 for deposition fees and transcripts, \$1,851.94 for court reporter fees and Clark County Treasurer fees, and \$10,158.15 for legal research costs, for a total amount of \$17,226.48. Attached to their supplemental briefing, the Defendant included numerous exhibits demonstrating that the costs sought were actually incurred, and set forth the basis upon which they believe the costs to be reasonable and necessary. Upon a full review of the documentation provided and the arguments of counsel contained within the brief, the Court finds that the filing fees, deposition fees and transcript costs, court reporter fees and Clark County Treasurer fees were all reasonable and necessary, and therefore are properly awarded. However, with respect to the legal research costs sought in the amount of \$10,158.15, the Court finds that Defendant has adequately set forth a justification for the majority of these costs being reasonable and necessary. NRS 18.005(17) specifically allows for an award of costs for "reasonable and necessary expenses for computerized services for legal research." While Defendant has provided an invoice that includes the name of the client on each line item for which they seek recovery, there are not specific explanation has been provided for many of the entries to specify what exactly was researched and why such a large sum was required to be paid for legal research. While Defendant has asserted inter alia that Plaintiffs' citation to cases from many jurisdictions justifies such a large expense for legal research, the Court notes that some cases are available free of charge on various platforms across the internet. At the same time, the Court is cognizant of the fact that, as Defendant points out, Plaintiff consistently cited to cases from many different jurisdictions outside of Nevada throughout the pendency of the litigation and both parties submitted extensive briefing with numerous citations. The Court therefore agrees that significant legal research was necessary to be conducted by Defendant in order to respond the authorities cited by Plaintiffs and to provide its own briefing. The Court also reviewed the record which shows that the dates of charges generally correspond to the dates of briefs being provided and hearing dates. The Court therefore finds, that in the absence of a full analysis of*

# CASE SUMMARY

CASE NO. A-14-709372-C

*the reasonableness and necessity of the costs sought, the full amount cannot be awarded, but in recognition of the fact that legal research was indeed necessary, and the fact that the billing entries overall correspond to the filing dates of several motions and oppositions in the case, the Court finds an appropriate award to be \$8,220.87 for legal research. For the reasons stated, the Defendant's Motion for Costs is GRANTED in part with respect to the costs mentioned above and GRANTED in part and DENIED in part with respect to the costs of legal research, for a total award of \$15,289.20. Defendant to prepare the order and submit to chambers in accordance with EDCR 2.20. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Tena M. Jolley, to all registered parties for Odyssey File & Serve. (tmj:3/9/18) ;*

07/27/2020



**Motion to Certify Class** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

07/27/2020, 08/06/2020

*Joint Motion for an Order: (1) Conditionally Certifying Class; (2) Preliminarily Approving Class Settlement; (3) Directing Notice to Class Members; and (4) Scheduling Final Fairness Hearing*

Matter Continued;

Motion Granted;

Matter Continued;

Motion Granted;

Journal Entry Details:

*All appearances made via the BlueJeans Videoconferencing Application. Colloquy regarding Court's jurisdiction to grant requested relief, Supreme Court order, and potential oral stipulation to vacate prior rulings. Ms. Smith requested a continuance for counsel to confer and determine what the appropriate course is. Mr. Rusing agreed to continuance. COURT ORDERED, Joint Motion for an Order: (1) Conditionally Certifying Class; (2) Preliminarily Approving Class Settlement; (3) Directing Notice to Class Members; and (4) Scheduling Final Fairness Hearing CONTINUED, if Court receives something from counsel between now and then, Court will review it. Court directed counsel to include the continuance date in any paperwork it submits. CONTINUED TO: 8/6/2020 9:30 AM CLERK'S NOTE: Minute Order prepared by Nicole McDevitt via listening to JAVS recording. /nm 8/4/2020;*

08/06/2020

**Motion to Set Aside** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Plaintiff's Joint Motion to Conditionally Set Aside Rulings on Dispositive Motions and Class Certification Pending Final Approval of Settlement*

To be heard with other matter currently set

Motion Granted;

08/06/2020



**All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Motion to Certify Class; Motion to Set Aside*

Matter Heard;

Journal Entry Details:

*PLAINTIFF'S JOINT MOTION TO CONDITIONALLY SET ASIDE RULINGS ON DISPOSITIVE MOTIONS AND CLASS CERTIFICATION PENDING FINAL APPROVAL OF SETTLEMENT . . . JOINT MOTION FOR AN ORDER: (1) CONDITIONALLY CERTIFYING CLASS; (2) PRELIMINARILY APPROVING CLASS SETTLEMENT; (3) DIRECTING NOTICE TO CLASS MEMBERS; AND (4) SCHEDULING FINAL FAIRNESS HEARING*  
*Court noted it was in receipt of the parties Joint Letter to consolidate the matters and Joint Motion to Conditionally Set Aside Rulings on Dispositive Motions and Class Certification Pending Final Approval of Settlement regarding the Joint Motion for an Order and Plaintiff's Joint Motion to Conditionally Set Aside Rulings and stated its inclinations. Mr. Rusing provided a case history summary and submitted on the pleadings. Ms. Smith submitted on the pleadings. COURT ORDERED, Joint Motion for an Order (1) Conditionally Certifying Class; (2) Preliminarily Approving Class Settlement; (3) Directing Notice to Class Members; and (4) Scheduling Final Fairness hearing and Plaintiff's Joint Motion to Conditionally Set Aside Rulings on Dispositive Motions and Class Certification Pending Final Approval of Settlement GRANTED; Mr. Rusing and Ms. Smith to prepare and submit the Orders.;*

04/29/2021

**Hearing** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

Filed 1/21/21

Moot;

04/29/2021

**Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

# CASE SUMMARY

CASE NO. A-14-709372-C

*Defendant/Counterclaimant's Motion to Continue Time for Mailing Notice on Order Shortening Time*  
 Stip and Order to Continue Hearing filed 4/21/21  
 Moot;

04/29/2021



**All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

*HEARING... DEFENDANT/COUNTERCLAIMANT'S MOTION TO CONTINUE TIME FOR MAILING NOTICE ON ORDER SHORTENING TIME Court noted a stipulation and order (SAO) was submitted late yesterday and upon review, it appears the parties were requesting to reset the Plaintiff's Motion Regarding Final Approval and Motion for Approval of Attorney Fees and Costs to September and vacate all other matters. Mr. Jones and Ms Smith agreed with the Courts representation of the SAO. Colloquy regarding scheduling. COURT ORDERED, hearing and Defendant/Counterclaimant's Motion to Continue MOOT and Plaintiff's Motion Regarding Final Approval and Motion for Approval of Attorney Fees and Costs VACATED and RESET. 09/30/2021 9:30 AM PLAINTIFF'S MOTION REGARDING FINAL APPROVAL 09/30/2021 9:30 AM PLAINTIFF'S MOTION FOR APPROVAL OF ATTORNEY FEES AND COSTS;*

09/17/2021



**At Request of Court** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Notice of hearing filed*

Matter Heard;

Journal Entry Details:

*Court provided an update as to why the Stipulation and Order was not signed. Mr. Rusing and Mr. Bendavid STIPULATED to move the Motion set on 10/19/2021 to 9/30/2021 pursuant to EDCR 7.50. ;*

09/23/2021



**Motion to Intervene** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Motion to Intervene and Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal on Order Shortening Time*

Denied Without Prejudice;

Journal Entry Details:

*Arguments by counsel regarding the Motion to Intervene and Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal. COURT NOTED it would rule on the Motion to Intervene only. COURT stated FINDINGS and ORDERED, Motion to Intervene DENIED WITHOUT PREJUDICE as it was in non-compliance with NRCP 24 (c). COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;*

09/30/2021

**Motion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Plaintiffs' Motion Regarding Final Approval*

09/30/2021

**Motion for Attorney Fees and Costs** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Plaintiffs Motion for Approval of Attorney Fees and Costs*

09/30/2021

**Motion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

*Defendant/ Counterclaimant's Joint Motion for Final Approval of Class Action Settlement*

09/30/2021

**All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

10/05/2021



**Motion for Protective Order** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

Events: 09/02/2021 Motion

*Objectors and Proposed Intervenors Rhonda Roe and Denise Doe's Motion for Protective Order and to Allow Objectors and Intervenors to Proceed Pseudonymously*

Moot;

Journal Entry Details:

*Following representations by counsel, COURT ORDERED, Motion, MOOT, as there was nothing ripe before the Court and no basis for a protective order. Mr. Greenberg to prepare*



**CASE SUMMARY****CASE NO. A-14-709372-C***order pursuant to EDCR 7.21. Court advised this in no way would impact prior rulings.;***DATE****FINANCIAL INFORMATION****Counter Defendant** Jones, Samantha

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Counter Defendant** Stewart, LaShonda

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Counter Defendant** Tamayo, Dirubin

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Counter Defendant** Van Woodsen, Veronica

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Defendant** Russell Road Food and Beverage LLC

Total Charges 972.00

Total Payments and Credits 972.00

**Balance Due as of 12/27/2021 0.00****Objector** Roe, Rhonda

Total Charges 24.00

Total Payments and Credits 24.00

**Balance Due as of 12/27/2021 0.00****Plaintiff** Allen, Stacie

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Plaintiff** Divine, Michaela

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Personal Representative** Franklin, Jaqueline

Total Charges 673.00

Total Payments and Credits 673.00

**Balance Due as of 12/27/2021 0.00****Plaintiff** Lamar, Danielle

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Plaintiff** Park, Ashleigh

Total Charges 857.50

Total Payments and Credits 857.50

**Balance Due as of 12/27/2021 0.00****Plaintiff** Shepard, Lily

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 12/27/2021 0.00****Plaintiff** Strelkova, Karina

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-14-709372-C**

Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 12/27/2021</b>	<b>0.00</b>
<b>Personal Representative</b> Franklin, Jaqueline	
Appeal Bond Balance as of 12/27/2021	<b>500.00</b>

## DISTRICT COURT CIVIL COVER SHEET

A-14-709372-C

XXXI

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):  Ashleigh Park	Defendant(s) (name/address/phone):  Crazy Horse III Gentleman's Club at the Playground
Attorney (name/address/phone):  Ryan M. Anderson, Esq. Morris Anderson Law 716 S. Jones Blvd., Las Vegas, NV 89107 702-333-1111	Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input checked="" type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

11/4/14 /s/ Ryan M. Anderson

Date

Signature of initiating party or representative

See other side for family-related case filings.

**FFCL**  
**JEFFERY A. BENDAVID, ESQ.**  
Nevada Bar No. 6220  
**STEPHANIE J. SMITH, ESQ.**  
Nevada Bar No. 11280  
**BENDAVID LAW**  
7301 Peak Dr., Suite 150  
Las Vegas, Nevada 89128  
(702) 385-6114  
*Attorneys for Defendant/Counterclaimant*  
*Russell Road Food & Beverage, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JACQUELINE FRANKLIN,  
ASHLEIGH PARK, LILY SHEPARD,  
STACIE ALLEN, MICHAELA  
DIVINE, VERONICA VAN  
WOODSEN, SAMANTHA JONES,  
KARINA STRELKOVA,  
LASHONDA STEWART, DANIELLE  
LAMAR, and  
DIRUBIN TAMAYO, individually, and  
on behalf of a class of similarly  
situated individuals,

Plaintiffs,  
vs.

RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
Liability company (d/b/a CRAZY  
HORSE III GENTLEMEN'S CLUB, I-  
X, ROE EMPLOYER, I-X)

Defendants.

**Case No.: A-14-709372-C**  
**Dept. No.: 31**

**[PROPOSED] FINDINGS OF  
FACT AND CONCLUSIONS  
DENYING AND  
OVERRULING OBJECTIONS**

**AND**

**GRANTING FINAL  
APPROVAL OF CLASS  
ACTION SETTLEMENT**

**AND RELATED  
COUNTERCLAIMS**

1 Joint Motion for Final Approval of Class Action Settlement, with KIMBALL  
2 JONES, ESQ. of MORRIS//ANDERSON, and MICHAEL J. RUSING, ESQ. of  
3 RUSING LOPEZ & LIZARDI appearing on behalf of Plaintiffs, and the class, and  
4 JEFFERY A. BENDAVID, ESQ. and STEPHANIE J. SMITH, ESQ. of BENDAVID  
5 LAW appearing for Defendant, RUSSELL ROAD FOOD AND BEVERAGE LLC  
6 d/b/a CRAZY HORSE GENTLEMEN'S CLUB ("Defendant" and/or "Crazy Horse  
7 III") and Objections or Notice of Objections filed by various pseudonymously  
8 identified objectors, with LEON GREENBERG, ESQ. of LEON GREENBERG  
9 PROFESSIONAL CORPORATION, appearing on behalf of Objectors proceeding  
10 pseudonymously having come on for hearing September 30, 2021 at 9:30 a.m. in  
11 Department 31 of the above-titled Court, with the Honorable Judge Joanna Kishner  
12 presiding.

### 13 **PROCEDURAL HISTORY**

14  
15 The underlying Complaint in the above-captioned matter was filed on  
16 November 4, 2014, after multiple years of litigation, on or about July 11, 2017,  
17 Defendant prevailed in striking the Plaintiffs' renewed motion for class action  
18 certification, the Court having previously denied without prejudice Plaintiffs' motion  
19 for class action certification and the Court granted a Motion to Dismiss on Plaintiffs'  
20 operative complaint pursuant to NRCP 12(b)(1) and NRCP 12(h)(3). Subsequent  
21 thereto, Defendant also prevailed in obtaining summary judgment against the  
22 remaining named Plaintiff. The findings of fact and conclusions of law were entered  
23 on October 12, 2017. On October 17, 2017, Plaintiffs filed a notice of appeal. The  
24 appeal was subsequently fully briefed on December 21, 2018, with the Plaintiffs  
25 seeking to reverse the district court's orders granting summary judgment, dismissing  
26  
27  
28

1 the complaint, and denying class action certification The appeal was thereafter  
2 scheduled for oral argument by the Nevada Supreme Court, during the pendency of  
3 that scheduling, Plaintiffs and Defendant reached an agreement for a proposed class  
4 action settlement after significant negotiations, on or about October 16, 2019.  
5 Plaintiffs and Defendant filed a Joint Motion to Dismiss the Appeal on February 27,  
6 2020. On February 28, 2020, the Nevada Supreme Court filed an Order Dismissing  
7 the Appeal and Remanding to the District Court to conduct appropriate proceedings to  
8 alter, amend or vacate its order or judgment for the parties to fulfill the terms of their  
9 settlement agreement. Such Order further provided that in the event the district court  
10 declined to grant the relief sought by the parties, Plaintiffs could seek to reinstate the  
11 appeal by motion, in the event that the district court denied relief. On June 25, 2020,  
12 Plaintiffs and Defendant submitted a Joint Motion to Conditionally Certify Class,  
13 Preliminarily Approve Class Settlement and Directing Notice to Class Members. The  
14 Court granted the Motion to Preliminarily Approve Class Settlement on August 6,  
15 2020, as well as a motion to conditionally set aside rulings on dispositive motions and  
16 the denial of class certification in order for the District Court to have full jurisdiction  
17 over administration of the settlement.  
18  
19  
20

21 Plaintiffs and Defendant engaged in the process of notifying the conditionally  
22 certified class, and the first notice mailing occurred on November 6, 2020, with a  
23 deadline to object of January 5, 2021 (60 days after notice mailing). The notice process  
24 extended through into 2021. In order to effectuate the notice mailing to additional class  
25 members who did not have any address on record with Defendant, the Parties,  
26 subsequently agreed for the settlement administrator to perform a “skip trace” of  
27 individuals who were not sent notice in the November 6, 2020 notice mailing, and to  
28

1 remove the previously agreed upon term that reversion would occur of the settlement  
2 proceeds, with the net settlement funds to be distributed pro rata amongst valid  
3 claimants. Plaintiffs and Defendant submitted this stipulation and order for the court's  
4 approval on April 29, 2021, which the Court granted. The Court continued the hearing  
5 regarding Final Approval of the Class Settlement to September 30, 2021. Due to the  
6 Court's grant of the settlement modification, a continued notice mailing occurred on  
7 June 23, 2021, to 2,573 conditional class members who were not sent the initial notice  
8 mailing. The deadline by which to object to the proposed class action settlement was  
9 identified in the continued notice mailing as 60 days after its mailing, or August 23,  
10 2021.  
11

12  
13 On August 31, 2021, objectors who used pseudonymous names in their public  
14 filings through their counsel filed a Notice of Filing of Written Objections to Proposed  
15 Class Action Settlement and Intent to Appear at Hearing. Such counsel also presented  
16 to the Court on August 31, 2021, with a copy served on counsel for all of the parties  
17 on that date, a Motion to Intervene on Order Shortening Time that also incorporated  
18 those Objections. On September 2, 2021, counsel for Objectors and Proposed  
19 Intervenor filed a Motion for Protective Order regarding the use of pseudonymous  
20 names by the Objectors. The Court signed an Order Shortening Time on such Motion  
21 to Intervene on September 3, 2021. Those objectors were identified by their true names  
22 to the counsel for the parties on September 13, 2021, upon their agreement to keep that  
23 information confidential pursuant to a proposed stipulation and order submitted to the  
24 Court on that date. The Court, for reasons stated in the record of a status conference  
25 it held to address that proposed stipulation and order on September 17, 2021, declined  
26 to "so order" that stipulation, such reasoning is adopted herein by reference.  
27  
28

1 Subsequent documents, titled joinders to objections were filed on, September 2<sup>nd</sup>,  
2 September 9<sup>th</sup>, September 14<sup>th</sup>, September 22<sup>nd</sup>, September 23<sup>rd</sup> and September 27<sup>th</sup>  
3 2021, all under pseudonyms with their names being subsequently provided to counsel  
4 for Plaintiffs and Defendant upon their request thereafter, the final objecting individual  
5 was not identified to counsel until September 30, 2021.  
6

7 On September 23, 2021, the Court heard Proposed Intervenors/Objectors'  
8 Motion to Intervene on shortened time, and denied the Motion to Intervene. The  
9 Motion for Final Approval of Class Action Settlement, purported "Objections" to the  
10 class action settlement, and Plaintiffs' Motion for Attorneys' Fees and Costs all came  
11 before the Court on September 30, 2021.  
12

### 13 **FINDINGS OF FACT REGARDING OBJECTIONS**

14 1. Objectors filed their notices of objection or joinders to such notices after the  
15 deadline for filing objections, and none of the Objectors appeared in person at the  
16 hearing for final settlement approval.  
17

18 2. The notices of objection<sup>1</sup> suffered from numerous procedural defects.

19 3. The objections were not filed by the January 5, 2021 deadline specified in the  
20 first notice mailing or the August 23, 2021 deadline specified in the second notice  
21 mailing, with the first "notice of objection" being filed on August 31, 2021, and the  
22 last joinder thereto being filed on or about September 27, 2021, and are untimely. The  
23 Court was advised that four Objectors allege they never received either mailed notice  
24 and does not find such circumstances sufficient to modify its finding that all of the  
25  
26  
27  
28

---

<sup>1</sup> For sake of clarity the various "notice of objections" and joinders thereto may also be referred to as "objections" within these findings.



1 objections were untimely. Two of the Objectors also admitted that they received  
2 notice, and mailed opt-in forms.

3 4. Objectors' purported objections filed on August 31, 2021, were 301 pages  
4 long and included exhibits that did not comply with EDCR 2.27 as they did not have  
5 consecutively numbered pages and were not submitted in a separate appendix with a  
6 table of contents.

7  
8 5. Objectors' purported objections contain declarations that have an assigned  
9 name, which was blacked out, and redacted without the Court's permission.

10 6. The Court previously notified the parties and after the filing of Objectors'  
11 motion on September 2, 2021 for a protective order, that there were issues with respect  
12 to the redacted/pseudonyms on declarations submitted to the Court, and no correction  
13 or other filing apart from the submissions made to the Court in connection with that  
14 motion for a protective order was made to address or respond to the Court's concerns  
15 regarding the redacted/pseudonyms.

16  
17 7. Further, the declarations submitted to the Court which purportedly constituted  
18 part of or the entirety of the objections or contained the objections did not have  
19 personal facts and information contained within, and do not state that they are made  
20 upon personal knowledge.

21  
22 8. The declarations submitted by the Objectors contain boilerplate language,  
23 were prepared by counsel, contain no statement that they are made on personal  
24 knowledge, contain no statement authorizing counsel for Objectors to present  
25 objections for such persons, and the Court finds they do not comply with the Court's  
26 Order respecting the presentation of objections to the settlement which provides an  
27 objector can appear "with or without counsel".  
28

1 9. The declarations submitted by Objectors make legal conclusions for which  
2 there is no basis in fact within the actual record of the case and are speculative. The  
3 Court finds the objections to be deficient procedurally but to the extent they purport  
4 to raise issues regarding the fairness of the proposed settlement, and the appropriate  
5 legal analysis, the Court will properly examine the fairness of the settlement and  
6 conduct the proper legal analysis of the same regardless. The Court will not consider  
7 speculation of counsel as presented within the objections regarding what would occur  
8 if the Supreme Court were to consider a reinstated appeal in this case or if further  
9 proceedings were taken in this case.  
10

11  
12 10. Several of the purported “Joinders” to the August 31<sup>st</sup> filing of Notice of  
13 Objection were filed after seven (7) days from the original filing, or were otherwise  
14 filed after the “Motion to Intervene” which also contained the same objections that  
15 were filed on August 31<sup>st</sup>.  
16

17 11. The Court found that both the declarations and the pleadings submitted by the  
18 Objectors contain portions that are speculation, and assumptions that are not supported  
19 by the facts or the record of this matter, and accordingly lack foundation and the Court  
20 would not consider those portions of such declarations.  
21

22 12. The Objectors did not present any evidence to the Court that indicates any  
23 previous ruling would be overturned, since the summary judgment decision that was  
24 appealed applied to only a single individual, and class action certification was denied  
25 and sought a second time and denied again with such second motion stricken, the  
26 Court finding there would be no basis for the denial of class action certification to be  
27 modified.  
28

1 13. The Court finds that the procedural positions of the parties, and the facts  
2 presented in *Jane Doe Dancer I et al. v. La Fuente*, 137 Nev. Adv. Op. 3, filed  
3 February 25, 2021, were significantly different from the facts and appealed decisions  
4 rendered in the above-captioned matter and that the Court's rulings on class action  
5 certification in this case would not be altered by the *La Fuente* decision.  
6

7 14. The Court finds that the overall gross settlement amount of \$675,000.00 was  
8 fair and reasonable at the time that it granted preliminary approval and also presently,  
9 that its fairness and reasonableness is supported by the factual record, and the positions  
10 of the Parties, and none of the information presented to the Court would create any  
11 reasonable basis for the Court to reach a contrary conclusion  
12

13 15. The Court approved the initial notice and the mailing notice, both in the form  
14 and timing to notify potential class members.

