

**KEMP JONES, LLP**

J. RANDALL JONES (#1927)  
3800 Howard Hughes Pkwy, Suite 1700  
Las Vegas, Nevada 89169  
T: (702) 385-6000  
r.jones@kempjones.com

**CLAGGETT & SYKES LAW FIRM**

MICHAEL J. GAYAN (#11135)  
4101 Meadows Lane, Suite 100  
Las Vegas, Nevada 89107  
T: (702) 333-7777  
mike@claggettlaw.com

**FERNALD LAW GROUP LLP**

BRANDON C. FERNALD (#10582)  
3753 Howard Hughes Parkway, Unit 200  
Las Vegas, NV 89169  
T: (702) 410-7500  
brandon.fernald@fernaldlawgroup.com

**KABATECK LLP**

BRIAN S. KABATECK (pro hac vice)  
SHANT A. KARNIKIAN (pro hac vice)  
MATT SAHAK (pro hac vice)  
633 West Fifth Street, Suite 3200  
Los Angeles, California 90071  
T: (213) 217-5000  
sk@kbklawyers.com

**MACIAS COUNSEL, INC.**

SEAN E. MACIAS (pro hac vice)  
411 North Central Ave, Suite 210  
Glendale, California 91203  
T: (818) 240-7707  
Sean@MaciasCounsel.com

*Class Counsel*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

IN RE: GO WIRELESS COMMISSION  
LITIGATION

Case No.: A-17-752802-C  
Dept. No.: XVI

**ORDER GRANTING JOINT MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT ON  
ORDER SHORTENING TIME**

1 Before the Court is the Parties' Joint Motion For Preliminary Approval Of Class Action  
2 Settlement ("Motion"); the terms of which are set forth in a proposed Settlement Agreement  
3 among Plaintiffs Allan Herdemian, Eli Andrews, Amy Damschen, Gage Davelaar, Eric Barnhart,  
4 and April Day (collectively, "Plaintiffs" or "Class Members"), and Defendants Go Wireless, Inc.  
5 and HUKL Investments, Inc. f/k/a Go Wireless Holdings, Inc. (collectively, "Defendants"),  
6 attached as Exhibit A to the Motion with accompanying Exhibit A-1 (Short-Form Notice) and  
7 Exhibit A-2 (Long Form Notice).

8 Having fully considered the issues and oral argument of counsel having been received by  
9 the Court, the Court hereby **GRANTS** the Motion and **ORDERS** as follows:

10 1. **Preliminary Settlement Approval:** Upon preliminary review, the Court finds the  
11 Settlement is fair, reasonable, and adequate to warrant providing notice of the Settlement to the  
12 Class Members and accordingly is preliminarily approved. In making this determination, the  
13 Court has considered: (a) the monetary benefits provided to the Class Members through the  
14 Settlement; (b) the specific risks faced by the Class Members in prevailing on their claims; (c)  
15 the extensive good faith, arms' length negotiations among the Parties with the involvement of  
16 experienced Mediators (acting as neutrals); (d) the absence of any collusion in the Settlement; (e)  
17 the effectiveness of the proposed method for distributing notice and relief to the Class Members;  
18 (f) the proposed manner of allocating benefits to Class Members; (g) how the Settlement treats  
19 the Class Members equitably; and (h) all of the other factors required by NRCP 23 and relevant  
20 case law.

21 2. **Settlement Administrator:** The Court appoints Apex Class Action LLC as the  
22 Settlement Administrator, with responsibility for providing class notice and settlement  
23 administration. The Settlement Administrator is directed to perform all tasks the Settlement  
24 Agreement requires. The Settlement Administrator's fees will be paid pursuant to the terms of  
25 the Settlement Agreement.

26 3. **Notice:** The proposed process of providing notice to Class Members as set forth  
27 in the Settlement Agreement and the Notices attached to the Settlement Agreement as Exhibits  
28 A-1 and A-2 are hereby approved. The Parties may modify the Notices to include the relevant

1 dates and deadlines provided for by this Order. Non-material modifications to these Exhibits may  
2 be made by the Settlement Administrator in consultation with, and approval by, the Parties  
3 without further order of the Court.