15 16. At least two of the purported Objectors admitted to having actually received  
16 notice with those two individuals having opted-in as claimants.  
17

18 17. The Court did not receive any admissible evidence illustrating that the  
19 preliminary approval, or the notice process was unfair or unreasonable.

20 18. The Court had already granted preliminary approval, and the Plaintiffs and  
21 Defendants has already agreed to a modification that would result in more funds being  
22 available to claimants which the Court also already approved.  
23

#### 24 **CONCLUSIONS OF LAW**

25 19. Based on the foregoing findings of fact, the Court concludes that each and  
26 every purported objection was untimely as it was submitted after the August 23, 2021  
27 date to file any objections, and counsel further admits that none of the purported  
28

1 objections were filed by the date, and therefore the Court will overrule or deny those  
2 objections based on the fact that they were untimely.

3 20. The initial document filed by Objectors on August 31, 2021 and on September  
4 2, 2021, did not comply with the Court's orders regarding objections, and the Court  
5 could did not find substantial compliance from the face of the document.  
6

7 21. The initial document filed by Objectors was improperly titled as a Notice and  
8 not a motion or otherwise indicating it was an actual objection, however, to the extent  
9 that the Court construes it as such it is otherwise not compliant with EDCR 2.27, since  
10 based on the findings of fact, it failed to properly provide an appendix or table of  
11 contents or number those exhibits consecutively in the lower right hand corner.  
12 Therefore, the Court finds that this document is procedurally improper.  
13

14 22. The declarations filed by Objectors in conjunction with or in support of the  
15 purported objections did not comply with Supreme Court Rule 3, as they contained  
16 improper redactions, or pseudonyms which were not approved by Court. The  
17 Objectors failed to try to rectify this violation after it was pointed out by the Court and  
18 the Court finds the filing of a Motion for a Protective Order on September 2, 2021, did  
19 not appropriately attempt to address this issue and therefore the Court finds an  
20 additional basis as to why it cannot consider these purported declarations in support  
21 of objections or asserting objections.  
22

23 23. The Court also found that, the declarations submitted by the Objectors made  
24 assertions that were not based on personal knowledge, and were essentially boilerplate  
25 copies contained unsupported speculation and made unsubstantiated legal conclusions  
26 prepared by counsel so the Court cannot properly afford these any evidentiary basis.  
27  
28

1 24. Further the Court finds that the declarations submitted by Objectors do not  
2 authorize counsel to appear on their behalf to assert their objections, and Objectors'  
3 respective failure to appear with counsel or on their own is against the Court's previous  
4 orders that objectors should appear with counsel or on their own at the time for hearing  
5 to assert objections, and accordingly this provides another basis to deny the objections  
6

7 25. The Court further finds that pursuant to EDCR 2.20, which provides that any  
8 nonmoving party may file a written joinder within 7 days after service of a motion,  
9 any such joinders (aside from the other impropriety of their filing) filed more than 7  
10 days after the August 31, 2021, document by Objectors, must not be considered as  
11 they are also untimely as well as procedurally improper.  
12

13 26. The Court concludes that it has sufficient information and argument before it  
14 to perform an appropriate analysis as to whether the settlement merits final approval,  
15 pursuant to *United States v. Oregon*, 913 F.2d 576, 582 (9<sup>th</sup> Cir. 1990), citing and  
16 quoting *Cotton v. Hinton*, 559 F.2d 1326, 1331 (5th Cir. 1977).  
17

18 27. The Court concludes also that its evaluation although necessary, 'must stop  
19 short of the detailed and thorough' investigation of a trial." *Id.*, quoting and citing  
20 *City of Detroit v. Grinnell Corp.*, 495 F.2d 448, 462 (2d Cir. 1974). "The reviewing  
21 court should not determine contested issues of fact that underlie the dispute." *Id.*,  
22 citing *Officers for Justice v. Civil Service Comm'n*, 688 F.2d 615, 625 (9<sup>th</sup> Cir. 1982).  
23 Accordingly, the Court will not do a full analysis of each contested issue as it is not  
24 appropriate to do so in analyzing the final fairness and reasonableness of the class  
25 action settlement.  
26

27 28. The Court finds that despite the procedural and substantive defects in the  
28 objections, it is appropriate for the Court to consider certain due process issues raised

1 by the Objectors regarding the procedure of the class action administration, and  
2 fairness, which the Court would have already considered in performing its analysis of  
3 whether to grant final approval of the class action settlement.

4  
5 29. Courts in the Ninth Circuit consider the following eight factors to assess  
6 whether final approval of a class settlement is warranted: (1) the strength of plaintiffs’  
7 case; (2) the risk, expense, complexity, and likely duration of further litigation; (3) risk  
8 of maintaining class action status through trial; (4) amount offered in settlement; (5)  
9 extent of discovery completed and state of the proceedings; (6) experience and views  
10 of counsel; (7) whether there is a governmental participant; and (8) reaction of class  
11 members to the proposed settlement. *Churchill Village v. Gen. Elec.*, 361 F.3d 566,  
12 575 (9th Cir. 2004).

14 30. A court should approve a class settlement under Rule 23(e) if it “is  
15 fundamentally fair, adequate and reasonable.” *Torrise v. Tucson Elec. Power Co.*, 8  
16 F.3d 1370, 1375 (9th Cir. 1993) (internal quotation marks omitted); accord *In re Mego*  
17 *Fin. Corp. Sec. Litig.*, 213 F.3d 454, 458 (9th Cir. 2000) (citation omitted). Although  
18 this is a citation that references the Federal Rules, NRCP 23 is analogous for the  
19 purposes of analyzing whether the settlement is fair, adequate, and reasonable and  
20 appropriate for final approval.

22 31. The Nevada Supreme Court specifically remanded the above-captioned case  
23 to the “district court to conduct appropriate proceedings, if any, to alter, amend or  
24 vacate its order or judgment as necessary for the parties to fulfill the terms of their  
25 settlement agreement”. *Supreme Court order of dismissal of appeal and remand, dated*  
26 *February 28, 2020*. Accordingly, the Court finds that based on this order, it is  
27 appropriate to incorporate all of the Court’s prior orders with regards to notice, the  
28

1 motion(s) to certify class, the vacating of various orders, and the extension of various  
2 times.

3 32. Although class settlement requires the Court to exercise independent scrutiny  
4 of the settlement in connection with granting settlement approval, the Court, must also  
5 give “proper deference to the private consensual decision of the parties.” *Hanlon v.*  
6 *Chrysler Corp.*, 150 F.3d 1011, 1027 (9th Cir. 1998). Under that “proper deference  
7 standard” the Court’s examination of the terms of a class settlement “...must be limited  
8 to the extent necessary to reach a reasoned judgment that the agreement is not the  
9 product of fraud or overreaching by, or collusion between, the negotiating parties, and  
10 that the settlement, taken as a whole, is fair, reasonable and adequate to all concerned.”  
11 *Id.*, citing *Officers for Justice*, 688 F.2d at 625.), which will also be considered by the  
12 Court herein.

15 33. The Court in analyzing the fairness, reasonableness, and adequacy of the  
16 settlement, reviews the procedural posture of the case at the time of resolution was that  
17 class certification had been denied, and the fact that the Court had previously found  
18 that the potential class members were not necessarily similarly situated to the named  
19 plaintiffs based on the facts and evidence presented to it. Further, the Court finds that  
20 the second motion for class certification was denied due to how it was presented to the  
21 Court, and the failure to address its previous deficiencies or present additional  
22 evidence, and neither of these denials were on the basis of NRS 608.

25 34. Accordingly, the Court does not find that any subsequent rulings would be  
26 likely to have a material effect on the Court's prior decisions with respect to class  
27 certification.

1 35. Further, the Court finds that holdings within *Jane Doe Dancer I et al. v. La*  
2 *Fuente*, directs district courts to conduct an appropriate analysis on the individualized  
3 facts of matters before them involving wage and hour allegations and dancers,  
4 accordingly, the Court finds that it already performed such an analysis of the  
5 individualized facts in this matter, as they related to the only remaining individual  
6 plaintiff at the time of summary judgment, Jacqueline Franklin insofar as this Court  
7 must consider the relative positions of the Parties as well as the likelihood of sustaining  
8 a future class certification. Otherwise the Court cannot speculate as to any other  
9 possible outcome that may be reached by the Supreme Court.  
10

11 36. The Court also concludes that the Supreme Court's order dismissing the  
12 appeal and remanding it back to the District Court, did not include any findings or  
13 instruction which would permit either party to introduce new arguments, only that it  
14 "could reinstate the appeal" via a motion, pursuant to the order's plain language.  
15

16 37. Based on the individual remaining plaintiff, the lack of class certification, and  
17 the different factual aspects underlying the *La Fuente* decision, the Court views that  
18 the positions of the Plaintiffs and Defendant when engaging in settlement negotiations,  
19 obtaining preliminary approval, and now seeking final approval have not been altered  
20 by any subsequent rulings, including *La Fuente*, based on the Court's analysis of the  
21 parties' positions, and the facts and record of this matter.  
22

23 38. The Court concludes that sending out the two mailings, and performing skip  
24 traces and the processes done by Simpluris as presented within the declaration from  
25 Simpluris representative, Cassandra Polites, evidences that class members had fair and  
26 adequate notice.  
27  
28



1 39. The Court finds, based on the representations made orally on the record to the  
2 Court by Plaintiffs' counsel at the September 30, 2021 hearing, that there is no  
3 discrepancy in respect to the number of class members and the number of class  
4 members to whom notice was mailed by Simpluris. Accordingly, based on the  
5 elimination of this claimed discrepancy by objectors involving 262 class members, the  
6 Court finds that approximately 89.1 percent of the proposed class, and not 86.1% of  
7 the proposed class as indicated by Objectors, received or at least presumptively  
8 received (if a packet was not returned) notice further indicating that the process was  
9 fair and appropriate, including some of the purported Objectors.  
10

11 40. The Court also reviews the gross settlement amount of \$675,000.00, which it  
12 already preliminarily approved, is also fair and adequate given the positions of the  
13 parties, and also due to the fact that unlike in the preliminary approval, the full amount,  
14 minus fees and costs as delineated within the settlement agreement and pursuant to  
15 this Court's orders, will be available to pay claimants, with any amounts being  
16 returned to Defendant only after a claimant has been sent a check and had the  
17 opportunity to cash it.  
18

19 41. There was no legal authority before the Court to suggest that the possibility  
20 of a higher settlement or recovery, must be a relevant factor in determining whether to  
21 grant final approval. The Court concludes that Objectors' counsel assertions that such  
22 a larger recovery was probable or should be considered under the relevant  
23 circumstances is speculation and is not persuasive authority weighing against final  
24 approval of the settlement.  
25

26 42. Further, when determining whether to grant final approval to a class action  
27 settlement, courts review such settlements in light of strong judicial and public policies  
28

1 favoring compromise. *In re Sumitomo Copper Litig.*, 189 F.R.D. 274, 280 (S.D.N.Y.  
2 1999). A class action suit, with the accompanying litigation time, cost, and  
3 uncertainty, particularly lends itself to settlement. *See Air Line Stewards &*  
4 *Stewardesses Ass’n v. Trans World Airlines, Inc.*, 630 F.2d 1164, 1166-67 (7th Cir.  
5 1980) (“Federal courts look with great favor upon the voluntary resolution of litigation  
6 through settlement. . .this rule has particular force regarding class action lawsuits.”)

7  
8 43. The Court also concludes that weighing all factors such as judicial and public  
9 policies and the accompanying time, cost and uncertainty of this matter, the positions  
10 of the Parties, and the possibility that a class action may not be obtained, that this  
11 settlement amount is fair and reasonable, when it looks to the totality of all of the  
12 circumstances, positions of the parties, and history of the case leading up to the  
13 settlement, as well as the uncertainty of the Plaintiffs prevailing in the future should  
14 the appeal be reinstated. Indeed, the Court recognizes that there is the possibility of no  
15 recovery by individual plaintiffs and additional attorneys’ fees and costs.  
16

17  
18 44. The Court concludes even after considering the court approved settlement of  
19 federal minimum wage claims by certain dancers in a collective action against  
20 defendant in *Desio v. Russell Road Food and Beverage LLC*, United States District  
21 Court of Nevada, 15-CV-1440, discussed in Objectors’ reply filing with a later errata  
22 filed containing such order, that such Court approved settlement cannot properly be  
23 weighed as evidence as to the fairness of this settlement, because it fails to address any  
24 factors or the underlying facts of that case and positions of the parties therein in any  
25  
26  
27  
28

1 fashion that should or does meaningfully impact the Court's analysis of the proposed  
2 settlement in this case.<sup>2</sup>.

3 45. Further, the Court here looks to the Supreme Court which chose to forego oral  
4 argument and remands the matter back even on the eve of such oral argument  
5 occurring, and with specific instructions to the Court regarding the effectuation of  
6 settlement, and in accordance with relevant case law also looks at such an agreement  
7 with deference to the parties' agreement.  
8

9 46. The Court also concludes that there were no timely objections filed by any  
10 individuals, and at least some individuals did effectively opt-out of being included in  
11 the settlement.  
12

13 47. Even with the extended notice period permitted by the Court there were no  
14 timely objections until there was some publicity by current Objectors' counsel and  
15 even those were filed untimely.  
16

17 48. The Court has reviewed the fact that there is a bona fide dispute between the  
18 parties regarding minimum wage, and the Court specifically concludes that because  
19 prior to settlement there was no class certified, the individuals here, are getting benefits  
20 out of the settlement of a class which they did not have previously and which they may  
21 not achieve in the future. The Court concludes therefore this is an additional benefit to  
22 those individuals who decided to file a claim. Indeed, the Court concludes that this  
23 settlement "provides for relief now, not some wholly speculative payment of a  
24 hypothetically larger amount years down the road." *Strougo v. Bassini*, 258 F. Supp.  
25 2d 254, 260 (S.D.N.Y. 2003). Under these circumstances, it is proper for the Parties  
26  
27  
28

---

<sup>2</sup> Such case was also filed as a collective action which differs from a class action, pursuant to the Federal Rules of Civil Procedure.

1 “to take the bird in the hand instead of the prospective flock in the bush.” *Oppenlander*  
2 *v. Standard Oil Co.*, 64 F.R.D. 597, 624 (D. Colo. 1974) (citation omitted).

3 49. The Court also concludes that because of the adequate notice, and the fact that  
4 there was sufficient notice of sums that could be given, and the fact that individuals  
5 had a clear claims procedure which people were able to follow, there is further  
6 evidence of the fairness and adequacy of the procedure and amount.

7 50. The Court also concludes in analyzing the relevant factors in final approval,  
8 there was no global determinations in this case as to anyone else, and even a “reversal”  
9 with regards to the individual plaintiff on whom summary judgment was granted  
10 against, such a reversal would not inure to anyone else.

11 51. The Court recognizes that also at the time of the Court’s previous rulings there  
12 were also subject matter jurisdiction issues with certain individuals, which the Court  
13 must also consider based on the law at the time of the decisions, which also weighs in  
14 favor of final approval of the settlement.

15 52. In accordance with the relevant factors identified by the Ninth Circuit, the  
16 Court also concludes based on the case history and docket, that there was significant  
17 investigation, formal and informal discovery, and significant research conducted so that  
18 the parties were able to reasonably evaluate the settlement.

19 53. Further, the Court concludes that the fact this case was heavily litigated,  
20 commencing in 2014, and in active litigation throughout 2017 and 2018 until the  
21 Court’s decisions were appealed also weighs heavily in favor of final approval, and the  
22 fairness and reasonableness of the final settlement amount.

23 54. The Court concludes that the final approval will prevent individuals from the  
24 process of having to go back and see if their individual claims could potentially even  
25  
26  
27  
28

1 go to class certification, and such final approval will avoid substantial costs, delay and  
2 risk that would be presented for further pursuit of litigation. This also weighs in favor  
3 of the final approval of the class settlement.

4 55. Based on the information presented to the Court and arguments of counsel, the  
5 proposed settlement has been reached as the result of intensive, serious and non-  
6 collusive negotiations. There has been no evidence that there was any collusion in  
7 negotiating this settlement, and in fact the opposite was presented to the Court in both  
8 filings and argument of counsel for the Plaintiffs and Defendant.

9 56. The Court concludes that both Plaintiffs and Defendant were represented by  
10 experienced counsel, and the respective counsel for the parties demonstrated that they  
11 have the requisite background and experience in litigating and negotiating these types  
12 of issues, including Rule 23, and employment related matters. The Court has analyzed  
13 this factor throughout the proceedings, and in particular when it permitted class counsel  
14 to proceed as such.

15 57. The Court also concludes that the scope of the release is appropriate and  
16 afforded individuals the requisite opportunity to be excluded from the settlement, as  
17 some individuals chose to do. The overwhelming majority of the class willingly  
18 approved the offer and stayed in the class, and presented no timely objections evidences  
19 objective positive commentary as to its fairness. *Hanlon*, 150 F.3d at 2017. Indeed, any  
20 additional or other potential recovery would be years later for any individuals at great  
21 risk.

22 58. The Court further concludes that there is no governmental participant which  
23 also weights in favor of the settlement. *See Churchill Village v. General Electric*, 361  
24 F.3d 566.

1 59. Further, to the extent that the Court was legally permitted to look at the  
2 purported objections submitted to the Court, the Court concludes that upon its analysis  
3 the objections are not individualized and ultimately are based on the individuals being  
4 told that they could get more money. The potential that the Supreme Court may render  
5 a ruling that impacts this specific case in their favor does not vitiate the fact that this  
6 settlement as negotiated and reviewed by the Court is fair, reasonable and adequate.

7  
8 60. In accordance with the Preliminary Approval Order, and the stipulation and  
9 order which modified the settlement signed and entered by the Court on April 29, 2021,  
10 the class members which are defined as being individuals who performed at Crazy  
11 Horse III Gentlemen's Club between November 4, 2012 to October 16, 2019, and who  
12 had at least one log-in for a minimum of at least two hours, as provided for by the  
13 Settlement Agreement constitute a certified class for purposes of this settlement  
14 approval and pursuant to Rule 23, with the exception of those who specifically and  
15 timely requested to be excluded.  
16

17 61. The Court concludes that none of its findings or conclusions modify or  
18 otherwise overrule any of its previous orders in this matter, and to the extent that any  
19 conclusions or findings which were made orally are not otherwise memorialized in  
20 these conclusions they are incorporated herein.  
21

22 **THE COURT FINDS** that payment from the Settlement of \$5,000.00 to  
23 Jacqueline Franklin, as the representative plaintiff from the Settlement to compensate  
24 her for her efforts on behalf of the Class, is fair and adequate and shall be made.  
25

26 **THE COURT ALSO FINDS** that the administration costs of Simpluris, as  
27 the settlement administrator, in the amount of \$30,000.00, are fair and reasonable and  
28

shall be paid as provided for in the settlement agreement, with any additional fees to be paid by Defendant.

**THE COURT FURTHER FINDS** that by operation of the entry of this Final Approval Order, Plaintiffs and Class Members are permanently barred from prosecuting against Russell Road, and the Released Parties any of the released claims as specified in the Settlement Agreement, except for the following individuals who elected to, and did, file a timely request to be excluded from the Settlement:

First Name	Last Name
Chelsey	Mckenna
Anastasiya	Hancharyk
Brittney	Dudinski
Jenna E	Buckley
Samantha C	Spiridellis
Aisha	Arid
Amber	Shafer
Kelsy	Bingo
Erika	Donaldson
Stavroula	Papanikoj
Yaritza	Zalazar Silva
Natalie	Yang
Twana	Deshayes
Katelyn	Hebden
Samara	Brandon

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Elizabeth	Betancourt
Angela	Moore
Kyra	Gutierrez
Kameron	Ernestberg
Erica L	Chavez
Sherry	Smith

**IT IS HEREBY ORDERED** that the Objections or Notices of Objection to final approval of the class action settlement are DENIED and OVERRULED.

**IT IS FURTHER ORDERED** that the Court GRANTS the Motion for Final Approval of Class Action Settlement.

**THE COURT ORDERS** that upon completion of administration of the settlement, the Settlement Administrator will provide written certification of such completion to the Court and counsel for the Parties.

// // //  
// // //  
// // //  
// // //  
// // //





## Stephanie Smith

---

**From:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>  
**Sent:** Friday, November 5, 2021 4:14 PM  
**To:** Stephanie Smith; Kimball Jones, Esq.  
**Cc:** Erick Finch; Ranni Gonzalez; Jeffery Bendavid; Leilani Gamboa; Mick Rusing; Jackie Franks  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

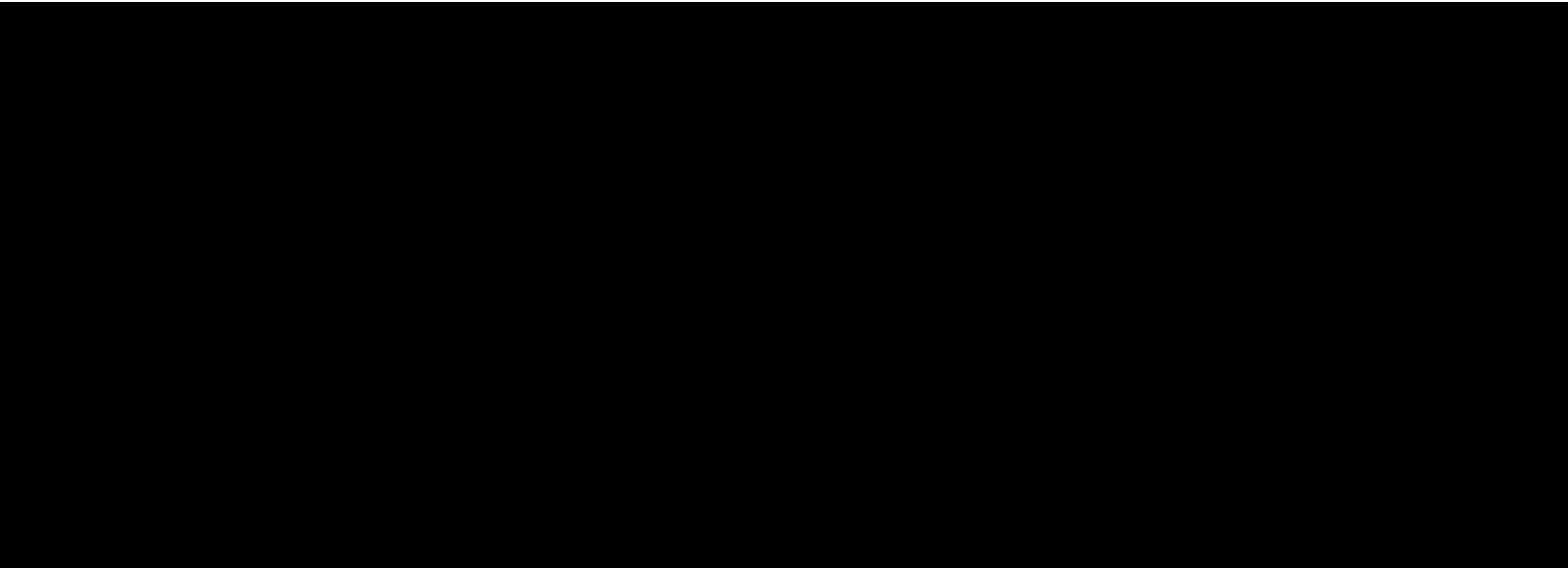
I grant my consent for you to place my /s/ on this as agreement to the form as you have drafted for this order and you can submit it accordingly. You considered my last remaining concern regarding that language in paragraph 7 not being congruent with the record and disagreed with changing that, I will not be submitting any varying form of Order as I do not believe that issue is sufficiently material to warrant that and give my consent to the form of Order you have prepared. Thank you.

Leon Greenberg  
Attorney at Law  
2965 South Jones Boulevard #E3  
Las Vegas, NV 89146  
(702) 383-6085  
Member Nevada, California  
New York, New Jersey and Pennsylvania Bars  
Website: Overtimelaw.com  
Leongreenberg@overtimelaw.com

---

**From:** Stephanie Smith <:ssmith@bendavidfirm.com>  
**Sent:** Friday, November 05, 2021 4:02 PM  
**To:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Cc:** Erick Finch <erick@bighornlaw.com>; Ranni Gonzalez <ranni@overtimelaw.com>; Jeffery Bendavid <jbendavid@bendavidfirm.com>; Leilani Gamboa <LGamboa@bendavidfirm.com>; Mick Rusing <mrusing@rllaz.com>; Jackie Franks <jfranks@rllaz.com>  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

Kimball and Leon- can you please each provide a clean authorization email regarding your signature as to the attached. Thank you.



## Stephanie Smith

---

**From:** Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Sent:** Sunday, November 7, 2021 3:05 PM  
**To:** Stephanie Smith  
**Cc:** dc31inbox@clarkcountycourts.us; Jeffery Bendavid; Mick Rusing; Erick Finch; leongreenberg overtimelaw.com; Ranni Gonzalez; Jackie Franks  
**Subject:** Re: Case No. A-14-709372 - Park v. Russell Road - Proposed Findings of Fact and Conclusions of Law Denying Objections and Granting Final Settlement Approval

We approve. My e-signature may be added. We approved several almost identical prior versions - apologies for the late approval on this version.



**Kimball Jones, Esq.**  
Partner | Attorney  
Tel: (702) 333-1111  
Fax: (702) 507-0092  
Email: kimball@bighornlaw.com  
Web: bighornlaw.com



This email and any attachments are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please contact the sender(s) at (702) 333-1111 and delete all copies from your system. Please note that any opinions in this email are solely those of the author and do not necessarily represent those of Bighorn Law, and is not to be considered legal advice.

On Fri, Nov 5, 2021 at 5:19 PM Stephanie Smith <ssmith@bendavidfirm.com> wrote:

Department 31- Please be advised I was unable to obtain final signature authorization prior to this submission of the proposed FFCL from Plaintiffs' counsel, they are cc-ed on here so that they may respond directly to the Court. Attached please find the authorization of Mr. Greenberg who is also cc-ed on this email. Thank you.

Stephanie J. Smith, Esq.

**BendavidLaw**

## Stephanie Smith

---

**From:** Mick Rusing <mrusing@rllaz.com>  
**Sent:** Friday, November 5, 2021 9:39 PM  
**To:** Stephanie Smith  
**Subject:** Re: Park et al v. Russell Road- stipulation and order - work up - concern

Ok

Sent from my iPhone

On Nov 5, 2021, at 5:06 PM, Stephanie Smith <ssmith@bendavidfirm.com> wrote:

Mick and Kimball- Please provide your authorizations. We have to submit to the Court today.

---

**From:** Stephanie Smith  
**Sent:** Friday, November 5, 2021 4:02 PM  
**To:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Cc:** Erick Finch <erick@bighornlaw.com>; Ranni Gonzalez <ranni@overtimelaw.com>; Jeffery Bendavid <jbendavid@bendavidfirm.com>; Leilani Gamboa <LGamboa@bendavidfirm.com>; Mick Rusing <mrusing@rllaz.com>; Jackie Franks <jfranks@rllaz.com>  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

Kimball and Leon- can you please each provide a clean authorization email regarding your signature as to the attached. Thank you.

---

**From:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>  
**Sent:** Friday, November 5, 2021 2:47 PM  
**To:** Stephanie Smith <ssmith@bendavidfirm.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Cc:** Erick Finch <erick@bighornlaw.com>; Ranni Gonzalez <ranni@overtimelaw.com>; Jeffery Bendavid <jbendavid@bendavidfirm.com>; Leilani Gamboa <LGamboa@bendavidfirm.com>; Mick Rusing <mrusing@rllaz.com>; Jackie Franks <jfranks@rllaz.com>  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

I do think that small issue in paragraph 7 remains and it would be better to address it (if you think that paragraph should remain, I don't really see the point of it) by adopting the language I gave you. You don't do that in this last draft and if you decline to do as I suggested on that I am not going to withhold my /s/ or spend further time on this. So you can indicate my /s/ on this in the form as you last provided or if you seek to review/edit further you can get back to me. Thank you for your cooperation.

Leon Greenberg  
Attorney at Law  
2965 South Jones Boulevard #E3  
Las Vegas, NV 89146  
(702) 383-6085

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Ashleigh Park, Plaintiff(s)

CASE NO: A-14-709372-C

7 vs.

DEPT. NO. Department 31

8 Crazy Horse III Gentleman's  
9 Club at The Playground,  
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Findings of Fact, Conclusions of Law and Order was served via the  
15 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
16 case as listed below:

17 Service Date: 11/24/2021

18 Kimball Jones

kimball@bighornlaw.com

19 Brittany Meyer

brittany@bighornlaw.com

20 "Bryan J. Cohen, Esq. " .

bcohen@kzalaw.com

21 "Franks, Jackie" .

jfranks@rllaz.com

22 "Gregory J. Kamer, Esq." .

gkamer@kzalaw.com

23 "Jeffery Bendavid, Esq." .

j.bendavid@moranlawfirm.com

24 "Kaitlin H. Ziegler, Esq." .

kziegler@kzalaw.com

25 "Stephanie J. Smith, Esq." .

s.smith@moranlawfirm.com

26 Brenda Sciotto .

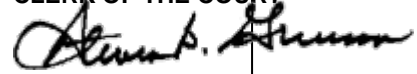
bsciotto@kzalaw.com

27 Erick Finch .

erick@morrisandersonlaw.com

28

1	Jane Mallory .	jmallory@kzalaw.com
2	Katie Ader .	Katie@morrisandersonlaw.com
3	Lauren Calvert .	lauren@morrisandersonlaw.com
4	Leilani Gamboa .	l.gamboa@moranlawfirm.com
5	Lisa Noltie .	lnoltie@kzalaw.com
6	Michael J Rusing .	mrusing@rllaz.com
7	P Andrew Sterling .	asterling@rllaz.com
8	Ryan Anderson .	Ryan@morrisandersonlaw.com
9	Sharon Waller .	swaller@rllaz.com
10	Leilani Gamboa	lgamboa@bendavidfirm.com
11	Leon Greenberg	wagelaw@hotmail.com
12	Ranni Gonzalez	ranni@overtimelaw.com
13	Leon Greenberg	leongreenberg@overtimelaw.com
14	Jeffery Bendavid	jbendavid@bendavidfirm.com
15	Stephanie Smith	ssmith@bendavidfirm.com
16	Leon Greenberg	leongreenberg@overtimelaw.com
17	Kenia Sotelo	kenia@bighornlaw.com
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		



1 **NEO**  
2 **JEFFERY A. BENDAVID, ESQ.**  
3 Nevada Bar No. 6220  
4 **STEPHANIE J. SMITH, ESQ.**  
5 Nevada Bar No. 11280  
6 **BENDAVID LAW**  
7 7301 Peak Drive Suite 150  
8 Las Vegas, Nevada 89128  
9 (702) 385-6114  
10 *Attorneys for Defendant/Counterclaimant*  
11 *Russell Road Food & Beverage, LLC*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 JACQUELINE FRANKLIN, ASHLEIGH  
11 PARK, LILY SHEPARD, STACIE  
12 ALLEN, MICHAELA DIVINE,  
13 VERONICA VAN WOODSEN,  
14 SAMANTHA JONES, KARINA  
15 STRELKOVA, LASHONDA,  
16 STEWART, DANIELLE LAMAR, and  
17 DIRUBIN TAMAYO, individually, and on  
18 behalf of a class of similarly  
19 situated individuals,

17 Plaintiffs,

18 vs.

19 RUSSELL ROAD FOOD AND  
20 BEVERAGE, LLC, a Nevada limited  
21 Liability company (d/b/a CRAZY HORSE  
22 III GENTLEMEN'S CLUB DOE CLUB);  
23 DOE CLUB OWNER, I-X, ROE  
24 EMPLOYER, I-X,

23 Defendants.

Case No.: A-14-709372-C  
Dept. No.: 31

**NOTICE OF ENTRY OF ORDER  
OF FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
DENYING AND OVERRULING  
OBJECTIONS**

**AND**

**GRANTING FINAL APPROVAL  
OF CLASS ACTION  
SETTLEMENT**

25  
26 Please take notice that a **FINDINGS OF FACT AND CONCLUSIONS**  
27 **DENYING AND OVERRULING OBJECTIONS AND GRANTING FINAL**

**BendavidLaw**

702.385.6114  
7301 Peak Drive, Suite 150  
Las Vegas, Nevada 89128

1 **APPROVAL OF CLASS ACTION SETTLEMENT** was entered in the above-  
2 entitled case by the Honorable Joanna S. Kishner on the 24<sup>th</sup> day of November, 2021.  
3 A copy of the Findings of Fact and Conclusions of law is attached hereto as Exhibit A.  
4

5 DATED this 1<sup>st</sup> day of December, 2021.

6 **BENDAVID LAW**

7 /s/ Jeffery A. Bendavid, Esq.

8 **JEFFERY A. BENDAVID, ESQ.**

9 State Bar No. 6220

10 **STEPHANIE J. SMITH, ESQ.**

11 State Bar No. 11280

12 7301 Peak Dr., Suite 150

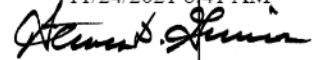
13 Las Vegas, NV 89128

14 *Attorneys for Defendant/Counterclaimant*

15 *Russell Road Food & Beverage, LLC*  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



# Exhibit “A”

  
CLERK OF THE COURT

**FFCL**  
**JEFFERY A. BENDAVID, ESQ.**  
Nevada Bar No. 6220  
**STEPHANIE J. SMITH, ESQ.**  
Nevada Bar No. 11280  
**BENDAVID LAW**  
7301 Peak Dr., Suite 150  
Las Vegas, Nevada 89128  
(702) 385-6114  
*Attorneys for Defendant/Counterclaimant*  
*Russell Road Food & Beverage, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JACQUELINE FRANKLIN,  
ASHLEIGH PARK, LILY SHEPARD,  
STACIE ALLEN, MICHAELA  
DIVINE, VERONICA VAN  
WOODSEN, SAMANTHA JONES,  
KARINA STRELKOVA,  
LASHONDA STEWART, DANIELLE  
LAMAR, and  
DIRUBIN TAMAYO, individually, and  
on behalf of a class of similarly  
situated individuals,

Plaintiffs,  
vs.

RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
Liability company (d/b/a CRAZY  
HORSE III GENTLEMEN'S CLUB, I-  
X, ROE EMPLOYER, I-X)

Defendants.

**Case No.: A-14-709372-C**  
**Dept. No.: 31**

**[PROPOSED] FINDINGS OF  
FACT AND CONCLUSIONS  
DENYING AND  
OVERRULING OBJECTIONS**

**AND**

**GRANTING FINAL  
APPROVAL OF CLASS  
ACTION SETTLEMENT**

**AND RELATED  
COUNTERCLAIMS**

**BendavidLaw**

702.385.6114  
7301 Peak Drive, Suite 150  
Las Vegas, Nevada 89128

1 Joint Motion for Final Approval of Class Action Settlement, with KIMBALL  
2 JONES, ESQ. of MORRIS//ANDERSON, and MICHAEL J. RUSING, ESQ. of  
3 RUSING LOPEZ & LIZARDI appearing on behalf of Plaintiffs, and the class, and  
4 JEFFERY A. BENDAVID, ESQ. and STEPHANIE J. SMITH, ESQ. of BENDAVID  
5 LAW appearing for Defendant, RUSSELL ROAD FOOD AND BEVERAGE LLC  
6 d/b/a CRAZY HORSE GENTLEMEN'S CLUB ("Defendant" and/or "Crazy Horse  
7 III") and Objections or Notice of Objections filed by various pseudonymously  
8 identified objectors, with LEON GREENBERG, ESQ. of LEON GREENBERG  
9 PROFESSIONAL CORPORATION, appearing on behalf of Objectors proceeding  
10 pseudonymously having come on for hearing September 30, 2021 at 9:30 a.m. in  
11 Department 31 of the above-titled Court, with the Honorable Judge Joanna Kishner  
12 presiding.

### 13 PROCEDURAL HISTORY

14  
15 The underlying Complaint in the above-captioned matter was filed on  
16 November 4, 2014, after multiple years of litigation, on or about July 11, 2017,  
17 Defendant prevailed in striking the Plaintiffs' renewed motion for class action  
18 certification, the Court having previously denied without prejudice Plaintiffs' motion  
19 for class action certification and the Court granted a Motion to Dismiss on Plaintiffs'  
20 operative complaint pursuant to NRCP 12(b)(1) and NRCP 12(h)(3). Subsequent  
21 thereto, Defendant also prevailed in obtaining summary judgment against the  
22 remaining named Plaintiff. The findings of fact and conclusions of law were entered  
23 on October 12, 2017. On October 17, 2017, Plaintiffs filed a notice of appeal. The  
24 appeal was subsequently fully briefed on December 21, 2018, with the Plaintiffs  
25 seeking to reverse the district court's orders granting summary judgment, dismissing  
26  
27  
28

1 the complaint, and denying class action certification. The appeal was thereafter  
2 scheduled for oral argument by the Nevada Supreme Court, during the pendency of  
3 that scheduling, Plaintiffs and Defendant reached an agreement for a proposed class  
4 action settlement after significant negotiations, on or about October 16, 2019.  
5 Plaintiffs and Defendant filed a Joint Motion to Dismiss the Appeal on February 27,  
6 2020. On February 28, 2020, the Nevada Supreme Court filed an Order Dismissing  
7 the Appeal and Remanding to the District Court to conduct appropriate proceedings to  
8 alter, amend or vacate its order or judgment for the parties to fulfill the terms of their  
9 settlement agreement. Such Order further provided that in the event the district court  
10 declined to grant the relief sought by the parties, Plaintiffs could seek to reinstate the  
11 appeal by motion, in the event that the district court denied relief. On June 25, 2020,  
12 Plaintiffs and Defendant submitted a Joint Motion to Conditionally Certify Class,  
13 Preliminarily Approve Class Settlement and Directing Notice to Class Members. The  
14 Court granted the Motion to Preliminarily Approve Class Settlement on August 6,  
15 2020, as well as a motion to conditionally set aside rulings on dispositive motions and  
16 the denial of class certification in order for the District Court to have full jurisdiction  
17 over administration of the settlement.  
18  
19  
20

21 Plaintiffs and Defendant engaged in the process of notifying the conditionally  
22 certified class, and the first notice mailing occurred on November 6, 2020, with a  
23 deadline to object of January 5, 2021 (60 days after notice mailing). The notice process  
24 extended through into 2021. In order to effectuate the notice mailing to additional class  
25 members who did not have any address on record with Defendant, the Parties,  
26 subsequently agreed for the settlement administrator to perform a “skip trace” of  
27 individuals who were not sent notice in the November 6, 2020 notice mailing, and to  
28

1 remove the previously agreed upon term that reversion would occur of the settlement  
2 proceeds, with the net settlement funds to be distributed pro rata amongst valid  
3 claimants. Plaintiffs and Defendant submitted this stipulation and order for the court's  
4 approval on April 29, 2021, which the Court granted. The Court continued the hearing  
5 regarding Final Approval of the Class Settlement to September 30, 2021. Due to the  
6 Court's grant of the settlement modification, a continued notice mailing occurred on  
7 June 23, 2021, to 2,573 conditional class members who were not sent the initial notice  
8 mailing. The deadline by which to object to the proposed class action settlement was  
9 identified in the continued notice mailing as 60 days after its mailing, or August 23,  
10 2021.  
11

12  
13 On August 31, 2021, objectors who used pseudonymous names in their public  
14 filings through their counsel filed a Notice of Filing of Written Objections to Proposed  
15 Class Action Settlement and Intent to Appear at Hearing. Such counsel also presented  
16 to the Court on August 31, 2021, with a copy served on counsel for all of the parties  
17 on that date, a Motion to Intervene on Order Shortening Time that also incorporated  
18 those Objections. On September 2, 2021, counsel for Objectors and Proposed  
19 Intervenor filed a Motion for Protective Order regarding the use of pseudonymous  
20 names by the Objectors. The Court signed an Order Shortening Time on such Motion  
21 to Intervene on September 3, 2021. Those objectors were identified by their true names  
22 to the counsel for the parties on September 13, 2021, upon their agreement to keep that  
23 information confidential pursuant to a proposed stipulation and order submitted to the  
24 Court on that date. The Court, for reasons stated in the record of a status conference  
25 it held to address that proposed stipulation and order on September 17, 2021, declined  
26 to "so order" that stipulation, such reasoning is adopted herein by reference.  
27  
28

1 Subsequent documents, titled joinders to objections were filed on, September 2<sup>nd</sup>,  
2 September 9<sup>th</sup>, September 14<sup>th</sup>, September 22<sup>nd</sup>, September 23<sup>rd</sup> and September 27<sup>th</sup>  
3 2021, all under pseudonyms with their names being subsequently provided to counsel  
4 for Plaintiffs and Defendant upon their request thereafter, the final objecting individual  
5 was not identified to counsel until September 30, 2021.  
6

7 On September 23, 2021, the Court heard Proposed Intervenors/Objectors'  
8 Motion to Intervene on shortened time, and denied the Motion to Intervene. The  
9 Motion for Final Approval of Class Action Settlement, purported "Objections" to the  
10 class action settlement, and Plaintiffs' Motion for Attorneys' Fees and Costs all came  
11 before the Court on September 30, 2021.  
12

### 13 **FINDINGS OF FACT REGARDING OBJECTIONS**

14 1. Objectors filed their notices of objection or joinders to such notices after the  
15 deadline for filing objections, and none of the Objectors appeared in person at the  
16 hearing for final settlement approval.  
17

18 2. The notices of objection<sup>1</sup> suffered from numerous procedural defects.

19 3. The objections were not filed by the January 5, 2021 deadline specified in the  
20 first notice mailing or the August 23, 2021 deadline specified in the second notice  
21 mailing, with the first "notice of objection" being filed on August 31, 2021, and the  
22 last joinder thereto being filed on or about September 27, 2021, and are untimely. The  
23 Court was advised that four Objectors allege they never received either mailed notice  
24 and does not find such circumstances sufficient to modify its finding that all of the  
25  
26  
27  
28

---

<sup>1</sup> For sake of clarity the various "notice of objections" and joinders thereto may also be referred to as "objections" within these findings.