4       **4. Findings Concerning Notice.** The Court finds that the proposed form, content,  
5 and method of giving notice to the Class Members as described in the Settlement Agreement  
6 attached as Exhibit 1 to the Motion with accompanying Exhibit 1-A (Short-Form Notice) and  
7 Exhibit 1-B (Long Form Notice): (a) will constitute the best practical notice of the Settlement to  
8 the Class Members; (b) are reasonably calculated, under the circumstances, to apprise the Class  
9 Members of the Settlement, the terms of the proposed Settlement, and their rights under the  
10 proposed Settlement, including, but not limited to, their rights to object to the proposed  
11 Settlement and other rights under the terms of the Settlement Agreement; (c) are reasonable and  
12 constitute due, adequate, and sufficient notice to all Class Members; and (d) meet all applicable  
13 requirements of law, including NRCP 23. The Court further finds that the Notices — Exhibits A-  
14 1 and A-2 to the Settlement Agreement — are written in plain language, uses simple  
15 terminology, and is designed to be readily understandable by Class Members. The Settlement  
16 Administrator is directed to carry out the process of providing notice to the Class Members in  
17 conformance with the terms and conditions in the Settlement Agreement **within seven (7) days**  
18 **after notice of entry of this Order Granting Preliminary Approval.**

Ent'd/LB 19       **5. Final Approval Hearing:** A Final Approval Hearing shall be held on August 12,  
20 2025, at 9:30 a.m., at the Eighth Judicial District Court – Clark County Courthouse, 200 Lewis  
21 Avenue, Las Vegas, Nevada, 89101, Department XVI, where the Court will determine, among  
22 other things, whether: (a) the Settlement should be approved as fair, reasonable, and adequate,  
23 and finally approved pursuant to NRCP 23; (b) this litigation and all of the claims asserted herein  
24 should be dismissed with prejudice pursuant to the terms of the Settlement Agreement; (c) Class  
25 Members should be bound by the releases set forth in the Settlement Agreement; and (d) the  
26 application of Class Plaintiffs for an award of Attorneys' Fees, Costs, and Service Awards  
27 should be approved pursuant to NRCP 23. **The Motion for Attorneys' Fees, Costs, and Service**  
28 **Award shall be filed at least 15 days before the Class Members' objection deadline (45 days**

1 from the notice mailing date), and the Settlement Administrator must post that motion on  
2 the Settlement Website within one judicial day of its filing. The Motion for Final Approval  
3 shall be filed at least 15 days prior to the Final Approval hearing.

4 6. **Production of Class Member Data:** Within seven (7) days of the Court's entry  
5 of this order granting preliminary approval, in order to facilitate notice and disbursement of  
6 settlement funds to Class Member Settlement Participants, counsel for Defendants shall provide  
7 Class Counsel with a data file listing the names, last known addresses, available personal e-mail  
8 addresses, available personal phone numbers, and (through a confidential method) the available  
9 Social Security numbers of all Class Members or the last four digits of the of Social Security  
10 numbers of the Class Members for whom the full numbers are unavailable.

11 7. **Objections and Appearances:** A Class Member desiring to object to the  
12 Settlement Agreement may submit a timely written notice of his/her objection **within 60 days of**  
13 **the date of mailing of the Short-Form Notice.** The Long-Form Notice shall instruct Class  
14 Members who wish to object to the Settlement Agreement on how to mail their objections to the  
15 Settlement Administrator. The Notice shall advise Class Members of the deadline for submission  
16 of any objections—the "Objection Date." Any such notices of an intent to object to the  
17 Settlement Agreement must be written and must include all of the following information: (a) the  
18 case name and number (In re: Go Wireless Commission Litigation, Case No. A-17-752802-C);  
19 (b) the objector's full name, the Settlement Administrator provided identification number,  
20 address, telephone number, and email address (if they have one); (c) the reasons for their  
21 objection; (d) whether they and/or their lawyer intends to appear at the final approval hearing  
22 and their lawyer's name; and (e) their signature.

23 The Settlement Administrator shall promptly forward any objections to counsel for the  
24 Parties. Class Counsel must file a Notice with any objections within one week of the Objection  
25 Deadline and respond to all objections (if any) in the Motion for Final Approval and at the Final  
26 Approval Hearing.