1 objections were untimely. Two of the Objectors also admitted that they received  
2 notice, and mailed opt-in forms.

3 4. Objectors' purported objections filed on August 31, 2021, were 301 pages  
4 long and included exhibits that did not comply with EDCR 2.27 as they did not have  
5 consecutively numbered pages and were not submitted in a separate appendix with a  
6 table of contents.

7  
8 5. Objectors' purported objections contain declarations that have an assigned  
9 name, which was blacked out, and redacted without the Court's permission.

10 6. The Court previously notified the parties and after the filing of Objectors'  
11 motion on September 2, 2021 for a protective order, that there were issues with respect  
12 to the redacted/pseudonyms on declarations submitted to the Court, and no correction  
13 or other filing apart from the submissions made to the Court in connection with that  
14 motion for a protective order was made to address or respond to the Court's concerns  
15 regarding the redacted/pseudonyms.

16  
17 7. Further, the declarations submitted to the Court which purportedly constituted  
18 part of or the entirety of the objections or contained the objections did not have  
19 personal facts and information contained within, and do not state that they are made  
20 upon personal knowledge.

21  
22 8. The declarations submitted by the Objectors contain boilerplate language,  
23 were prepared by counsel, contain no statement that they are made on personal  
24 knowledge, contain no statement authorizing counsel for Objectors to present  
25 objections for such persons, and the Court finds they do not comply with the Court's  
26 Order respecting the presentation of objections to the settlement which provides an  
27 objector can appear "with or without counsel".  
28

1 9. The declarations submitted by Objectors make legal conclusions for which  
2 there is no basis in fact within the actual record of the case and are speculative. The  
3 Court finds the objections to be deficient procedurally but to the extent they purport  
4 to raise issues regarding the fairness of the proposed settlement, and the appropriate  
5 legal analysis, the Court will properly examine the fairness of the settlement and  
6 conduct the proper legal analysis of the same regardless. The Court will not consider  
7 speculation of counsel as presented within the objections regarding what would occur  
8 if the Supreme Court were to consider a reinstated appeal in this case or if further  
9 proceedings were taken in this case.  
10

11 10. Several of the purported “Joinders” to the August 31<sup>st</sup> filing of Notice of  
12 Objection were filed after seven (7) days from the original filing, or were otherwise  
13 filed after the “Motion to Intervene” which also contained the same objections that  
14 were filed on August 31<sup>st</sup>.  
15

16 11. The Court found that both the declarations and the pleadings submitted by the  
17 Objectors contain portions that are speculation, and assumptions that are not supported  
18 by the facts or the record of this matter, and accordingly lack foundation and the Court  
19 would not consider those portions of such declarations.  
20

21 12. The Objectors did not present any evidence to the Court that indicates any  
22 previous ruling would be overturned, since the summary judgment decision that was  
23 appealed applied to only a single individual, and class action certification was denied  
24 and sought a second time and denied again with such second motion stricken, the  
25 Court finding there would be no basis for the denial of class action certification to be  
26 modified.  
27  
28



1 13. The Court finds that the procedural positions of the parties, and the facts  
2 presented in *Jane Doe Dancer I et al. v. La Fuente*, 137 Nev. Adv. Op. 3, filed  
3 February 25, 2021, were significantly different from the facts and appealed decisions  
4 rendered in the above-captioned matter and that the Court's rulings on class action  
5 certification in this case would not be altered by the *La Fuente* decision.  
6

7 14. The Court finds that the overall gross settlement amount of \$675,000.00 was  
8 fair and reasonable at the time that it granted preliminary approval and also presently,  
9 that its fairness and reasonableness is supported by the factual record, and the positions  
10 of the Parties, and none of the information presented to the Court would create any  
11 reasonable basis for the Court to reach a contrary conclusion  
12

13 15. The Court approved the initial notice and the mailing notice, both in the form  
14 and timing to notify potential class members.

15 16. At least two of the purported Objectors admitted to having actually received  
16 notice with those two individuals having opted-in as claimants.  
17

18 17. The Court did not receive any admissible evidence illustrating that the  
19 preliminary approval, or the notice process was unfair or unreasonable.

20 18. The Court had already granted preliminary approval, and the Plaintiffs and  
21 Defendants has already agreed to a modification that would result in more funds being  
22 available to claimants which the Court also already approved.  
23

### 24 **CONCLUSIONS OF LAW**

25 19. Based on the foregoing findings of fact, the Court concludes that each and  
26 every purported objection was untimely as it was submitted after the August 23, 2021  
27 date to file any objections, and counsel further admits that none of the purported  
28

1 objections were filed by the date, and therefore the Court will overrule or deny those  
2 objections based on the fact that they were untimely.

3 20. The initial document filed by Objectors on August 31, 2021 and on September  
4 2, 2021, did not comply with the Court's orders regarding objections, and the Court  
5 could did not find substantial compliance from the face of the document.  
6

7 21. The initial document filed by Objectors was improperly titled as a Notice and  
8 not a motion or otherwise indicating it was an actual objection, however, to the extent  
9 that the Court construes it as such it is otherwise not compliant with EDCR 2.27, since  
10 based on the findings of fact, it failed to properly provide an appendix or table of  
11 contents or number those exhibits consecutively in the lower right hand corner.  
12 Therefore, the Court finds that this document is procedurally improper.  
13

14 22. The declarations filed by Objectors in conjunction with or in support of the  
15 purported objections did not comply with Supreme Court Rule 3, as they contained  
16 improper redactions, or pseudonyms which were not approved by Court. The  
17 Objectors failed to try to rectify this violation after it was pointed out by the Court and  
18 the Court finds the filing of a Motion for a Protective Order on September 2, 2021, did  
19 not appropriately attempt to address this issue and therefore the Court finds an  
20 additional basis as to why it cannot consider these purported declarations in support  
21 of objections or asserting objections.  
22

23 23. The Court also found that, the declarations submitted by the Objectors made  
24 assertions that were not based on personal knowledge, and were essentially boilerplate  
25 copies contained unsupported speculation and made unsubstantiated legal conclusions  
26 prepared by counsel so the Court cannot properly afford these any evidentiary basis.  
27  
28

1 24. Further the Court finds that the declarations submitted by Objectors do not  
2 authorize counsel to appear on their behalf to assert their objections, and Objectors'  
3 respective failure to appear with counsel or on their own is against the Court's previous  
4 orders that objectors should appear with counsel or on their own at the time for hearing  
5 to assert objections, and accordingly this provides another basis to deny the objections  
6

7 25. The Court further finds that pursuant to EDCR 2.20, which provides that any  
8 nonmoving party may file a written joinder within 7 days after service of a motion,  
9 any such joinders (aside from the other impropriety of their filing) filed more than 7  
10 days after the August 31, 2021, document by Objectors, must not be considered as  
11 they are also untimely as well as procedurally improper.  
12

13 26. The Court concludes that it has sufficient information and argument before it  
14 to perform an appropriate analysis as to whether the settlement merits final approval,  
15 pursuant to *United States v. Oregon*, 913 F.2d 576, 582 (9<sup>th</sup> Cir. 1990), citing and  
16 quoting *Cotton v. Hinton*, 559 F.2d 1326, 1331 (5<sup>th</sup> Cir. 1977).  
17

18 27. The Court concludes also that its evaluation although necessary, 'must stop  
19 short of the detailed and thorough' investigation of a trial." *Id.*, quoting and citing  
20 *City of Detroit v. Grinnell Corp.*, 495 F.2d 448, 462 (2<sup>d</sup> Cir. 1974). "The reviewing  
21 court should not determine contested issues of fact that underlie the dispute." *Id.*,  
22 citing *Officers for Justice v. Civil Service Comm'n*, 688 F.2d 615, 625 (9<sup>th</sup> Cir. 1982).  
23 Accordingly, the Court will not do a full analysis of each contested issue as it is not  
24 appropriate to do so in analyzing the final fairness and reasonableness of the class  
25 action settlement.  
26

27 28. The Court finds that despite the procedural and substantive defects in the  
28 objections, it is appropriate for the Court to consider certain due process issues raised

1 by the Objectors regarding the procedure of the class action administration, and  
2 fairness, which the Court would have already considered in performing its analysis of  
3 whether to grant final approval of the class action settlement.

4 29. Courts in the Ninth Circuit consider the following eight factors to assess  
5 whether final approval of a class settlement is warranted: (1) the strength of plaintiffs'  
6 case; (2) the risk, expense, complexity, and likely duration of further litigation; (3) risk  
7 of maintaining class action status through trial; (4) amount offered in settlement; (5)  
8 extent of discovery completed and state of the proceedings; (6) experience and views  
9 of counsel; (7) whether there is a governmental participant; and (8) reaction of class  
10 members to the proposed settlement. *Churchill Village v. Gen. Elec.*, 361 F.3d 566,  
11 575 (9th Cir. 2004).

14 30. A court should approve a class settlement under Rule 23(e) if it "is  
15 fundamentally fair, adequate and reasonable." *Torrisi v. Tucson Elec. Power Co.*, 8  
16 F.3d 1370, 1375 (9th Cir. 1993) (internal quotation marks omitted); accord *In re Mego*  
17 *Fin. Corp. Sec. Litig.*, 213 F.3d 454, 458 (9th Cir. 2000) (citation omitted). Although  
18 this is a citation that references the Federal Rules, NRCP 23 is analogous for the  
19 purposes of analyzing whether the settlement is fair, adequate, and reasonable and  
20 appropriate for final approval.

22 31. The Nevada Supreme Court specifically remanded the above-captioned case  
23 to the "district court to conduct appropriate proceedings, if any, to alter, amend or  
24 vacate its order or judgment as necessary for the parties to fulfill the terms of their  
25 settlement agreement". *Supreme Court order of dismissal of appeal and remand, dated*  
26 *February 28, 2020*. Accordingly, the Court finds that based on this order, it is  
27 appropriate to incorporate all of the Court's prior orders with regards to notice, the  
28

1 motion(s) to certify class, the vacating of various orders, and the extension of various  
2 times.

3 32. Although class settlement requires the Court to exercise independent scrutiny  
4 of the settlement in connection with granting settlement approval, the Court, must also  
5 give “proper deference to the private consensual decision of the parties.” *Hanlon v.*  
6 *Chrysler Corp.*, 150 F.3d 1011, 1027 (9th Cir. 1998). Under that “proper deference  
7 standard” the Court’s examination of the terms of a class settlement “...must be limited  
8 to the extent necessary to reach a reasoned judgment that the agreement is not the  
9 product of fraud or overreaching by, or collusion between, the negotiating parties, and  
10 that the settlement, taken as a whole, is fair, reasonable and adequate to all concerned.”  
11 *Id.*, citing *Officers for Justice*, 688 F.2d at 625.), which will also be considered by the  
12 Court herein.

15 33. The Court in analyzing the fairness, reasonableness, and adequacy of the  
16 settlement, reviews the procedural posture of the case at the time of resolution was that  
17 class certification had been denied, and the fact that the Court had previously found  
18 that the potential class members were not necessarily similarly situated to the named  
19 plaintiffs based on the facts and evidence presented to it. Further, the Court finds that  
20 the second motion for class certification was denied due to how it was presented to the  
21 Court, and the failure to address its previous deficiencies or present additional  
22 evidence, and neither of these denials were on the basis of NRS 608.

25 34. Accordingly, the Court does not find that any subsequent rulings would be  
26 likely to have a material effect on the Court's prior decisions with respect to class  
27 certification.



1 35. Further, the Court finds that holdings within *Jane Doe Dancer I et al. v. La*  
2 *Fuente*, directs district courts to conduct an appropriate analysis on the individualized  
3 facts of matters before them involving wage and hour allegations and dancers,  
4 accordingly, the Court finds that it already performed such an analysis of the  
5 individualized facts in this matter, as they related to the only remaining individual  
6 plaintiff at the time of summary judgment, Jacqueline Franklin insofar as this Court  
7 must consider the relative positions of the Parties as well as the likelihood of sustaining  
8 a future class certification. Otherwise the Court cannot speculate as to any other  
9 possible outcome that may be reached by the Supreme Court.  
10

11 36. The Court also concludes that the Supreme Court's order dismissing the  
12 appeal and remanding it back to the District Court, did not include any findings or  
13 instruction which would permit either party to introduce new arguments, only that it  
14 "could reinstate the appeal" via a motion, pursuant to the order's plain language.  
15

16 37. Based on the individual remaining plaintiff, the lack of class certification, and  
17 the different factual aspects underlying the *La Fuente* decision, the Court views that  
18 the positions of the Plaintiffs and Defendant when engaging in settlement negotiations,  
19 obtaining preliminary approval, and now seeking final approval have not been altered  
20 by any subsequent rulings, including *La Fuente*, based on the Court's analysis of the  
21 parties' positions, and the facts and record of this matter.  
22

23 38. The Court concludes that sending out the two mailings, and performing skip  
24 traces and the processes done by Simpluris as presented within the declaration from  
25 Simpluris representative, Cassandra Polites, evidences that class members had fair and  
26 adequate notice.  
27  
28

1 39. The Court finds, based on the representations made orally on the record to the  
2 Court by Plaintiffs' counsel at the September 30, 2021 hearing, that there is no  
3 discrepancy in respect to the number of class members and the number of class  
4 members to whom notice was mailed by Simpluris. Accordingly, based on the  
5 elimination of this claimed discrepancy by objectors involving 262 class members, the  
6 Court finds that approximately 89.1 percent of the proposed class, and not 86.1% of  
7 the proposed class as indicated by Objectors, received or at least presumptively  
8 received (if a packet was not returned) notice further indicating that the process was  
9 fair and appropriate, including some of the purported Objectors.

10  
11 40. The Court also reviews the gross settlement amount of \$675,000.00, which it  
12 already preliminarily approved, is also fair and adequate given the positions of the  
13 parties, and also due to the fact that unlike in the preliminary approval, the full amount,  
14 minus fees and costs as delineated within the settlement agreement and pursuant to  
15 this Court's orders, will be available to pay claimants, with any amounts being  
16 returned to Defendant only after a claimant has been sent a check and had the  
17 opportunity to cash it.

18  
19 41. There was no legal authority before the Court to suggest that the possibility  
20 of a higher settlement or recovery, must be a relevant factor in determining whether to  
21 grant final approval. The Court concludes that Objectors' counsel assertions that such  
22 a larger recovery was probable or should be considered under the relevant  
23 circumstances is speculation and is not persuasive authority weighing against final  
24 approval of the settlement.

25  
26 42. Further, when determining whether to grant final approval to a class action  
27 settlement, courts review such settlements in light of strong judicial and public policies  
28

1 favoring compromise. *In re Sumitomo Copper Litig.*, 189 F.R.D. 274, 280 (S.D.N.Y.  
2 1999). A class action suit, with the accompanying litigation time, cost, and  
3 uncertainty, particularly lends itself to settlement. *See Air Line Stewards &*  
4 *Stewardesses Ass'n v. Trans World Airlines, Inc.*, 630 F.2d 1164, 1166-67 (7th Cir.  
5 1980) ("Federal courts look with great favor upon the voluntary resolution of litigation  
6 through settlement. . .this rule has particular force regarding class action lawsuits.")

8 43. The Court also concludes that weighing all factors such as judicial and public  
9 policies and the accompanying time, cost and uncertainty of this matter, the positions  
10 of the Parties, and the possibility that a class action may not be obtained, that this  
11 settlement amount is fair and reasonable, when it looks to the totality of all of the  
12 circumstances, positions of the parties, and history of the case leading up to the  
13 settlement, as well as the uncertainty of the Plaintiffs prevailing in the future should  
14 the appeal be reinstated. Indeed, the Court recognizes that there is the possibility of no  
15 recovery by individual plaintiffs and additional attorneys' fees and costs.  
16

18 44. The Court concludes even after considering the court approved settlement of  
19 federal minimum wage claims by certain dancers in a collective action against  
20 defendant in *Desio v. Russell Road Food and Beverage LLC*, United States District  
21 Court of Nevada, 15-CV-1440, discussed in Objectors' reply filing with a later errata  
22 filed containing such order, that such Court approved settlement cannot properly be  
23 weighed as evidence as to the fairness of this settlement, because it fails to address any  
24 factors or the underlying facts of that case and positions of the parties therein in any  
25  
26  
27  
28



1 fashion that should or does meaningfully impact the Court's analysis of the proposed  
2 settlement in this case.<sup>2</sup>.

3 45. Further, the Court here looks to the Supreme Court which chose to forego oral  
4 argument and remands the matter back even on the eve of such oral argument  
5 occurring, and with specific instructions to the Court regarding the effectuation of  
6 settlement, and in accordance with relevant case law also looks at such an agreement  
7 with deference to the parties' agreement.  
8

9 46. The Court also concludes that there were no timely objections filed by any  
10 individuals, and at least some individuals did effectively opt-out of being included in  
11 the settlement.  
12

13 47. Even with the extended notice period permitted by the Court there were no  
14 timely objections until there was some publicity by current Objectors' counsel and  
15 even those were filed untimely.  
16

17 48. The Court has reviewed the fact that there is a bona fide dispute between the  
18 parties regarding minimum wage, and the Court specifically concludes that because  
19 prior to settlement there was no class certified, the individuals here, are getting benefits  
20 out of the settlement of a class which they did not have previously and which they may  
21 not achieve in the future. The Court concludes therefore this is an additional benefit to  
22 those individuals who decided to file a claim. Indeed, the Court concludes that this  
23 settlement "provides for relief now, not some wholly speculative payment of a  
24 hypothetically larger amount years down the road." *Strougo v. Bassini*, 258 F. Supp.  
25 2d 254, 260 (S.D.N.Y. 2003). Under these circumstances, it is proper for the Parties  
26  
27  
28

---

<sup>2</sup> Such case was also filed as a collective action which differs from a class action, pursuant to the Federal Rules of Civil Procedure.

1 “to take the bird in the hand instead of the prospective flock in the bush.” *Oppenlander*  
2 *v. Standard Oil Co.*, 64 F.R.D. 597, 624 (D. Colo. 1974) (citation omitted).

3 49. The Court also concludes that because of the adequate notice, and the fact that  
4 there was sufficient notice of sums that could be given, and the fact that individuals  
5 had a clear claims procedure which people were able to follow, there is further  
6 evidence of the fairness and adequacy of the procedure and amount.

7 50. The Court also concludes in analyzing the relevant factors in final approval,  
8 there was no global determinations in this case as to anyone else, and even a “reversal”  
9 with regards to the individual plaintiff on whom summary judgment was granted  
10 against, such a reversal would not inure to anyone else.

11 51. The Court recognizes that also at the time of the Court’s previous rulings there  
12 were also subject matter jurisdiction issues with certain individuals, which the Court  
13 must also consider based on the law at the time of the decisions, which also weighs in  
14 favor of final approval of the settlement.

15 52. In accordance with the relevant factors identified by the Ninth Circuit, the  
16 Court also concludes based on the case history and docket, that there was significant  
17 investigation, formal and informal discovery, and significant research conducted so that  
18 the parties were able to reasonably evaluate the settlement.

19 53. Further, the Court concludes that the fact this case was heavily litigated,  
20 commencing in 2014, and in active litigation throughout 2017 and 2018 until the  
21 Court’s decisions were appealed also weighs heavily in favor of final approval, and the  
22 fairness and reasonableness of the final settlement amount.

23 54. The Court concludes that the final approval will prevent individuals from the  
24 process of having to go back and see if their individual claims could potentially even  
25  
26  
27  
28

1 go to class certification, and such final approval will avoid substantial costs, delay and  
2 risk that would be presented for further pursuit of litigation. This also weighs in favor  
3 of the final approval of the class settlement.

4 55. Based on the information presented to the Court and arguments of counsel, the  
5 proposed settlement has been reached as the result of intensive, serious and non-  
6 collusive negotiations. There has been no evidence that there was any collusion in  
7 negotiating this settlement, and in fact the opposite was presented to the Court in both  
8 filings and argument of counsel for the Plaintiffs and Defendant.

9 56. The Court concludes that both Plaintiffs and Defendant were represented by  
10 experienced counsel, and the respective counsel for the parties demonstrated that they  
11 have the requisite background and experience in litigating and negotiating these types  
12 of issues, including Rule 23, and employment related matters. The Court has analyzed  
13 this factor throughout the proceedings, and in particular when it permitted class counsel  
14 to proceed as such.

15 57. The Court also concludes that the scope of the release is appropriate and  
16 afforded individuals the requisite opportunity to be excluded from the settlement, as  
17 some individuals chose to do. The overwhelming majority of the class willingly  
18 approved the offer and stayed in the class, and presented no timely objections evidences  
19 objective positive commentary as to its fairness. *Hanlon*, 150 F.3d at 2017. Indeed, any  
20 additional or other potential recovery would be years later for any individuals at great  
21 risk.

22 58. The Court further concludes that there is no governmental participant which  
23 also weights in favor of the settlement. *See Churchill Village v. General Electric*, 361  
24 F.3d 566.

1 59. Further, to the extent that the Court was legally permitted to look at the  
2 purported objections submitted to the Court, the Court concludes that upon its analysis  
3 the objections are not individualized and ultimately are based on the individuals being  
4 told that they could get more money. The potential that the Supreme Court may render  
5 a ruling that impacts this specific case in their favor does not vitiate the fact that this  
6 settlement as negotiated and reviewed by the Court is fair, reasonable and adequate.

7  
8 60. In accordance with the Preliminary Approval Order, and the stipulation and  
9 order which modified the settlement signed and entered by the Court on April 29, 2021,  
10 the class members which are defined as being individuals who performed at Crazy  
11 Horse III Gentlemen's Club between November 4, 2012 to October 16, 2019, and who  
12 had at least one log-in for a minimum of at least two hours, as provided for by the  
13 Settlement Agreement constitute a certified class for purposes of this settlement  
14 approval and pursuant to Rule 23, with the exception of those who specifically and  
15 timely requested to be excluded.  
16

17  
18 61. The Court concludes that none of its findings or conclusions modify or  
19 otherwise overrule any of its previous orders in this matter, and to the extent that any  
20 conclusions or findings which were made orally are not otherwise memorialized in  
21 these conclusions they are incorporated herein.

22 **THE COURT FINDS** that payment from the Settlement of \$5,000.00 to  
23 Jacqueline Franklin, as the representative plaintiff from the Settlement to compensate  
24 her for her efforts on behalf of the Class, is fair and adequate and shall be made.

25  
26 **THE COURT ALSO FINDS** that the administration costs of Simpluris, as  
27 the settlement administrator, in the amount of \$30,000.00, are fair and reasonable and  
28

shall be paid as provided for in the settlement agreement, with any additional fees to be paid by Defendant.

**THE COURT FURTHER FINDS** that by operation of the entry of this Final Approval Order, Plaintiffs and Class Members are permanently barred from prosecuting against Russell Road, and the Released Parties any of the released claims as specified in the Settlement Agreement, except for the following individuals who elected to, and did, file a timely request to be excluded from the Settlement:

First Name	Last Name
Chelsey	Mckenna
Anastasiya	Hancharyk
Brittney	Dudinski
Jenna E	Buckley
Samantha C	Spiridellis
Aisha	Arid
Amber	Shafer
Kelsy	Bingo
Erika	Donaldson
Stavroula	Papanikoj
Yaritza	Zalazar Silva
Natalie	Yang
Twana	Deshayes
Katelyn	Hebden
Samara	Brandon

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Elizabeth	Betancourt
Angela	Moore
Kyra	Gutierrez
Kameron	Ernestberg
Erica L	Chavez
Sherry	Smith

**IT IS HEREBY ORDERED** that the Objections or Notices of Objection to final approval of the class action settlement are DENIED and OVERRULED.

**IT IS FURTHER ORDERED** that the Court GRANTS the Motion for Final Approval of Class Action Settlement.

**THE COURT ORDERS** that upon completion of administration of the settlement, the Settlement Administrator will provide written certification of such completion to the Court and counsel for the Parties.

// // //  
// // //  
// // //  
// // //  
// // //





## Stephanie Smith

---

**From:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>  
**Sent:** Friday, November 5, 2021 4:14 PM  
**To:** Stephanie Smith; Kimball Jones, Esq.  
**Cc:** Erick Finch; Ranni Gonzalez; Jeffery Bendavid; Leilani Gamboa; Mick Rusing; Jackie Franks  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

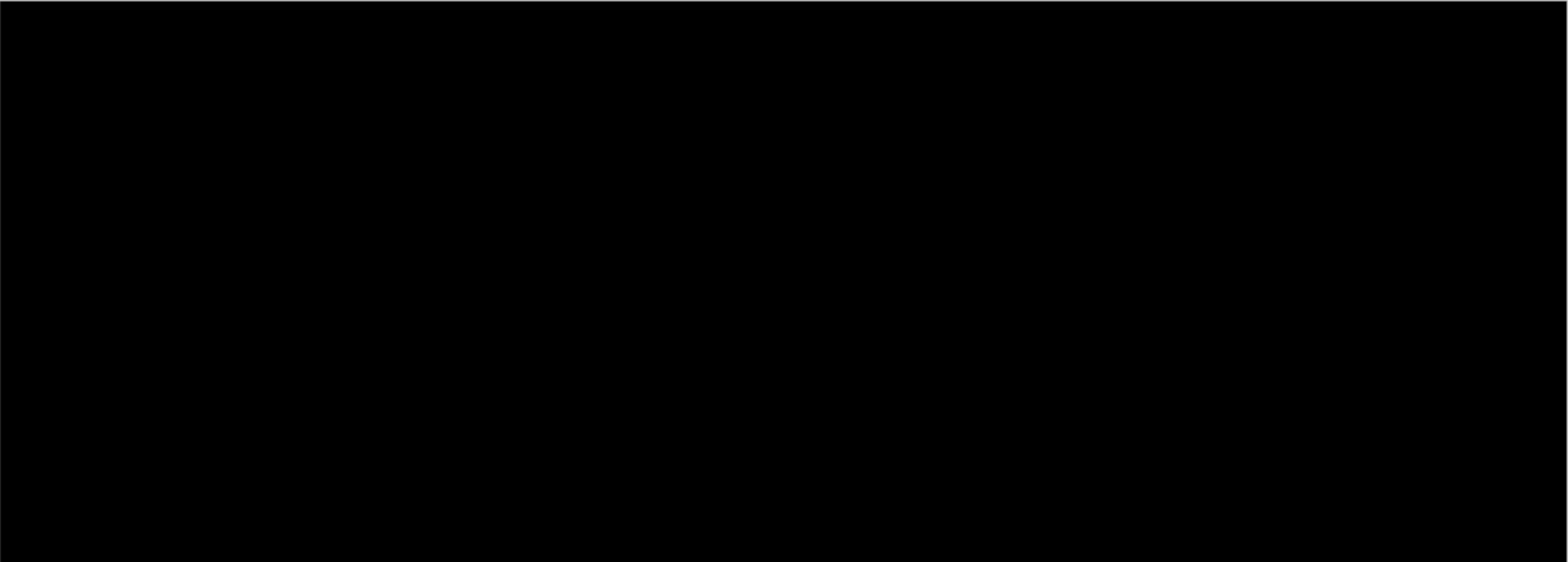
I grant my consent for you to place my /s/ on this as agreement to the form as you have drafted for this order and you can submit it accordingly. You considered my last remaining concern regarding that language in paragraph 7 not being congruent with the record and disagreed with changing that, I will not be submitting any varying form of Order as I do not believe that issue is sufficiently material to warrant that and give my consent to the form of Order you have prepared. Thank you.

Leon Greenberg  
Attorney at Law  
2965 South Jones Boulevard #E3  
Las Vegas, NV 89146  
(702) 383-6085  
Member Nevada, California  
New York, New Jersey and Pennsylvania Bars  
Website: Overtimelaw.com  
Leongreenberg@overtimelaw.com

---

**From:** Stephanie Smith <ssmith@bendavidfirm.com>  
**Sent:** Friday, November 05, 2021 4:02 PM  
**To:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Cc:** Erick Finch <erick@bighornlaw.com>; Ranni Gonzalez <ranni@overtimelaw.com>; Jeffery Bendavid <jbendavid@bendavidfirm.com>; Leilani Gamboa <LGamboa@bendavidfirm.com>; Mick Rusing <mrusing@rllaz.com>; Jackie Franks <jfranks@rllaz.com>  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

Kimball and Leon- can you please each provide a clean authorization email regarding your signature as to the attached. Thank you.





## Stephanie Smith

---

**From:** Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Sent:** Sunday, November 7, 2021 3:05 PM  
**To:** Stephanie Smith  
**Cc:** dc31inbox@clarkcountycourts.us; Jeffery Bendavid; Mick Rusing; Erick Finch; leongreenberg overtimelaw.com; Ranni Gonzalez; Jackie Franks  
**Subject:** Re: Case No. A-14-709372 - Park v. Russell Road - Proposed Findings of Fact and Conclusions of Law Denying Objections and Granting Final Settlement Approval

We approve. My e-signature may be added. We approved several almost identical prior versions - apologies for the late approval on this version.



**Kimball Jones, Esq.**  
Partner | Attorney  
Tel: (702) 333-1111  
Fax: (702) 507-0092  
Email: kimball@bighornlaw.com  
Web: bighornlaw.com



This email and any attachments are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please contact the sender(s) at (702) 333-1111 and delete all copies from your system. Please note that any opinions in this email are solely those of the author and do not necessarily represent those of Bighorn Law, and is not to be considered legal advice.

On Fri, Nov 5, 2021 at 5:19 PM Stephanie Smith <ssmith@bendavidfirm.com> wrote:

Department 31- Please be advised I was unable to obtain final signature authorization prior to this submission of the proposed FFCL from Plaintiffs' counsel, they are cc-ed on here so that they may respond directly to the Court. Attached please find the authorization of Mr. Greenberg who is also cc-ed on this email. Thank you.

Stephanie J. Smith, Esq.

**BendavidLaw**

7301 Peak Drive, Suite 150 | Las Vegas, Nevada 89128

## Stephanie Smith

---

**From:** Mick Rusing <mrusing@rllaz.com>  
**Sent:** Friday, November 5, 2021 9:39 PM  
**To:** Stephanie Smith  
**Subject:** Re: Park et al v. Russell Road- stipulation and order - work up - concern

Ok

Sent from my iPhone

On Nov 5, 2021, at 5:06 PM, Stephanie Smith <ssmith@bendavidfirm.com> wrote:

Mick and Kimball- Please provide your authorizations. We have to submit to the Court today.

---

**From:** Stephanie Smith  
**Sent:** Friday, November 5, 2021 4:02 PM  
**To:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Cc:** Erick Finch <erick@bighornlaw.com>; Ranni Gonzalez <ranni@overtimelaw.com>; Jeffery Bendavid <jbendavid@bendavidfirm.com>; Leilani Gamboa <LGamboa@bendavidfirm.com>; Mick Rusing <mrusing@rllaz.com>; Jackie Franks <jfranks@rllaz.com>  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

Kimball and Leon- can you please each provide a clean authorization email regarding your signature as to the attached. Thank you.

---

**From:** leongreenberg overtimelaw.com <leongreenberg@overtimelaw.com>  
**Sent:** Friday, November 5, 2021 2:47 PM  
**To:** Stephanie Smith <ssmith@bendavidfirm.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Cc:** Erick Finch <erick@bighornlaw.com>; Ranni Gonzalez <ranni@overtimelaw.com>; Jeffery Bendavid <jbendavid@bendavidfirm.com>; Leilani Gamboa <LGamboa@bendavidfirm.com>; Mick Rusing <mrusing@rllaz.com>; Jackie Franks <jfranks@rllaz.com>  
**Subject:** RE: Park et al v. Russell Road- stipulation and order - work up - concern

I do think that small issue in paragraph 7 remains and it would be better to address it (if you think that paragraph should remain, I don't really see the point of it) by adopting the language I gave you. You don't do that in this last draft and if you decline to do as I suggested on that I am not going to withhold my /s/ or spend further time on this. So you can indicate my /s/ on this in the form as you last provided or if you seek to review/edit further you can get back to me. Thank you for your cooperation.

Leon Greenberg  
Attorney at Law  
2965 South Jones Boulevard #E3  
Las Vegas, NV 89146  
(702) 383-6085

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ashleigh Park, Plaintiff(s)

CASE NO: A-14-709372-C

7 vs.

DEPT. NO. Department 31

8 Crazy Horse III Gentleman's  
9 Club at The Playground,  
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Findings of Fact, Conclusions of Law and Order was served via the  
court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

15 Service Date: 11/24/2021

16 Kimball Jones

kimball@bighornlaw.com

17 Brittany Meyer

brittany@bighornlaw.com

18 "Bryan J. Cohen, Esq. " .

bcohen@kzalaw.com

19 "Franks, Jackie" .

jfranks@rllaz.com

20 "Gregory J. Kamer, Esq." .

gkamer@kzalaw.com

21 "Jeffery Bendavid, Esq." .

j.bendavid@moranlawfirm.com

22 "Kaitlin H. Ziegler, Esq." .

kziegler@kzalaw.com

23 "Stephanie J. Smith, Esq." .

s.smith@moranlawfirm.com

24 Brenda Sciotto .

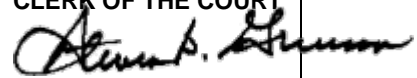
bsciotto@kzalaw.com

25 Erick Finch .

erick@morrisandersonlaw.com

26  
27  
28

1	Jane Mallory .	jmallory@kzalaw.com
2	Katie Ader .	Katie@morrisandersonlaw.com
3	Lauren Calvert .	lauren@morrisandersonlaw.com
4	Leilani Gamboa .	l.gamboa@moranlawfirm.com
5	Lisa Noltie .	lnoltie@kzalaw.com
6	Michael J Rusing .	mrusing@rllaz.com
7	P Andrew Sterling .	asterling@rllaz.com
8	Ryan Anderson .	Ryan@morrisandersonlaw.com
9	Sharon Waller .	swaller@rllaz.com
10	Leilani Gamboa	lgamboa@bendavidfirm.com
11	Leon Greenberg	wagelaw@hotmail.com
12	Ranni Gonzalez	ranni@overtimelaw.com
13	Leon Greenberg	leongreenberg@overtimelaw.com
14	Jeffery Bendavid	jbendavid@bendavidfirm.com
15	Stephanie Smith	ssmith@bendavidfirm.com
16	Leon Greenberg	leongreenberg@overtimelaw.com
17	Kenia Sotelo	kenia@bighornlaw.com
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		



FFCL

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

JACQUELINE FRANKLIN, ASHLEIGH  
PARK, LILY SHEPARD, STACIE ALLEN,  
MICHAELA DIVINE, VERONICA VAN  
WOODSEN, SAMANTHA JONES,  
KARINA STRELKOVA,  
LASHONDA STEWART, DANIELLE  
LAMAR, and DIRUBIN TAMAYO,  
individually, and on behalf of a class of  
similarly situated individuals,

Plaintiffs,

vs.

RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
Liability company (d/b/a CRAZY HORSE  
III GENTLEMEN'S CLUB, I-X, ROE  
EMPLOYER, I-X)

Defendants.

AND RELATED COUNTERCLAIMS

**Case No.: A-14-709372-C**

**Dept. No.: XXXI**

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
DENYING PROPOSED  
INTERVENORS' MOTION TO  
INTERVENE TO HEAR AND  
UPHOLD OBJECTIONS TO  
PROPOSED CLASS ACTION  
SETTLEMENT AND REINSTATE  
APPEAL ON AN ORDER  
SHORTENING TIME**

Proposed Intervenor's Motion to Intervene to Hear and Uphold Objections to  
Proposed Class Action Settlement and Reinstate Appeal on an Order Shortening  
Time, with LEON GREENBERG, ESQ. of LEON GREENBERG PROFESSIONAL  
CORPORATION, appearing on behalf of Proposed Intervenor's/Objectioners proceeding  
pseudonymously; KIMBALL JONES, ESQ. of Bighorn Law, and MICHAEL J.  
RUSING, ESQ. of RUSING LOPEZ & LIZARDI appearing on behalf of Plaintiffs and  
the class; and JEFFERY A. BENDAVID, ESQ. and STEPHANIE J. SMITH, ESQ. of

1 BENDAVID LAW appearing for Defendant, RUSSELL ROAD FOOD AND  
2 BEVERAGE LLC d/b/a CRAZY HORSE GENTLEMEN'S CLUB ("Defendant" and/or  
3 "Crazy Horse III"); having come on for hearing on shortened time on September 23,  
4 2021, at 9:00 a.m. in Department 31 of the above-titled Court, with the Honorable  
5 Judge Joanna Kishner presiding.

6  
7 **PROCEDURAL HISTORY**

8 The underlying Complaint in the above-captioned matter was filed on  
9 November 4, 2014. After multiple years of litigation, on or about July 11, 2017,  
10 Defendant prevailed in striking the Plaintiffs' Motion for Class Certification, and the  
11 Court granted a Motion to Dismiss on Plaintiffs' operative Complaint pursuant to  
12 NRCP 12(b)(1) and NRCP 12(h)(3). Subsequent thereto, Defendant also prevailed in  
13 obtaining summary judgment against the remaining named Plaintiff. The Findings of  
14 Fact and Conclusions of Law were entered on October 12, 2017.

15  
16 On October 17, 2017, Plaintiffs filed a Notice of Appeal. The Appeal was  
17 subsequently fully briefed on December 21, 2018. The Appeal was thereafter  
18 scheduled for oral argument by the Nevada Supreme Court. During the pendency of  
19 that scheduling, Plaintiffs and Defendant reached an agreement for a proposed class  
20 action settlement after significant negotiations, on or about October 16, 2019.  
21 Plaintiffs and Defendant filed a Joint Motion to Dismiss the Appeal on February 27,  
22 2020. On February 28, 2020, the Nevada Supreme Court filed an Order Dismissing  
23 the Appeal and Remanding to the District Court for the purposes of approving the  
24 parties proposed class settlement and that Appeal being subject to potential  
25 reinstatement by motion in the event that final approval was not granted. On June  
26  
27  
28

1 25, 2020, Plaintiffs and Defendant submitted a Joint Motion to Conditionally Certify  
2 Class, Preliminarily Approve Class Settlement and Directing Notice to Class  
3 Members. The Court granted this Motion on August 6, 2020, as well as a Motion to  
4 conditionally set aside rulings on dispositive motions in order for the District Court to  
5 have full jurisdiction over administration of the settlement.  
6

7 Plaintiffs and Defendant engaged in the process of notifying the conditionally  
8 certified class, and the first Notice Mailing occurred on November 6, 2020. The  
9 Notice process was extended through into 2021. In order to effectuate the Notice  
10 Mailing to additional class members who did not have any address on record with  
11 Defendant, the Parties subsequently agreed for the settlement administrator to  
12 perform a “skip trace” of individuals who were not sent Notice in the November 6,  
13 2020, Notice Mailing, and to remove the previously agreed upon term that reversion  
14 would occur of the settlement proceeds, with the net settlement funds to be  
15 distributed pro rata amongst valid claimants. Plaintiffs and Defendant submitted this  
16 Stipulation and Order for the Court’s approval on April 29, 2021, which the Court  
17 granted; and the Court continued the hearing regarding Final Approval of the Class  
18 Settlement to September 30, 2021. Due to the Court’s granting of the settlement  
19 modification, a continued Notice Mailing occurred on June 23, 2021, to 2,573  
20 conditional class members who were not sent the initial Notice Mailing. The deadline  
21 by which to object to the continued Notice Mailing was specified in that Mailing as 60  
22 days after its Mailing, or August 23, 2021.  
23  
24

25 On September 3, 2021, a document entitled “Motion to Intervene to Hear and  
26 Uphold Objections To Proposed Class Action Settlement And Reinstate Appeal on  
27  
28

1 Order Shortening Time” was filed by Leon Greenberg. On the face of the document  
2 in the upper left corner as required by the EDCR, it did not state on whose behalf the  
3 Motion was filed. Further, nowhere on the first page nor throughout the 16-page  
4 Motion, did it assert on behalf of whom, specifically, the Motion was filed on behalf of.  
5 Instead, the first paragraph set forth, “The proposed intervenors, who are members of  
6 the conditionally certified class of plaintiffs specified in this Court’s Order of August  
7 12, 2020 in this case, hereby move this Court for an order:...” The pleading was  
8 approximately 303 pages, including hundreds of pages of exhibits, but said exhibits  
9 were not numbered nor was there a separate appendix and index as required by  
10 EDCR 2.27.  
11

12 Further, while the Motion was styled as a Motion to Intervene, there was no  
13 proposed Complaint in Intervention attached as required by NRCP 24(c).  
14 Additionally, attached towards the end of the document were two purported, redacted  
15 Declarations of a Rhonda Roe and a Denise Doe but no request, pursuant to  
16 Supreme Court Rule 3, had been sought or granted to file redacted documents, nor  
17 had there been any Court ruling allowing the filing of anonymous pleadings or those  
18 using pseudonymous names<sup>1</sup>. The Declarations were very similar other than the  
19 years each individual asserted she worked for Defendant, and one of the two  
20 Declarations set forth that the individual had already filed a class claim but wished to  
21 withdraw that claim.  
22  
23  
24  
25

---

26 <sup>1</sup> Indeed, when individual Plaintiffs had several years earlier sought to use pseudonymous names,  
27 there was no good cause shown; and thus, the Court had denied the request of those individual  
28 Defendants, and said Order was part of the Record of the case.



1 Previously, on August 31, 2021, Mr. Greenberg had filed a document titled  
2 "Notice of Filing Written Objections To Proposed Class Action Settlement And Intent  
3 to Appear At Hearing" which was approximately 301 pages, including hundreds of  
4 pages of exhibits; but said exhibits were not numbered, nor was there a separate  
5 appendix and index as required by EDCR 2.27. That pleading also had attached  
6 towards the end of the document the two purported redacted Declarations of a  
7 Rhonda Roe and a Denise Doe. Similarly, there had been no request pursuant to  
8 Supreme Court Rule 3 sought, nor had permission been granted to file redacted  
9 documents. As noted above, there had not been any Court ruling allowing the filing  
10 of anonymous pleadings or those using pseudonymous names<sup>2</sup>. Between August  
11 31, 2021, and the hearing on that Notice of Objections, there were Joinders filed to  
12 that Notice; but on the face of those Joinders, they did not set forth that they were  
13 attempting to join the Motion to Intervene. Further, some of the "Jinders" were filed  
14 after the Motion to Intervene was heard.

17 At the time of the hearing on September 23, 2021, the only Motion before the  
18 Court was the Motion to Intervene as that Motion had been requested on Order  
19 Shortening Time, whereas the other "Notice" had been set in ordinary course as there  
20 was no request to hear that on shortened time. After a full review of the relevant  
21 pleadings, and after allowing oral argument by not only Mr. Greenberg - but also  
22 counsel for both Plaintiffs and Defendant, the Court finds as follows:  
23

24  
25  
26 \_\_\_\_\_  
27 <sup>2</sup> The Parties informed the Court that although pseudonymous names in their names in their public  
28 filings Mr. Greenberg provided their true names to the counsel for the parties. He did not, however,  
provide their names to the Court.

1                   **FINDINGS OF FACT**

2                   1.       Proposed Intervenor/objectors are already a part of the conditionally  
3 approved class of individuals that was certified for settlement purposes.