27 The Court may decide that any Class Member who fails to comply with the requirements  
28 for objecting has waived any and all rights s/he may have to appear and/or object to the

1 Settlement Agreement, and shall be bound by all the terms of the Settlement Agreement and by  
2 all proceedings, orders, and judgments in this litigation.

3       **8. Termination of Settlement:** This Preliminary Approval Order shall become null  
4 and void and shall be without prejudice to the rights of the Parties, all of whom shall be restored  
5 to their respective positions existing before the Court entered this Preliminary Approval Order  
6 and before they entered the Settlement Agreement, if: (a) the Settlement is not finally approved  
7 by the Court or is terminated in accordance with the Settlement Agreement; or (b) there is no  
8 Effective Date as defined in the Settlement Agreement. In such event; (i) the Parties shall be  
9 restored to their respective positions in the litigation and shall jointly request that all scheduled  
10 deadlines be reasonably extended by the Court so as to avoid prejudice to any Party or Party's  
11 counsel; (ii) the terms and provisions of the Settlement Agreement shall have no further force  
12 and effect with respect to the Parties and shall not be used in the litigation or in any other  
13 proceeding for any purpose; and (iii) any judgment or order entered by the Court in accordance  
14 with the terms of the Settlement Agreement shall be treated as vacated.

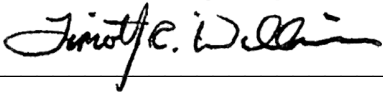
15       **9. Use of Order:** This Preliminary Approval Order shall be of no force or effect if  
16 the Final Order of Dismissal with Prejudice is not entered or there is no Effective Date under  
17 the Settlement Agreement, and shall not be construed or used as an admission, concession, or  
18 declaration by or against any Party of any fault, wrongdoing, breach, or liability. Nor shall this  
19 Preliminary Approval Order be construed or used as an admission, concession, or declaration by  
20 or against the Class Representatives, any other Class Member or Defendants that any claim or  
21 defense lacks merit or that any relief requested is inappropriate, improper, unavailable, or as a  
22 waiver by any Party of any defense or claim they may have in this litigation or in any other  
23 lawsuit.

24       **10. Continuance of Hearing.** The Court reserves the right to adjourn or continue the  
25 Final Fairness Hearing and related deadlines without further written notice to the Class  
26 Members. If the Court alters any of those dates or times, the revised dates and times shall be  
27 posted on the Settlement Website maintained by the Settlement Administrator. The Court may  
28

1 approve the Settlement, with such modifications as may be agreed upon by the Parties, if  
2 appropriate, without further notice to Class Members.

3 11. **Stay of Litigation.** All proceedings in the litigation, other than those related to  
4 approval of the Settlement Agreement, are hereby stayed. Further, any actions brought by Class  
5 Members concerning the Released Claims are hereby enjoined and stayed pending Final  
6 Approval of the Settlement Agreement.

7  
8 Dated this 3rd day of April, 2025

9 

LB

10  
11 Respectfully submitted by:

28D 752 8F95 FD4F  
Timothy C. Williams  
District Court Judge

12 **CLAGGETT & SYKES LAW FIRM**

13 /s/ Michael J. Gayan  
14 Michael J. Gayan, Esq. (#11135)  
15 4101 Meadows Lane, Suite 100  
Las Vegas, NV 89107

16 *Class Counsel*

17  
18 **BAILEY ♦ KENNEDY**

19 /s/ John R. Bailey  
20 John R. Bailey, Esq. (#0137)  
21 8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302

22 **Fisher & Phillips LLC**  
23 Scott M. Mahoney, Esq. (#1099)  
Allison L. Kheel, Esq. (#12986)  
24 300 S. Fourth Street, Suite 1500  
Las Vegas, Nevada 89101