4                   2.       The Proposed Intervenors' Motion to Intervene did not have a pleading  
5 attached to it that sets forth a claim or defense for which intervention is sought.

6                   3.       Proposed Intervenors do not provide a state or federal statute which  
7 gives them a right to unconditionally intervene.

8                   4.       Proposed Intervenors have interests or claims directly aligned with  
9 current Plaintiffs within the action.

10                  5.       Proposed Intervenors do not have rights which are not being  
11 represented by current Plaintiffs.

12                  6.       The Proposed Intervenors' Motion to Intervene was heard on an Order  
13 Shortening Time at the Request of counsel for the Proposed Intervenors.

14                  7.       This instant action had been filed in 2014, and was a widely-known  
15 matter due to the breadth and scope of the action. Proposed Intervenors did not file  
16 their Motion to Intervene until September 3, 2021, and only attached two Declarations  
17 to said Motion.

18                  8.       Proposed Intervenors alleged claims and defenses are shared with the  
19 current Plaintiffs and share with the main action, all of the same common questions of  
20 law or fact.

21                  9.       Proposed Intervenors did not present facts or evidence to the Court  
22 regarding how their claims and defenses do not share common questions of law or  
23 fact with the current Plaintiffs, and Proposed Intervenors did not present any facts or  
24  
25  
26  
27  
28

1 evidence, aside from assumptions and speculation, that show the Proposed  
2 Intervenor's claims and defenses do not have full protection of their interests with  
3 respect to such claims and defenses being protected.

4       10. There is no party within the litigation that is a government officer or  
5 agency.

6       11. Since the case has been litigated since 2014, there has been significant  
7 notice generally regarding the case to individuals who had potential claims.

8       12. Proposed Intervenor's are attempting to intervene at a stage in the  
9 matter that would give them extra benefits, versus other class members, if allowed to  
10 intervene to the prejudice of other potential class members, and allowing their  
11 intervention would similarly cause unreasonable delay.

12       13. The declarations presented were pro forma declarations with a  
13 pseudonym at the top, and do not present individualized aspects for any of the  
14 individuals, including the fact no names are provided.

15  
16  
17 **CONCLUSIONS OF LAW**

18       14. Nevada Rule of Civil Procedure 24(c) plainly provides that a Motion to  
19 Intervene must state the grounds for intervention and be accompanied by a pleading  
20 that sets out the claim or defense for which intervention is sought. Based on the fact  
21 that Proposed Intervenor's did not attach any pleading that sets out the claim or  
22 defense for which intervention was sought, then pursuant to NRCP 24(c) their Motion  
23 to Intervene must be denied.

24       15. NRCP 24(a) and (b), provides that intervention either must or may be  
25 granted on a timely Motion to Intervene; however, the Court finds that Proposed  
26  
27  
28

1 Intervenor's Motion to Intervene was filed seven years after the commencement of  
2 the litigation, in November of 2014, and after the Court's preliminary approval of the  
3 class action settlement, and less than a month before the Court's scheduled hearing  
4 on final approval. Therefore, the Motion to Intervene was untimely under NRCP 24.

5  
6 16. The Court concludes that due to Proposed Intervenor's failure to cite  
7 any state or legal statute that requires their intervention in this matter, Proposed  
8 Intervenor cannot be granted intervention, pursuant to NRCP 24(a)(1), which  
9 requires a party to have an unconditional right to intervene under a state or federal  
10 statute.

11  
12 17. Although the Proposed Intervenor is a member of the presently  
13 certified class, they are not so situated that disposing of the action will impede their  
14 ability to protect their interests, and have not presented any facts or evidence that  
15 demonstrates that the existing Plaintiffs do not adequately represent their interests.

16  
17 18. The Nevada Supreme Court clearly found that to be entitled to  
18 intervention as a matter of right, the applicant's interest must not be adequately  
19 represented by the existing parties to the suit. *Am. Home Assur. Co. v. Eighth*  
20 *Judicial Dist. Court*, 122 Nev. 1229, 1237 (2006). This burden is not met where the  
21 applicant fails to show that the current party "has a different objective, adverse to its  
22 interest, or that the [party] may not adequately represent their shared interest." *Id.* at  
23 1129. In determining adequacy of representation by existing parties, courts consider:  
24 (1) whether the interest of a present party is such that it will undoubtedly make all the  
25 intervenor's arguments; (2) whether the present party is capable and willing to make  
26 such arguments; and (3) whether the would-be intervenor would offer any necessary  
27

1 elements to the proceedings that other parties would neglect. *Southwest Ctr. For*  
2 *Biological Diversity v. Berg*, 268 F.3d 810, 817-18 (2001) (citing *Northwest Forest*  
3 *Resource Council* (“NFRC”) *v. Glickman*, 82 F.3d 825, 836 (9th Cir. 1996); *California*  
4 *v. Tahoe Reg'l Planning Agency*, 792 F.2d 775, 778 (9th Cir. 1986)).

5  
6 19. Courts have found that when movants, such as Proposed Intervenor  
7 and named Plaintiffs have the same interests and objective, as an existing party,  
8 adequacy of representation is presumed. *Arakaki v. Cayetano*, 324 F.3d 1078, 1086  
9 (9th Cir. 2003). Proposed Intervenor did not provide any facts or evidence that  
10 demonstrated they did not have adequate representation with the present named  
11 Plaintiffs.

12  
13 20. The Court concludes that in addition to failing to provide a proposed  
14 Complaint in Intervention, based on the totality of the litigation and settlement, that  
15 the Proposed Intervenor did not meet their burden of showing that the current  
16 parties have a different objective adverse to them or that the party does not  
17 adequately represent them, based on the information presented to the Court by  
18 Proposed Intervenor.

19  
20 21. The Court concludes that it has been provided no facts or evidence that  
21 show the present party is not capable and willing to make arguments on behalf of the  
22 whole class, which includes Proposed Intervenor who are already part of the class,  
23 and such arguments have been made before the Court.

24  
25 22. The Court concludes that based on the declarations of Proposed  
26 Intervenor, they failed to show that they offer any other necessary elements to the  
27 proceedings that other parties would otherwise neglect, pursuant to *Southwest Ctr.*  
28

1 *For Biological Diversity v. Berg*, 268 F.3d 810, 817-18 (2001).

2       23. Based on the foregoing, the Court concludes that since it was movant's  
3 burden to show that they did not have adequate representation, they failed to meet  
4 such a burden with their pro forma declarations, and failed to provide the Court any  
5 facts or evidence to show that they offer any other necessary elements to the  
6 proceedings or otherwise rebut adequate representation of current Plaintiffs.  
7

8       24. Proposed Intervenorors did not cite any state or federal statute that grants  
9 them a conditional right to intervene, and based upon the findings of this Court they  
10 are already class members for purposes of this matter; and, therefore, the Court finds  
11 it is not appropriate to permit them to intervene pursuant to NRCP 24(b)(1)(A).  
12

13       25. The Court does not find any basis on which to grant a permissive  
14 intervention as any such interests are adequately protected and represented by  
15 existing class Plaintiffs and the existing class which includes Proposed Intervenorors.  
16 The Proposed Intervenorors failed to establish that their interests were not adequately  
17 protected. Instead, one of the Declarations even specifically stated that the Declarant  
18 had made a claim for payment as a class member.  
19

20       26. The Court further concludes, based on its analysis, that neither NRCP  
21 23 or NRCP 24 provide a basis for Proposed Intervenorors to be granted intervention;  
22 and, therefore, finds that Denial of Intervention is proper.

23       27. NRCP 24(b)(2) provides that the Court may permit intervention on a  
24 timely Motion to permit a state or federal governmental office or agency to intervene;  
25 however, this section is inapplicable as there are no government officers or agencies  
26 at issue.  
27  
28

1           28. Based on the Findings of Fact, the Court found that existing named  
2 Plaintiffs do adequately represent the interests, claims and defenses of the Proposed  
3 Intervenor, as they are all members of the same certified class, as they were all  
4 dancers who performed at Russell Road Food & Beverage, LLC's gentlemen's club  
5 within the authorized class time period for at least 2 hours, and claim they were not  
6 paid any wages.  
7

8           29. Further, the intervention of Proposed Intervenor would cause  
9 significant delay and prejudice for the other class members who were mailed notice  
10 or who opted-in, including the named Plaintiffs, Class Representative Jacqueline  
11 Franklin, and Defendant, Russell Road Food & Beverage LLC who have been  
12 litigating, appealing, or engaging in the settlement process cumulatively since 2014.  
13 Therefore, based on this Court's Findings the Proposed Intervenor are not entitled to  
14 permissively intervene as it will cause undue delay and prejudice to the existing  
15 parties when analyzed under NRCP 24(b)(3).  
16

17           30. Based upon the Court's Findings of Fact, and analysis of those facts,  
18 the Court denies the Proposed Intervenor Motion to Intervene without prejudice.  
19

20                               **ORDER**

21           **IT IS, THEREFORE, HEREBY ORDERED** that Proposed  
22 Intervenor/Objector's Motion to Intervene is DENIED without prejudice.

23           DATED this 3<sup>rd</sup> day of November, 2021.

24     
25   \_\_\_\_\_  
26   **HONORABLE JOANNA S. KISHNER**  
27   **DISTRICT COURT JUDGE, DEPT. XXXI**  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

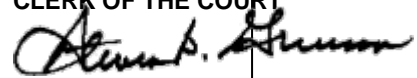
**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

**ALL REGISTERED COUNSEL and/or PARTIES IN PROPER PERSON**

/s/ Tracy L. Cordoba  
TRACY L. CORDOBA-WHEELER  
Judicial Executive Assistant





NEO  
JEFFERY A. BENDAVID, ESQ.  
Nevada Bar No. 6220  
STEPHANIE J. SMITH, ESQ.  
Nevada Bar No. 11280  
BENDAVID LAW  
7301 Peak Drive Suite 150  
Las Vegas, Nevada 89128  
(702) 385-6114  
*Attorneys for Defendant/Counterclaimant  
Russell Road Food & Beverage, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JACQUELINE FRANKLIN, ASHLEIGH  
PARK, LILY SHEPARD, STACIE  
ALLEN, MICHAELA DIVINE,  
VERONICA VAN WOODSEN,  
SAMANTHA JONES, KARINA  
STRELKOVA, LASHONDA,  
STEWART, DANIELLE LAMAR, and  
DIRUBIN TAMAYO, individually, and on  
behalf of a class of similarly  
situated individuals,

Plaintiffs,

vs.

RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
Liability company (d/b/a CRAZY HORSE  
III GENTLEMEN'S CLUB DOE CLUB);  
DOE CLUB OWNER, I-X, ROE  
EMPLOYER, I-X,

Defendants.

Case No.: A-14-709372-C  
Dept. No.: 31

**NOTICE OF ENTRY OF ORDER  
OF FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
DENYING PROPOSED  
INTERVENORS' MOTION TO  
INTERVENE TO HEAR AND  
UPHOLD OBJECTIONS TO  
PROPOSED CLASS ACTION  
SETTLEMENT AND REINSTATE  
APPEAL ON AN ORDER  
SHORTENING TIME**

Please take notice that a **FINDINGS OF FACT AND CONCLUSIONS OF  
LAW DENYING PROPOSED INTERVENORS' MOTION TO INTERVENE  
TO HEAR AND UPHOLD OBJECTIONS TO PROPOSED CLASS ACTION**

**BendavidLaw**

702.385.6114  
7301 Peak Drive, Suite 150  
Las Vegas, Nevada 89128

1 **SETTLEMENT AND REINSTATE APPEAL ON AN ORDER SHORTENING**  
2 **TIME** was entered in the above-entitled case by the Honorable Joanna S. Kishner on  
3 the 3<sup>rd</sup> day of November, 2021.

4 DATED this 5<sup>th</sup> day of November, 2021.

6 **BENDAVID LAW**

7 /s/ Jeffery A. Bendavid, Esq.

8 **JEFFERY A. BENDAVID, ESQ.**

9 State Bar No. 6220

10 **STEPHANIE J. SMITH, ESQ.**

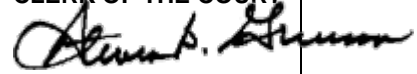
11 State Bar No. 11280

12 7301 Peak Dr., Suite 150

13 Las Vegas, NV 89128

14 *Attorneys for Defendant/Counterclaimant*

15 *Russell Road Food & Beverage, LLC*



FFCL

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

JACQUELINE FRANKLIN, ASHLEIGH  
PARK, LILY SHEPARD, STACIE ALLEN,  
MICHAELA DIVINE, VERONICA VAN  
WOODSEN, SAMANTHA JONES,  
KARINA STRELKOVA,  
LASHONDA STEWART, DANIELLE  
LAMAR, and DIRUBIN TAMAYO,  
individually, and on behalf of a class of  
similarly situated individuals,

Plaintiffs,

vs.

RUSSELL ROAD FOOD AND  
BEVERAGE, LLC, a Nevada limited  
Liability company (d/b/a CRAZY HORSE  
III GENTLEMEN'S CLUB, I-X, ROE  
EMPLOYER, I-X)

Defendants.

AND RELATED COUNTERCLAIMS

**Case No.: A-14-709372-C**

**Dept. No.: XXXI**

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
DENYING PROPOSED  
INTERVENORS' MOTION TO  
INTERVENE TO HEAR AND  
UPHOLD OBJECTIONS TO  
PROPOSED CLASS ACTION  
SETTLEMENT AND REINSTATE  
APPEAL ON AN ORDER  
SHORTENING TIME**

Proposed Intervenor's Motion to Intervene to Hear and Uphold Objections to  
Proposed Class Action Settlement and Reinstate Appeal on an Order Shortening  
Time, with LEON GREENBERG, ESQ. of LEON GREENBERG PROFESSIONAL  
CORPORATION, appearing on behalf of Proposed Intervenor's/Objectioners proceeding  
pseudonymously; KIMBALL JONES, ESQ. of Bighorn Law, and MICHAEL J.  
RUSING, ESQ. of RUSING LOPEZ & LIZARDI appearing on behalf of Plaintiffs and  
the class; and JEFFERY A. BENDAVID, ESQ. and STEPHANIE J. SMITH, ESQ. of

1 BENDAVID LAW appearing for Defendant, RUSSELL ROAD FOOD AND  
2 BEVERAGE LLC d/b/a CRAZY HORSE GENTLEMEN'S CLUB ("Defendant" and/or  
3 "Crazy Horse III"); having come on for hearing on shortened time on September 23,  
4 2021, at 9:00 a.m. in Department 31 of the above-titled Court, with the Honorable  
5 Judge Joanna Kishner presiding.

6  
7 **PROCEDURAL HISTORY**

8 The underlying Complaint in the above-captioned matter was filed on  
9 November 4, 2014. After multiple years of litigation, on or about July 11, 2017,  
10 Defendant prevailed in striking the Plaintiffs' Motion for Class Certification, and the  
11 Court granted a Motion to Dismiss on Plaintiffs' operative Complaint pursuant to  
12 NRCP 12(b)(1) and NRCP 12(h)(3). Subsequent thereto, Defendant also prevailed in  
13 obtaining summary judgment against the remaining named Plaintiff. The Findings of  
14 Fact and Conclusions of Law were entered on October 12, 2017.

15  
16 On October 17, 2017, Plaintiffs filed a Notice of Appeal. The Appeal was  
17 subsequently fully briefed on December 21, 2018. The Appeal was thereafter  
18 scheduled for oral argument by the Nevada Supreme Court. During the pendency of  
19 that scheduling, Plaintiffs and Defendant reached an agreement for a proposed class  
20 action settlement after significant negotiations, on or about October 16, 2019.  
21 Plaintiffs and Defendant filed a Joint Motion to Dismiss the Appeal on February 27,  
22 2020. On February 28, 2020, the Nevada Supreme Court filed an Order Dismissing  
23 the Appeal and Remanding to the District Court for the purposes of approving the  
24 parties proposed class settlement and that Appeal being subject to potential  
25 reinstatement by motion in the event that final approval was not granted. On June  
26  
27  
28

1 25, 2020, Plaintiffs and Defendant submitted a Joint Motion to Conditionally Certify  
2 Class, Preliminarily Approve Class Settlement and Directing Notice to Class  
3 Members. The Court granted this Motion on August 6, 2020, as well as a Motion to  
4 conditionally set aside rulings on dispositive motions in order for the District Court to  
5 have full jurisdiction over administration of the settlement.  
6

7 Plaintiffs and Defendant engaged in the process of notifying the conditionally  
8 certified class, and the first Notice Mailing occurred on November 6, 2020. The  
9 Notice process was extended through into 2021. In order to effectuate the Notice  
10 Mailing to additional class members who did not have any address on record with  
11 Defendant, the Parties subsequently agreed for the settlement administrator to  
12 perform a “skip trace” of individuals who were not sent Notice in the November 6,  
13 2020, Notice Mailing, and to remove the previously agreed upon term that reversion  
14 would occur of the settlement proceeds, with the net settlement funds to be  
15 distributed pro rata amongst valid claimants. Plaintiffs and Defendant submitted this  
16 Stipulation and Order for the Court’s approval on April 29, 2021, which the Court  
17 granted; and the Court continued the hearing regarding Final Approval of the Class  
18 Settlement to September 30, 2021. Due to the Court’s granting of the settlement  
19 modification, a continued Notice Mailing occurred on June 23, 2021, to 2,573  
20 conditional class members who were not sent the initial Notice Mailing. The deadline  
21 by which to object to the continued Notice Mailing was specified in that Mailing as 60  
22 days after its Mailing, or August 23, 2021.  
23  
24

25 On September 3, 2021, a document entitled “Motion to Intervene to Hear and  
26 Uphold Objections To Proposed Class Action Settlement And Reinstate Appeal on  
27  
28

1 Order Shortening Time” was filed by Leon Greenberg. On the face of the document  
2 in the upper left corner as required by the EDCR, it did not state on whose behalf the  
3 Motion was filed. Further, nowhere on the first page nor throughout the 16-page  
4 Motion, did it assert on behalf of whom, specifically, the Motion was filed on behalf of.  
5 Instead, the first paragraph set forth, “The proposed intervenors, who are members of  
6 the conditionally certified class of plaintiffs specified in this Court’s Order of August  
7 12, 2020 in this case, hereby move this Court for an order:...” The pleading was  
8 approximately 303 pages, including hundreds of pages of exhibits, but said exhibits  
9 were not numbered nor was there a separate appendix and index as required by  
10 EDCR 2.27.  
11

12 Further, while the Motion was styled as a Motion to Intervene, there was no  
13 proposed Complaint in Intervention attached as required by NRCP 24(c).  
14 Additionally, attached towards the end of the document were two purported, redacted  
15 Declarations of a Rhonda Roe and a Denise Doe but no request, pursuant to  
16 Supreme Court Rule 3, had been sought or granted to file redacted documents, nor  
17 had there been any Court ruling allowing the filing of anonymous pleadings or those  
18 using pseudonymous names<sup>1</sup>. The Declarations were very similar other than the  
19 years each individual asserted she worked for Defendant, and one of the two  
20 Declarations set forth that the individual had already filed a class claim but wished to  
21 withdraw that claim.  
22  
23  
24  
25

---

26 <sup>1</sup> Indeed, when individual Plaintiffs had several years earlier sought to use pseudonymous names,  
27 there was no good cause shown; and thus, the Court had denied the request of those individual  
28 Defendants, and said Order was part of the Record of the case.

1 Previously, on August 31, 2021, Mr. Greenberg had filed a document titled  
2 “Notice of Filing Written Objections To Proposed Class Action Settlement And Intent  
3 to Appear At Hearing” which was approximately 301 pages, including hundreds of  
4 pages of exhibits; but said exhibits were not numbered, nor was there a separate  
5 appendix and index as required by EDCR 2.27. That pleading also had attached  
6 towards the end of the document the two purported redacted Declarations of a  
7 Rhonda Roe and a Denise Doe. Similarly, there had been no request pursuant to  
8 Supreme Court Rule 3 sought, nor had permission been granted to file redacted  
9 documents. As noted above, there had not been any Court ruling allowing the filing  
10 of anonymous pleadings or those using pseudonymous names<sup>2</sup>. Between August  
11 31, 2021, and the hearing on that Notice of Objections, there were Joinders filed to  
12 that Notice; but on the face of those Joinders, they did not set forth that they were  
13 attempting to join the Motion to Intervene. Further, some of the “Jinders” were filed  
14 after the Motion to Intervene was heard.

17 At the time of the hearing on September 23, 2021, the only Motion before the  
18 Court was the Motion to Intervene as that Motion had been requested on Order  
19 Shortening Time, whereas the other “Notice” had been set in ordinary course as there  
20 was no request to hear that on shortened time. After a full review of the relevant  
21 pleadings, and after allowing oral argument by not only Mr. Greenberg - but also  
22 counsel for both Plaintiffs and Defendant, the Court finds as follows:  
23

24  
25  
26 \_\_\_\_\_  
27 <sup>2</sup> The Parties informed the Court that although pseudonymous names in their names in their public  
28 filings Mr. Greenberg provided their true names to the counsel for the parties. He did not, however,  
provide their names to the Court.



1                   **FINDINGS OF FACT**

2                   1.       Proposed Intervenor/objectors are already a part of the conditionally  
3 approved class of individuals that was certified for settlement purposes.

4                   2.       The Proposed Intervenors' Motion to Intervene did not have a pleading  
5 attached to it that sets forth a claim or defense for which intervention is sought.

6                   3.       Proposed Intervenors do not provide a state or federal statute which  
7 gives them a right to unconditionally intervene.

8                   4.       Proposed Intervenors have interests or claims directly aligned with  
9 current Plaintiffs within the action.

10                  5.       Proposed Intervenors do not have rights which are not being  
11 represented by current Plaintiffs.

12                  6.       The Proposed Intervenors' Motion to Intervene was heard on an Order  
13 Shortening Time at the Request of counsel for the Proposed Intervenors.

14                  7.       This instant action had been filed in 2014, and was a widely-known  
15 matter due to the breadth and scope of the action. Proposed Intervenors did not file  
16 their Motion to Intervene until September 3, 2021, and only attached two Declarations  
17 to said Motion.

18                  8.       Proposed Intervenors alleged claims and defenses are shared with the  
19 current Plaintiffs and share with the main action, all of the same common questions of  
20 law or fact.

21                  9.       Proposed Intervenors did not present facts or evidence to the Court  
22 regarding how their claims and defenses do not share common questions of law or  
23 fact with the current Plaintiffs, and Proposed Intervenors did not present any facts or  
24  
25  
26  
27  
28

1 evidence, aside from assumptions and speculation, that show the Proposed  
2 Intervenor's claims and defenses do not have full protection of their interests with  
3 respect to such claims and defenses being protected.

4         10. There is no party within the litigation that is a government officer or  
5 agency.

6         11. Since the case has been litigated since 2014, there has been significant  
7 notice generally regarding the case to individuals who had potential claims.

8         12. Proposed Intervenor's are attempting to intervene at a stage in the  
9 matter that would give them extra benefits, versus other class members, if allowed to  
10 intervene to the prejudice of other potential class members, and allowing their  
11 intervention would similarly cause unreasonable delay.

12         13. The declarations presented were pro forma declarations with a  
13 pseudonym at the top, and do not present individualized aspects for any of the  
14 individuals, including the fact no names are provided.

15  
16  
17         **CONCLUSIONS OF LAW**

18         14. Nevada Rule of Civil Procedure 24(c) plainly provides that a Motion to  
19 Intervene must state the grounds for intervention and be accompanied by a pleading  
20 that sets out the claim or defense for which intervention is sought. Based on the fact  
21 that Proposed Intervenor's did not attach any pleading that sets out the claim or  
22 defense for which intervention was sought, then pursuant to NRCP 24(c) their Motion  
23 to Intervene must be denied.

24         15. NRCP 24(a) and (b), provides that intervention either must or may be  
25 granted on a timely Motion to Intervene; however, the Court finds that Proposed  
26  
27  
28

1 Intervenor's Motion to Intervene was filed seven years after the commencement of  
2 the litigation, in November of 2014, and after the Court's preliminary approval of the  
3 class action settlement, and less than a month before the Court's scheduled hearing  
4 on final approval. Therefore, the Motion to Intervene was untimely under NRCP 24.

5  
6 16. The Court concludes that due to Proposed Intervenor's failure to cite  
7 any state or legal statute that requires their intervention in this matter, Proposed  
8 Intervenor cannot be granted intervention, pursuant to NRCP 24(a)(1), which  
9 requires a party to have an unconditional right to intervene under a state or federal  
10 statute.

11  
12 17. Although the Proposed Intervenor is a member of the presently  
13 certified class, they are not so situated that disposing of the action will impede their  
14 ability to protect their interests, and have not presented any facts or evidence that  
15 demonstrates that the existing Plaintiffs do not adequately represent their interests.

16  
17 18. The Nevada Supreme Court clearly found that to be entitled to  
18 intervention as a matter of right, the applicant's interest must not be adequately  
19 represented by the existing parties to the suit. *Am. Home Assur. Co. v. Eighth*  
20 *Judicial Dist. Court*, 122 Nev. 1229, 1237 (2006). This burden is not met where the  
21 applicant fails to show that the current party "has a different objective, adverse to its  
22 interest, or that the [party] may not adequately represent their shared interest." *Id.* at  
23 1129. In determining adequacy of representation by existing parties, courts consider:  
24 (1) whether the interest of a present party is such that it will undoubtedly make all the  
25 intervenor's arguments; (2) whether the present party is capable and willing to make  
26 such arguments; and (3) whether the would-be intervenor would offer any necessary  
27

1 elements to the proceedings that other parties would neglect. *Southwest Ctr. For*  
2 *Biological Diversity v. Berg*, 268 F.3d 810, 817-18 (2001) (citing *Northwest Forest*  
3 *Resource Council ("NFRC") v. Glickman*, 82 F.3d 825, 836 (9th Cir. 1996); *California*  
4 *v. Tahoe Reg'l Planning Agency*, 792 F.2d 775, 778 (9th Cir. 1986)).

5  
6 19. Courts have found that when movants, such as Proposed Intervenor  
7 and named Plaintiffs have the same interests and objective, as an existing party,  
8 adequacy of representation is presumed. *Arakaki v. Cayetano*, 324 F.3d 1078, 1086  
9 (9th Cir. 2003). Proposed Intervenor did not provide any facts or evidence that  
10 demonstrated they did not have adequate representation with the present named  
11 Plaintiffs.

12  
13 20. The Court concludes that in addition to failing to provide a proposed  
14 Complaint in Intervention, based on the totality of the litigation and settlement, that  
15 the Proposed Intervenor did not meet their burden of showing that the current  
16 parties have a different objective adverse to them or that the party does not  
17 adequately represent them, based on the information presented to the Court by  
18 Proposed Intervenor.

19  
20 21. The Court concludes that it has been provided no facts or evidence that  
21 show the present party is not capable and willing to make arguments on behalf of the  
22 whole class, which includes Proposed Intervenor who are already part of the class,  
23 and such arguments have been made before the Court.

24  
25 22. The Court concludes that based on the declarations of Proposed  
26 Intervenor, they failed to show that they offer any other necessary elements to the  
27 proceedings that other parties would otherwise neglect, pursuant to *Southwest Ctr.*  
28

1 *For Biological Diversity v. Berg*, 268 F.3d 810, 817-18 (2001).

2       23. Based on the foregoing, the Court concludes that since it was movant's  
3 burden to show that they did not have adequate representation, they failed to meet  
4 such a burden with their pro forma declarations, and failed to provide the Court any  
5 facts or evidence to show that they offer any other necessary elements to the  
6 proceedings or otherwise rebut adequate representation of current Plaintiffs.  
7

8       24. Proposed Intervenor's did not cite any state or federal statute that grants  
9 them a conditional right to intervene, and based upon the findings of this Court they  
10 are already class members for purposes of this matter; and, therefore, the Court finds  
11 it is not appropriate to permit them to intervene pursuant to NRCP 24(b)(1)(A).  
12

13       25. The Court does not find any basis on which to grant a permissive  
14 intervention as any such interests are adequately protected and represented by  
15 existing class Plaintiffs and the existing class which includes Proposed Intervenor's.  
16 The Proposed Intervenor's failed to establish that their interests were not adequately  
17 protected. Instead, one of the Declarations even specifically stated that the Declarant  
18 had made a claim for payment as a class member.  
19

20       26. The Court further concludes, based on its analysis, that neither NRCP  
21 23 or NRCP 24 provide a basis for Proposed Intervenor's to be granted intervention;  
22 and, therefore, finds that Denial of Intervention is proper.

23       27. NRCP 24(b)(2) provides that the Court may permit intervention on a  
24 timely Motion to permit a state or federal governmental office or agency to intervene;  
25 however, this section is inapplicable as there are no government officers or agencies  
26 at issue.  
27  
28

1           28. Based on the Findings of Fact, the Court found that existing named  
2 Plaintiffs do adequately represent the interests, claims and defenses of the Proposed  
3 Intervenor, as they are all members of the same certified class, as they were all  
4 dancers who performed at Russell Road Food & Beverage, LLC's gentlemen's club  
5 within the authorized class time period for at least 2 hours, and claim they were not  
6 paid any wages.

7  
8           29. Further, the intervention of Proposed Intervenor would cause  
9 significant delay and prejudice for the other class members who were mailed notice  
10 or who opted-in, including the named Plaintiffs, Class Representative Jacqueline  
11 Franklin, and Defendant, Russell Road Food & Beverage LLC who have been  
12 litigating, appealing, or engaging in the settlement process cumulatively since 2014.  
13 Therefore, based on this Court's Findings the Proposed Intervenor are not entitled to  
14 permissively intervene as it will cause undue delay and prejudice to the existing  
15 parties when analyzed under NRCP 24(b)(3).  
16

17           30. Based upon the Court's Findings of Fact, and analysis of those facts,  
18 the Court denies the Proposed Intervenor Motion to Intervene without prejudice.  
19

20                               **ORDER**

21           **IT IS, THEREFORE, HEREBY ORDERED** that Proposed  
22 Intervenor/Objector's Motion to Intervene is DENIED without prejudice.

23           DATED this 3<sup>rd</sup> day of November, 2021.

24  
25                                 
26                               **HONORABLE JOANNA S. KISHNER**  
27                               **DISTRICT COURT JUDGE, DEPT. XXXI**  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

**ALL REGISTERED COUNSEL and/or PARTIES IN PROPER PERSON**

/s/ Tracy L. Cordoba  
TRACY L. CORDOBA-WHEELER  
Judicial Executive Assistant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**May 07, 2015**

---

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
vs.  
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

---

**May 07, 2015      9:30 AM      Motion to Dismiss**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES**

**PRESENT:**      Anderson, Ryan M.      Attorney  
Bendavid, Jeffery A.      Attorney  
Kamer, Gregory J.      Attorney

**JOURNAL ENTRIES**

- DEFENDANT, RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO DISMISS PLAINTIFFS, JANE DOE DANCER 1 THROUGH XI AND/OR MOTION TO STRIKE PLAINTIFFS, JANE DOE DANCER II, III, VI, VIII AND IX THROUGH XI AND DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD, STACIE ALLEN, AND JANE DOE DANCER I THROUGH XI'S FIRST AMENDED COMPLAINT PURSUANT TO NRCP 12(B)(5) AND/OR MOTION TO STRIKE PLAINTIFFS' FIRST CAUSE OF ACTION, PRAYER FOR EXEMPLARY AND PUNITIVE DAMAGES, AND PRAYERS FOR RELIEF PURSUANT TO NRCP 12(F)

Court provided its inclination. Arguments by counsel. All counsel agree that additional argument is needed. COURT ORDERED, matter CONTINUED. Court offered tomorrow (5/8/15) at 10:00 am or Monday (5/11/15) at 2:00 pm. Counsel to contact Chambers, in writing, with agreed upon date by 4:00 pm today.

CONTINUED TO: (DATE TO BE DETERMINED)

PRINT DATE: 12/27/2021

Page 1 of 34

Minutes Date: May 07, 2015



**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Employment Tort

# COURT MINUTES

**May 08, 2015**

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
vs.  
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**May 08, 2015                      10:00 AM                      Motion to Dismiss**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Anderson, Ryan M.	Attorney
	Bendavid, Jeffrey A.	Attorney
	Kamer, Gregory J.	Attorney

## JOURNAL ENTRIES

- DEFENDANT, RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO DISMISS PLAINTIFFS, JANE DOE DANCER 1 THROUGH XI AND/OR MOTION TO STRIKE PLAINTIFFS, JANE DOE DANCER II, III, VI, VIII AND IX THROUGH XI AND DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD, STACIE ALLEN, AND JANE DOE DANCER I THROUGH XI'S FIRST AMENDED COMPLAINT PURSUANT TO NRCP 12(B)(5) AND/OR MOTION TO STRIKE PLAINTIFFS' FIRST CAUSE OF ACTION, PRAYER FOR EXEMPLARY AND PUNITIVE DAMAGES, AND PRAYERS FOR RELIEF PURSUANT TO NRCP 12(F)

Further arguments by counsel. (continued from 5/7/15)

RULING DEFERRED. Counsel may provide supplemental briefing (although not required) by 5/29/15 regarding statute of limitations only for the Court's consideration and a Decision will issue from Chambers. Court noted counsel may also provide (although not required) findings of fact and conclusions of law in Word format to Court's JEA or Law Clerk by 5/29/15.

PRINT DATE: 12/27/2021

Page 2 of 34

Minutes Date: May 07, 2015

CONTINUED FOR DECISION: 6/5/15 (CHAMBERS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**June 02, 2015**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

<b>June 02, 2015</b>	<b>9:00 AM</b>	<b>Motion to Amend Complaint</b>
----------------------	----------------	--------------------------------------

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Anderson, Ryan M.	Attorney
	Bendavid, Jeffery A.	Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. Court finds Defendant's motion to dismiss still pending, therefore procedurally, COURT ORDERED, Plaintiffs' Motion for Leave to Amend Plaintiff's First Amended Complaint is DENIED. Defense counsel to prepare the Order, circulating to Plaintiffs' counsel for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

6/19/15 STATUS CHECK: ORDER (CHAMBERS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

---

<b>Employment Tort</b>	<b>COURT MINUTES</b>	<b>June 25, 2015</b>
------------------------	----------------------	----------------------

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

<b>June 25, 2015</b>	<b>3:00 AM</b>	<b>Motion to Dismiss</b>
----------------------	----------------	--------------------------

<b>HEARD BY:</b> Kishner, Joanna S.	<b>COURTROOM:</b> No Location
-------------------------------------	-------------------------------

**COURT CLERK:** Andrea Natali

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- See Decision and Order filed June, 25th 2015.

CLERK'S NOTE: A copy of the foregoing minute order was distributed to the parties via electronic mail (6/25/15 amn).

- See Decision and Order filed June, 25th 2015.

CLERK'S NOTE: A copy of the foregoing minute order was distributed to the parties via electronic mail (6/25/15 amn).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**September 04, 2015**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

<b>September 04, 2015</b>	<b>3:00 AM</b>	<b>Motion to Associate Counsel</b>
---------------------------	----------------	------------------------------------

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** No Location

**COURT CLERK:** Sandra Harrell

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- On July 29, 2015, a Motion to Associate Counsel, Michael John Rusin, Esq., was filed by Plaintiffs. The matter was subsequently placed on Department XXXI's Chamber Calendar. As no opposition has been filed, the Court finds that the motion is appropriately GRANTED pursuant to EDCR 2.20, and on the merits.

Plaintiffs' counsel is directed to prepare the Order, and submit it to chambers within 10 days pursuant to EDCR 7.21. A status check is hereby set on Department XXXI's Chamber Calendar for Friday, September 18, 2015 regarding submission of the proposed Order. If the Court receives the Order prior to that date, the status check will be vacated. If the Order is not received, the Court will order an in person status check, where personal appearances by counsel will be mandatory.

9/18/15 STATUS CHECK: ORDER (CHAMBERS)

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Ryan Anderson, Esq. and Gregory Kamer, Esq.\sjh 9-4-15

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort****COURT MINUTES****August 19, 2016**

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

<b>August 19, 2016</b>	<b>9:00 AM</b>	<b>Motion to Compel</b>	<b>Plaintiffs' Motion to Compel Discovery Responses from Deft Russell Road Food and Beverage, LLC</b>
------------------------	----------------	-------------------------	---

**HEARD BY:** Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Sandra Pruchnic**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bendavid, Jeffery A.	Attorney
	Bretell, Jacqueline	Attorney
	Price, Daniel R.	Attorney

**JOURNAL ENTRIES**

- Jeffrey Bendavid, Esquire, for Russell Road Food and Beverage LLC.

Colloquy re: unjust enrichment; discovery going back two years before Complaint was filed up to the present is warranted. No class certification yet per Mr. Price. Commissioner advised counsel if the client has records that go back four years, preserve them. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; Request to Produce 1 - reasonably respond as discussed in Open Court; Interrogatory 1 - answer and verify; specifics of transfer of ownership document are PROTECTED with the exception of a paragraph related to assumption of risk or liability, that part of

document must be turned over.

Colloquy re: Interrogatories 17 (and RTP 2) through 35. COMMISSIONER RECOMMENDED, RFP 1 and Interrogatory 1 - go back four years related to ownership. MATTER TRAILED AND RECALLED. COMMISSIONER RECOMMENDED, Interrogatory 17 and RTP 2 - further response is PROTECTED (marking materials); set forth a better foundation; RTP 4, 13, and 15 - counsel agreed to produce in Excel format if possible; for in/out clock system, Mr. Bendavid will produce in Excel format if possible; Interrogatory 10 - counsel agreed Deft will produce the list from November 4, 2012 to present (active / inactive status, address, date of hire / date of departure, otherwise, in care of counsel's firm), work schedule is PROTECTED; take a deposition of employee or Manager; however, work schedules for Dancers in class must be produced.

COMMISSIONER RECOMMENDED, supplement Request for Admissions 1, 2, 3, and Ms. Bretell will bring another Motion if necessary; within 30 days of initial expert disclosure supplement contention Interrogatories and related RTP; counsel agreed production due by 9/2/16; no fees and costs, but counsel may renew request later based on compliance; Status Check SET in 60 days. Commissioner is available by conference call.

Ms. Bretell to prepare the Report and Recommendations, and Mr. Bendavid to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Bretell to appear at status check hearing to report on the Report and Recommendations.

9/23/16 11:00 a.m. Status Check: Compliance

10/21/16 9:00 a.m. Status Check: Compliance / Sanctions

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**October 21, 2016**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

**October 21, 2016      9:00 AM      Status Check: Compliance**

**HEARD BY:** Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:** Bendavid, Jeffery A. Attorney

**JOURNAL ENTRIES**

- Lauren Calvert, Esquire, for Pltfs.

The Report and Recommendation from the August 19, 2016 hearing was recently submitted, and Ms. Calvert received the discovery.

COMMISSIONER RECOMMENDED, matter CONTINUED; Ms. Calvert to prepare the Report and Recommendations from the August 19, 2016 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Calvert to appear at status check hearing to report on the Report and Recommendations from the August 19, 2016 hearing.

12/2/16 11:00 a.m. Status Check: Compliance



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**January 10, 2017**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

**January 10, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bendavid, Jeffery A. CALVERT, LAUREN Rusing, Michael J., ESQ Smith, Stephanie J. Sterling, P. Andrew	Attorney Attorney Attorney Attorney Attorney
-----------------	--	--

**JOURNAL ENTRIES**

- PLAINTIFFS' MOTION FOR CLASS CERTIFICATION...DEFENDANT RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO STRIKE NEW EVIDENCE RAISED IN PLAINTIFF'S REPLY FOR THEIR MOTION FOR CLASS CERTIFICATION ON ORDER SHORTENING TIME

Arguments by counsel. Court notes clarification needed, suggests supplemental briefing on the standard the Court needs to take into account with regard to the claims, present day, the most updated information, fact and law. Counsel to work out a stipulation, briefing schedule and a new requested hearing date including how much time will be needed for the hearing. Counsel to provide stipulation by the end of the week. COURT ORDERED, matter SET for Status Check regarding receipt of stipulation and resetting of hearing.

CONTINUED TO: DATE TO BE DETERMINED

PRINT DATE: 12/27/2021

Page 10 of 34

Minutes Date: May 07, 2015

1/13/17 STATUS CHECK: STIPULATION / NEW HEARING DATE (CHAMBERS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

---

<b>Employment Tort</b>	<b>COURT MINUTES</b>	<b>January 12, 2017</b>
------------------------	----------------------	-------------------------

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

January 12, 2017	9:00 AM	<b>Objection to Discovery Commissioner's Report</b>
------------------	---------	---

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bendavid, Jeffery A.	Attorney
	CALVERT, LAUREN	Attorney
	Smith, Stephanie J.	Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS' OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND  
RECOMMENDATIONS

Arguments by counsel. Court stated its findings, and ORDERED, Discovery Commissioner's Report and Recommendations are AFFIRMED. Defense counsel to prepare the Order, circulating to Plaintiffs' counsel for approval as to form and content in accordance with EDCR 7.21.

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Employment Tort

# COURT MINUTES

**March 16, 2017**

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
vs.  
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**March 16, 2017                      10:00 AM                      Motion to Certify Class**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Bendavid, Jeffery A.	Attorney
	CALVERT, LAUREN	Attorney
	Rusing, Michael J., ESQ	Attorney

## JOURNAL ENTRIES

- Arguments by counsel. Court stated its findings, and ORDERED, Plaintiffs' Motion for Class Certification is DENIED WITHOUT PREJUDICE. Mr. Bendavid to prepare the Order, circulating to all counsel for approval as to form and content in accordance with EDCR 7.21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort****COURT MINUTES****June 01, 2017**

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
    vs.  
    Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**June 01, 2017      9:30 AM      All Pending Motions**

**HEARD BY:** Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Kory Schlitz**RECORDER:** Sandra Harrell**REPORTER:****PARTIES**

**PRESENT:**      Bendavid, Jeffrey A.      Attorney  
                                  CALVERT, LAUREN      Attorney  
                                  Smith, Stephanie J.      Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS COUNTERCLAIMS...  
 DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS MICHAELA  
 MOORE AND STACIE ALLEN PURSUANT TO NRCP 56... STATUS CHECK...

Court stated its detailed inclination. Ms. Calvert argued in support of the Plaintiff's Motion for Summary Judgment, stating if the dancers are deemed as employees then you cannot take back tips and the unjust enrichment claim falls apart. Mr. Bendavid argued against Plaintiff's Motion for Summary Judgment, stating Plaintiff is trying to argue a Federal Law where you can't sue an employee for conversion as a retaliatory action, and stated the dancers were independent contractors. COURT ORDERED, Plaintiff's Motion for Summary Judgment GRANTED IN PART; GRANTED with regards to Breach of the Implied Covenant of Good Faith and Fair Dealing, the Conversion claim, ; DENIED WITHOUT PREJUDICE with regards to the Breach of Contract Offset claim, and as to the Unjust Enrichment claim, and regards to the Declaratory Judgment claim.