25 *Counsel for Defendants*  
26  
27  
28



---

**RE: Proposed Order re Mot. for Prelim Approval**

---

**From** John Bailey <JBailey@baileykennedy.com>

**Date** Wed 4/2/2025 3:42 PM

**To** Michael Gayan <mike@claggettlaw.com>; Shant Karnikian <sk@kbklawyers.com>

**Cc** Paul Williams <PWilliams@baileykennedy.com>; Brian Kabateck <bsk@kbklawyers.com>; Sahak Matt <MS@kbklawyers.com>; Brandon Fernald <brandon@fzlaw.com>; J. Randall Jones <r.jones@kempjones.com>; Sean E. Macias <sean@maciascounsel.com>; Joseph Liebman <JLiebman@baileykennedy.com>

August 12<sup>th</sup> works for us, and you are authorized to e-sign the Order for me. Thanks. JRB

John R. Bailey  
BAILEY KENNEDY, LLP  
8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302  
Phone: (702) 562-8820  
Fax: (702) 562-8821  
Direct Dial: (702) 851-0051  
[JBailey@BaileyKennedy.com](mailto:JBailey@BaileyKennedy.com)

-----  
*This e-mail message is a confidential communication from Bailey Kennedy, LLP and is intended only for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-562-8820 and delete this e-mail message and any attachments from your workstation or network mail system.*

---

**From:** Michael Gayan <mike@claggettlaw.com>

**Sent:** Wednesday, April 2, 2025 3:40 PM

**To:** John Bailey <JBailey@baileykennedy.com>; Shant Karnikian <sk@kbklawyers.com>

**Cc:** Paul Williams <PWilliams@baileykennedy.com>; Brian Kabateck <bsk@kbklawyers.com>; Sahak Matt <MS@kbklawyers.com>; Brandon Fernald <brandon@fzlaw.com>; J. Randall Jones <r.jones@kempjones.com>; Sean E. Macias <sean@maciascounsel.com>; Joseph Liebman <JLiebman@baileykennedy.com>

**Subject:** Re: Proposed Order re Mot. for Prelim Approval

John,

Thanks for the kind words. The feeling is mutual from my end. I just talked to Lynn in D16. She offered August 12 and August 14 at 9:30am each day. We'd prefer August 12. Does that work? If so, I'll add it before submitting to the Court.

May I also add your signature block/esignature at the end (after respectfully submitted by)? I think that's appropriate for a joint motion.

Best,

Mike Gayan

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Allan Herdemian, Plaintiff(s) CASE NO: A-17-752802-C  
7 vs. DEPT. NO. Department 16  
8 Go Wireless Inc, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/3/2025

15 Joseph Liebman	jliebman@baileykennedy.com
16 Paul Williams	pwilliams@baileykennedy.com
17 Dennis Kennedy	dkennedy@baileykennedy.com
18 John Bailey	jbailey@baileykennedy.com
19 Allison Kheel	akheel@fisherphillips.com
20 Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
21 Scott Mahoney	smahoney@fisherphillips.com
22 Brian Kabateck	bsk@kbklawyers.com
23 Sean Macias	sean@maciascounsel.com
24 Aime Johnson	Aime@armadr.com
25 James Sullivan	jsullivan@fisherphillips.com

26  
27  
28



1	Scott Mahoney	smahoney@fisherphillips.com
2	Christopher Noyes	cn@kbklawyers.com
3	Jon Jones	r.jones@kempjones.com
4	Brandon Fernald	brandon@fernaldlawgroup.com
5	FLG FLG	flg@fernaldlawgroup.com
6	Michael Cherry	mcherry@armadr.com
7	Darhyl Kerr	dkerr@fisherphillips.com
8	Sharon Murnane	smurnane@baileykennedy.com
9	Monique Lunnon	m.lunnon@kempjones.com
10	Irma Deleon	icd@kbklawyers.com
11	Shant Karnikian	sk@kbklawyers.com
12	Ali Lott	a.lott@kempjones.com
13	Nicole McLeod	nmcleod@claggettlaw.com
14	Max Margolies	mmargolies@fisherphillips.com
15	Jackson Wong	j.wong@kempjones.com
16	Pamela McAfee	p.mcafee@kempjones.com
17	Michelle Rivas	michelle@claggettlaw.com
18	Matt Sahak	ms@kbklawyers.com
19	Jarod Penniman	jpenniman@baileykennedy.com
20	Michael Gayan	mike@claggettlaw.com
21		
22		
23		
24		
25		
26		
27		
28		