Arguments by counsel regarding Defendant's Motion for Summary Judgment. Upon Court's inquiry,

Ms. Calvert and Mr. Bendavid confirmed the Court's request for supplemental briefing regard if the Court has jurisdiction over Allen and Moore in light of the status of the Minimum Wage claim. Court directed parties if they wish to submit supplemental briefing to provide it to the Court on or before June 15, 2017 by 5:00 p.m. COURT FURTHER ORDERED Defendant's Motion for Summary Judgment CONTINUED to Chambers. Upon Court's inquiry, Ms. Calvert stated her clients are open to a settlement conference. Mr. Bendavid stated he would need to speak with his clients, and may be open to it.

6/23/17 DECISION RE: DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFF'S MICHELA MOORE AND STACIE ALLEN PURSUANT TO NRCP 56 (CHAMBERS CALENDAR)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**June 21, 2017**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

**June 21, 2017                      9:30 AM                      All Pending Motions**

**HEARD BY:** Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:** CALVERT, LAUREN Attorney  
Smith, Stephanie J. Attorney

**JOURNAL ENTRIES**

- Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories .. Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents

Commissioner inquired why two Motions were submitted each with 30 Pages, and no compliance with 2.40. In the future, do not engage in this type of Motion work. COMMISSIONER RECOMMENDED, Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories is GRANTED IN PART; Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents is GRANTED IN PART;  
Interrogatory 2 is modified and Pltf must answer during the entire time they worked at Crazy Horse; Interrogatory 3 - Pltf answered, no further response.

PRINT DATE: 12/27/2021

Page 16 of 34

Minutes Date: May 07, 2015

COMMISSIONER RECOMMENDED, Interrogatory 10 - Pltf will look back and supplement, or give best estimate; Interrogatory 8 is PROTECTED; Interrogatory 12 - Pltf will identify amount they think are due and owing (even conceptually); Commissioner suggested counsel need to approach Judge Kishner about the Trial date as discussed; Interrogatory 16 - supplement to the extent it has not been supplemented or best estimate; Ms. Calvert discussed disclosures of other sources of income from other similar Gentlemen's Clubs may have a Protective Order. Commissioner suggested providing a Key, and hold it until the Court orders it disclosed. Ms. Calvert agreed.

COMMISSIONER RECOMMENDED, keep businesses confidential until otherwise ordered by the District Court Judge; best estimate is acceptable if Pltf does not have tax returns; Objections are DEFERRED to the District Court Judge at the time of trial; SUPPLEMENT Interrogatories from Pltf to Deft no later than 7-21-17; Request to Produce 6 is PROTECTED; RTP 9 - no further response; Request 1 and 3 - no further responses; RTP 4 - same type of suggestion from Commissioner, and redact documents, prepare a privilege log, and there must be a Court Order in place to reference; must produce attached W-2 or 1099 for the relevant timeframe, but REDACT social security number and personal identifying information; RTP 8 - unless something Commissioner is not aware of, it was already produced; RTP 2 is PROTECTED; RTP 11 - supplement with redactions, but use the key; RTP 16 - produce as discussed; SUPPLEMENT RTP from Pltf to Deft no later than 7-21-17; no fees or costs. If counsel still have concerns about confidentiality, Commissioner will address issues separately.

Initial discovery was served one year ago and should have been brought to Commissioner's attention much sooner. Ms. Calvert to prepare the Report and Recommendations, and Ms. Smith to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort****COURT MINUTES****June 23, 2017**

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
    vs.  
    Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**June 23, 2017      3:00 AM      Minute Order**

**HEARD BY:** Kishner, Joanna S.**COURTROOM:** No Location**COURT CLERK:** Katrina Hernandez**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- This matter came on for hearing on June 10, 2017 on - PLAINTIFFS MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS COUNTERCLAIMS. DEFENDANT S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS MICHAELA MOORE AND STACIE ALLEN PURSUANT TO NRCP 56... STATUS CHECK

At the hearing the Court Granted in part and DENIED in part Plaintiffs Motion for Summary Judgment and addressed the Status Check as set forth in the record of that hearing and as summarized in the minutes. The Court deferred ruling on Defendant s Motion for Summary Judgment to allow the parties to provide supplemental briefing on the issue of the Court s jurisdiction in light of the facts presented. Supplemental briefing was due by June 15th and both parties provided supplemental briefs.

Based on the record in this case including the oral argument of counsel and the supplemental briefs, the Court finds that there are material issues of fact as to what damages the Plaintiffs could assert in the case and that Nevada Supreme Court precedent as cited in the supplemental briefs provides that the Court cannot as a matter of law make the determination requested by Defendant. Accordingly,

the Court finds that at present, given the disputed facts and the allegations set forth in the record, Defendant's Motion for Summary Judgment as to Plaintiffs Moore and Allen is DENIED without prejudice.

This Decision sets forth the Court's intended disposition on the subject but anticipates further Order of the Court to make such disposition effective as an Order or Judgment. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument.

Plaintiff's Counsel to prepare the Order(s) on both its Motion for Summary Judgment and the instant Motion and submit it/them to Chambers for consideration within ten (10) days in accordance with EDCR 7.21.

**\*\*CLERK'S NOTE: Minute Order e-served./kh 6-23-17**

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Employment Tort

# COURT MINUTES

July 11, 2017

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
vs.  
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**July 11, 2017                      9:30 AM                      All Pending Motions**

**HEARD BY:** Saitta, Nancy **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Sandra Harrell

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Bendavid, Jeffrey A.	Attorney
	CALVERT, LAUREN	Attorney
	Smith, Stephanie J.	Attorney

## JOURNAL ENTRIES

- As to Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3), Mr. Bendavid stated this case was previously denied class certification and there was 2 months remaining of discovery, which is now closed. Mr. Bendavid argued plaintiffs, individually, do not meet the \$10,000.00 requirement and argued the statute with respect to the third parties. Additional arguments by Mr. Bendavid with respect to superseding complaints and stated plaintiffs are combining their claim on plaintiff with Count 2 for jurisdictional purposes.

Ms. Calvert stated these arguments were previously presented and that motion was denied. Arguments regarding the damages and \$10,000.00 threshold. Ms. Calvert stated plaintiffs did not have the calculations at the time the brief was prepared. Additionally, Ms. Calvert argued there is on plaintiff which meets the threshold and additionally argued Plaintiff Ashleigh Parks wage claim and unjust enrichment exceed \$13,000.00.

Court inquired as to the legal basis for combining the two claims to get plaintiff to the jurisdictional amount. Further arguments by counsel. COURT FOUND Plaintiffs Franklin and Strelkova s damages each exceed \$10,000.00 and ORDERED, motion GRANTED WITHOUT PREJUDICE.

As to Plaintiffs Renewed Motion for Class Certification, COURT ORDERED, DENIED.

As to Defendant, Russell Road Food and Beverage, LLC's Motion to Strike Plaintiffs' Renewed Motion for Class Certification and Motions to Strike Plaintiffs' Declarations on an Order Shortening Time, GRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**August 03, 2017**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

**August 03, 2017      10:15 AM      Pre Trial Conference**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Tena Jolley

**RECORDER:** Sandra Harrell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bendavid, Jeffrey A.	Attorney
	CALVERT, LAUREN	Attorney

**JOURNAL ENTRIES**

- Counsel estimate 2 days for trial. Colloquy. COURT ORDERED, matter SET for Trial. Pretrial Memorandum DUE 9/19/17.

9/26/17 9:00 AM CALENDAR CALL

10/2/17 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**August 17, 2017**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

**August 17, 2017      9:30 AM      All Pending Motions**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Tena Jolley

**RECORDER:** Sandra Harrell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bendavid, Jeffrey A. CALVERT, LAUREN Smith, Stephanie J.	Attorney Attorney Attorney
-----------------	--	----------------------------------

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS PURSUANT TO NRCP 56...PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON EMPLOYEE STATUS

After the Court's consideration of the papers submitted by counsel in connection with this matter, and, having heard the oral arguments presented by both Ms. Calvert and Mr. Bendavid, COURT FINDS the standards have been met for independent contractor status under 608.0155, that there are no undisputed material facts, and ORDERED, Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56 is GRANTED; and Plaintiffs' Motion for Summary Judgment on Employee Status is DENIED. Mr. Bendavid to prepare a detailed Findings of Fact and Conclusions of Law pursuant to EDCR 7.21 within 30 days. COURT FURTHER ORDERED, Calendar Call and Trial Date VACATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**October 17, 2017**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

<b>October 17, 2017</b>	<b>9:00 AM</b>	<b>Motion for Attorney Fees and Costs</b>
-------------------------	----------------	---

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Natalie Ortega

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bendavid, Jeffrey A.	Attorney
	CALVERT, LAUREN	Attorney
	Smith, Stephanie J.	Attorney

**JOURNAL ENTRIES**

- COURT stated its inclination. Mr. Bendavid indicated Defense would submit a supplement brief regarding the costs. Ms. Calvert concurred. COURT ORDERED, Defendant Russell Road Food and Beverage, LLC's Motion for Attorney's Fees and Costs DENIED IN PART as to the Attorney's Fees on the two alternative motions, FURTHER ORDERED, ruling DEFERRED as to Costs. COURT ADDITIONALLY ORDERED, matter SET for Chambers regarding supplemental brief; Defendant's Supplement Brief due by Oct 24, 2017. Plaintiff's Response due by November 1, 2017, and Defendant's Reply due by November 6, 2017.

11/9/17 SUPPLEMENT BRIEF (CHAMBERS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**November 09, 2017**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s)
	vs.
	Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

---

**November 09, 2017     3:00 AM                      Status Check**

**HEARD BY:**    Kishner, Joanna S.

**COURTROOM:**    No Location

**COURT CLERK:**    Natalie Ortega

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to the October 7, 2017 Court Minutes, the Court deferred its ruling as to Costs and directed parties to submit Supplemental Briefing regarding the same. The Court allowed Defendant to file its Supplement Brief by October 24, 2017. If Plaintiff wished to file a Response or Opposition to the supplemental briefing by Defendant it was to do so no later than November 1, 2017. If an Opposition, was filed then Defendant's Reply was due by November 6, 2017. The Court further stated that it would make a ruling with the supplemental briefing it received by the affirmative deadlines. Pursuant to the deadlines, the Court has only received Defendant's Supplement brief on October 24, 2017. Accordingly, the Court will issue its ruling by November 14, 2017 taking into consideration the pleadings that were timely filed.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/11/09/17



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort****COURT MINUTES****March 09, 2018**

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
    vs.  
    Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**March 09, 2018      11:00 AM      Minute Order**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** Chambers

**COURT CLERK:** Tena Jolley

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court had previously deferred its ruling as to Costs and directed parties to submit Supplemental Briefing regarding the same. The Court has received supplemental briefing from Defendant Russell Road Food and Beverage LLC, but no supplemental briefing from any Plaintiff nor has the Court received any request for any additional time to provide such briefing. Accordingly, the Court makes the following ruling in the absence of any supplemental briefing from Plaintiffs. The Court finds that as a prevailing defendant in a matter in which Plaintiff sought more than \$2,500, Defendant is entitled to an award of costs pursuant to NRS 18.020(3). However, in Cadle Co. v. Woods & Erickson, LLP, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1054 (2015), the Nevada Supreme Court stated that in order for costs to be appropriately awarded they must be reasonable, necessary and actually incurred. "Without evidence to determine whether a cost was reasonable and necessary, a district court may not award costs." Id. See Also In RE Dish Network, 133 Nev. Adv. Op. 61, 401 P.3d 1081.

Here, Defendant seeks \$788.69 for filing fees, \$4,427.70 for deposition fees and transcripts, \$1,851.94 for court reporter fees and Clark County Treasurer fees, and \$10,158.15 for legal research costs, for a total amount of \$17,226.48. Attached to their supplemental briefing, the Defendant included

PRINT DATE: 12/27/2021

Page 26 of 34

Minutes Date: May 07, 2015

numerous exhibits demonstrating that the costs sought were actually incurred, and set forth the basis upon which they believe the costs to be reasonable and necessary.

Upon a full review of the documentation provided and the arguments of counsel contained within the brief, the Court finds that the filing fees, deposition fees and transcript costs, court reporter fees and Clark County Treasurer fees were all reasonable and necessary, and therefore are properly awarded. However, with respect to the legal research costs sought in the amount of \$10,158.15, the Court finds that Defendant has adequately set forth a justification for the majority of these costs being reasonable and necessary.

NRS 18.005(17) specifically allows for an award of costs for "reasonable and necessary expenses for computerized services for legal research." While Defendant has provided an invoice that includes the name of the client on each line item for which they seek recovery, there are not specific explanation has been provided for many of the entries to specify what exactly was researched and why such a large sum was required to be paid for legal research. While Defendant has asserted inter alia that Plaintiffs' citation to cases from many jurisdictions justifies such a large expense for legal research, the Court notes that some cases are available free of charge on various platforms across the internet. At the same time, the Court is cognizant of the fact that, as Defendant points out, Plaintiff consistently cited to cases from many different jurisdictions outside of Nevada throughout the pendency of the litigation and both parties submitted extensive briefing with numerous citations. The Court therefore agrees that significant legal research was necessary to be conducted by Defendant in order to respond the authorities cited by Plaintiffs and to provide its own briefing. The Court also reviewed the record which shows that the dates of charges generally correspond to the dates of briefs being provided and hearing dates. The Court therefore finds, that in the absence of a full analysis of the reasonableness and necessity of the costs sought, the full amount cannot be awarded, but in recognition of the fact that legal research was indeed necessary, and the fact that the billing entries overall correspond to the filing dates of several motions and oppositions in the case, the Court finds an appropriate award to be \$8,220.87 for legal research.

For the reasons stated, the Defendant's Motion for Costs is GRANTED in part with respect to the costs mentioned above and GRANTED in part and DENIED in part with respect to the costs of legal research, for a total award of \$15,289.20.

Defendant to prepare the order and submit to chambers in accordance with EDCR 2.20.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Tena M. Jolley, to all registered parties for Odyssey File & Serve. (tmj:3/9/18)

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Employment Tort

# COURT MINUTES

July 27, 2020

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
vs.  
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**July 27, 2020                      9:00 AM                      Motion to Certify Class**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Sandra Harrell

**REPORTER:**

## PARTIES

**PRESENT:** Rusing, Michael J., ESQ Attorney  
Smith, Stephanie J. Attorney

## JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application.

Colloquy regarding Court's jurisdiction to grant requested relief, Supreme Court order, and potential oral stipulation to vacate prior rulings. Ms. Smith requested a continuance for counsel to confer and determine what the appropriate course is. Mr. Rusing agreed to continuance. COURT ORDERED, Joint Motion for an Order: (1) Conditionally Certifying Class; (2) Preliminarily Approving Class Settlement; (3) Directing Notice to Class Members; and (4) Scheduling Final Fairness Hearing CONTINUED, if Court receives something from counsel between now and then, Court will review it. Court directed counsel to include the continuance date in any paperwork it submits.

CONTINUED TO: 8/6/2020 9:30 AM

CLERK'S NOTE: Minute Order prepared by Nicole McDevitt via listening to JAVS recording. /nm  
8/4/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**August 06, 2020**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

**August 06, 2020      9:30 AM      All Pending Motions**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Sandra Harrell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Rusing, Michael J., ESQ	Attorney
	Smith, Stephanie J.	Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S JOINT MOTION TO CONDITIONALLY SET ASIDE RULINGS ON DISPOSITIVE MOTIONS AND CLASS CERTIFICATION PENDING FINAL APPROVAL OF SETTLEMENT . . . JOINT MOTION FOR AN ORDER: (1) CONDITIONALLY CERTIFYING CLASS; (2) PRELIMINARILY APPROVING CLASS SETTLEMENT; (3) DIRECTING NOTICE TO CLASS MEMBERS; AND (4) SCHEDULING FINAL FAIRNESS HEARING

Court noted it was in receipt of the parties Joint Letter to consolidate the matters and Joint Motion to Conditionally Set Aside Rulings on Dispositive Motions and Class Certification Pending Final Approval of Settlement regarding the Joint Motion for an Order and Plaintiff's Joint Motion to Conditionally Set Aside Rulings and stated its inclinations. Mr. Rusing provided a case history summary and submitted on the pleadings. Ms. Smith submitted on the pleadings. COURT ORDERED, Joint Motion for an Order (1) Conditionally Certifying Class; (2) Preliminarily Approving Class Settlement; (3) Directing Notice to Class Members; and (4) Scheduling Final Fairness hearing and Plaintiff's Joint Motion to Conditionally Set Aside Rulings on Dispositive Motions and Class Certification Pending Final Approval of Settlement GRANTED; Mr. Rusing and Ms. Smith to prepare

and submit the Orders.



**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Employment Tort

# COURT MINUTES

September 17, 2021

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
vs.  
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**September 17, 2021      9:30 AM      At Request of Court**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sharyne Suehiro

**RECORDER:** Lara Corcoran

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Bendavid, Jeffrey A.	Attorney
	Greenberg, Leon	Attorney
	Rusing, Michael J., ESQ	Attorney
	Smith, Stephanie J.	Attorney

## JOURNAL ENTRIES

- Court provided an update as to why the Stipulation and Order was not signed.

Mr. Rusing and Mr. Bendavid STIPULATED to move the Motion set on 10/19/2021 to 9/30/2021 pursuant to EDCR 7.50.

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Employment Tort

# COURT MINUTES

September 23, 2021

A-14-709372-C      Ashleigh Park, Plaintiff(s)  
vs.  
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**September 23, 2021      9:00 AM      Motion to Intervene**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Natalie Ortega

**RECORDER:** Lara Corcoran

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Bendavid, Jeffrey A.	Attorney
	Greenberg, Leon	Attorney
	Jones, Kimball	Attorney
	Rusing, Michael J., ESQ	Attorney
	Smith, Stephanie J.	Attorney

## JOURNAL ENTRIES

- Arguments by counsel regarding the Motion to Intervene and Hear and Uphold Objections to Proposed Class Action Settlement and Reinstate Appeal. COURT NOTED it would rule on the Motion to Intervene only. COURT stated FINDINGS and ORDERED, Motion to Intervene DENIED WITHOUT PREJUDICE as it was in non-compliance with NRCP 24 (c). COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Employment Tort**

**COURT MINUTES**

**October 05, 2021**

---

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

---

October 05, 2021	9:00 AM	Motion for Protective Order
------------------	---------	--------------------------------

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Louisa Garcia

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Greenberg, Leon	Attorney
	Jones, Kimball	Attorney
	Smith, Stephanie J.	Attorney

**JOURNAL ENTRIES**

- Following representations by counsel, COURT ORDERED, Motion, MOOT, as there was nothing ripe before the Court and no basis for a protective order. Mr. Greenberg to prepare order pursuant to EDCR 7.21. Court advised this in no way would impact prior rulings.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

LEON GREENBERG, ESQ.  
2965 S. JONES BLVD., STE E3  
LAS VEGAS, NV 89146

DATE: December 27, 2021  
CASE: A-14-709372-C

**RE CASE:** JACQUELINE FRANKLIN; ASHLEIGH PARK; LILY SHEPARD; STACIE ALLEN; MICHAELA DIVINE; VERONICA VAN WOODSEN; SAMANTHA JONES; KARINA STRELKOVA; LASHONDA STEWART; DANIELLE LAMAR; DIRUBIN TAMAYO vs. RUSSELL ROAD FOOD AND BEVERAGE, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB; SN INVESTMENT PROPERTIES, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB

NOTICE OF APPEAL FILED: December 21, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

---

**\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

# Certification of Copy

**State of Nevada** }  
**County of Clark** } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; [PROPOSED] FINDINGS OF FACT AND CONCLUSIONS DENYING AND OVERRULING OBJECTIONS AND GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT; NOTICE OF ENTRY OF ORDER OF FINDINGS OF FACT AND CONCLUSIONS OF LAW DENYING AND OVERRULING OBJECTIONS AND GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT; FINDINGS OF FACT AND CONCLUSIONS OF LAW DENYING PROPOSED INTERVENORS' MOTION TO INTERVENE TO HEAR AND UPHOLD OBJECTIONS TO PROPOSED CLASS ACTION SETTLEMENT AND REINSTATE APPEAL ON AN ORDER SHORTENING TIME; NOTICE OF ENTRY OF ORDER OF FINDINGS OF FACT AND CONCLUSIONS OF LAW DENYING PROPOSED INTERVENORS' MOTION TO INTERVENE TO HEAR AND UPHOLD OBJECTIONS TO PROPOSED CLASS ACTION SETTLEMENT AND REINSTATE APPEAL ON AN ORDER SHORTENING TIME; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JACQUELINE FRANKLIN; ASHLEIGH PARK; LILY SHEPARD; STACIE ALLEN; MICHAELA DIVINE; VERONICA VAN WOODSEN; SAMANTHA JONES; KARINA STRELKOVA; LASHONDA STEWART; DANIELLE LAMAR; DIRUBIN TAMAYO,

Plaintiff(s),

vs.

RUSSELL ROAD FOOD AND BEVERAGE, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB; SN INVESTMENT PROPERTIES, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB,

Defendant(s),

Case No: A-14-709372-C

Dept No: XXXI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 27 day of December 2021.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read 'A Hampton', is written over a faint, circular court seal. The seal contains the text 'UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT CLATSOP COUNTY OREGON'.

— Amanda Hampton, Deputy Clerk —  
A-14-709372-C



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

December 27, 2021

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: JACQUELINE FRANKLIN; ASHLEIGH PARK; LILY SHEPARD; STACIE ALLEN;  
MICHAELA DIVINE; VERONICA VAN WOODSEN; SAMANTHA JONES; KARINA  
STRELKOVA; LASHONDA STEWART; DANIELLE LAMAR; DIRUBIN TAMAYO vs. RUSSELL  
ROAD FOOD AND BEVERAGE, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB; SN  
INVESTMENT PROPERTIES, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB  
D.C. CASE: A-14-709372-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed December 21, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

September 30, 2021

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton  
Amanda Hampton, Deputy Clerk