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			CLERK OF THE COURT
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10	Attorneys for Plaintiff DAN RAIDER , an individual on his own behalf and		
11	on behalf of others similarly situated		
12	DISTRICT	COURT	
13	CLARK COUNT	Y. NEVADA	
14	DAN RAIDER, an individual on his own		A-15-712113-B
14	behalf and on behalf of others similarly		
15	situated,	Dept. No.:	XIII
16	Plaintiff,	ORDER:	
17	٧.		ILY APPROVING DN SETTLEMENT
18	ARCHON CORPORATION, PAUL W.		ING FOR NOTICE
19	LOWDEN, and SUZANNE LOWDEN,		
	Defendants.		
20	/		
21	On October 7, 2021, the Court sitting in	regular open	session, considered Plaintiffs'
22	Motion for Preliminary Approval of Class Action Settlement which had been filed earlier, to		
23	which Defendants opposed, and for which Plain	tiffs then replie	ed.
24	Plaintiffs, Dan Raider, as an individual	on his own be	ehalf and on behalf of others
25	similarly situated, appeared by their attorneys, Steven J. Parsons, of LAW OFFICES OF STEVEN J.		
26	PARSONS, and Kenneth Chadwell, of MANTESE HONIGMAN, PC, Admitted for this case only, SCR		
27	49, and Defendants, Archon Corporation, Paul	V. Lowden, an	d Suzanne Lowden, appeared
10			10091 Park Run Drive Suite 200



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10091 Park Run Drive Suite 200 Las Vegas, Nevada 89145-8868 (702)384-9900; fax (702)384-5900 <u>Info@SJPlawyer.com</u>

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1 by their attorney, Justin Bustos of DICKINSON WRIGHT, PLLC.

The matter was fully briefed by the parties, and set for hearing by the Court and upon agreement of the parties, and the Court considered the pleadings and papers submitted by the parties and on-file with the Clerk, the Court heard the argument of counsel for the parties, and the matter having been submitted by the parties, and the Court accepted the matter as under advisement.

Upon further consideration, the Court determines and finds that Plaintiffs' Motion to Preliminarily Approval the Class Action Settlement has been substantially agreed to by the parties, and it appearing in the record and from the parties' "Settlement Agreement Term Sheet" that the parties have agreed upon the material terms of a settlement and that Plaintiffs' Motion is within the ambit thereof,

On October 11, 2021, the Court entered its minute order of decision, and this appearing to be an appropriate case, the Court grants Plaintiffs' Motion for Preliminary Approval the Class Action Settlement, directing Plaintiffs' counsel to prepare this Order for submission to Defendants' counsel for approval of form and content, which approval is noted below, upon the following findings of facts and conclusions of law, therefore:

17

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that:

18 1. The Court hereby preliminarily approves the Settlement as embodied in the 19 parties' Settlement Agreement Term Sheet, dated May 7, 2021, as being fair, reasonable and 20 adequate to the Settlement Class, subject to further consideration at the Settlement Hearing 21 to be conducted as described below.

22 2. The Court will hold a Settlement Hearing on Monday, March 14, 2022 at 9:00 23 am, PT, in Courtroom XIII of the Regional Justice Center, 200 Lewis Avenue, Las Vegas, 24 Nevada 89101 for the following purposes:

(a) to determine whether the proposed Settlement on the terms and
 conditions provided for in the Settlement Agreement Term Sheet is fair, reasonable and





adequate to the Settlement Class and in the best interests of the Settlement Class, and
 should be approved by the Court;

3 (b) to determine whether a final order should be entered dismissing this
 4 action against Defendants, *with prejudice*;

(c) to determine whether the proposed plan of allocation for the proceeds
of the Settlement is fair and reasonable and should be approved;

(d) to determine whether the request by Plaintiffs' Class Counsel for an
award of attorneys' fees and reimbursement of litigation, notice, and claims administration
expenses should be approved; and

10 (e) to consider any other matters that may properly be brought before the11 Court in connection with the Settlement.

Notice of the Settlement and the Settlement Hearing shall be given to the Settlement
 Class Members as set forth in paragraph 3 of this Order.

3. Notice – Plaintiffs' Class Counsel is hereby authorized to retain JND Legal
 Administration (the "Claims Administrator") to supervise and administer the notice procedure
 in connection with the proposed Settlement as well as the processing of Claims as more fully
 set forth below. Notice of the Settlement and the Settlement Hearing shall be given as
 follows:

(a) not later than twenty (20) business days after the date of entry of this
Order (the "Notice Date"), the Claims Administrator shall cause a copy of the Notice Packet,
substantially in the form attached hereto as Exhibit A, to be mailed by first-class mail to
potential Settlement Class Members at the addresses previously gathered by JND during the
implementation of the Class Notice Plan, and such updated addresses as may be obtained
through further reasonable effort;

(b) contemporaneously with the mailing of the Notice Packet, the Claims
Administrator shall cause copies of the Notice Packet to be posted on the website dedicated
to the Settlement, *archonpreferredclassaction.com*, from which copies of the Notice Packet



1 may be downloaded and printed;

(c) not later than ten (10) business days after the Notice Date, the Claims
Administrator shall cause the Summary Notice, substantially in the form attached hereto as
Exhibit B, to be published once in *Investor's Business Daily* and to be transmitted once over
the *PR Newswire*;

(d) not later than seven (7) calendar days prior to the March 14, 2022
Settlement Hearing, on March 7, 2022, Plaintiffs' Class Counsel shall serve on Defendants'
counsel and file with the Court proof, by affidavit or declaration, of such mailing and
publication.

10 4. Further, the Court finds and approves:

(a) as to form and content, the Notice Packet, and the Summary Notice,
attached hereto as Exhibits A and B respectively, and

(b) that the mailing and distribution of the Notice Packet, the posting of the
 Notice Packet online, and the publication of the Summary Notice in the manner and form set
 forth in paragraph 3 of this Order, and the Court further finds, that the Notice Packet:

16 (i) is the best notice practicable under the circumstances;

(ii) constitutes notice that is reasonably calculated, under the 17 circumstances, to apprise Settlement Class Members of the pendency of the action, of the 18 19 effect of the proposed Settlement (including the Releases to be provided thereunder), of Plaintiffs Class Counsel's request for an award of attorneys' fees and reimbursement of 20 litigation costs, of Settlement Class Members right to object to the Settlement, the Plan of 21 Allocation and/or the request for an award of attorneys' fees and reimbursement for litigation 22 costs, of their right to exclude themselves from the Settlement Class, and of their right to 23 appear at the Settlement Hearing; 24

(iii) constitutes due, adequate and sufficient notice to all persons and
 entities entitled to receive notice of the proposed Settlement; and

LAW OFFICES OF _____ STEVEN J. PARSONS

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(iv) satisfies the requirements of Nev. R. Civ. P. 23 and all other

1 applicable laws and rules.

The date and time of the Settlement Hearing shall be included in the Notice and Summary Notice before they are mailed, posted online, and published, respectively.

5. **Nominee Procedures** – Brokers and other nominees who owned or held shares of Archon exchangeable redeemable preferred stock on August 31, 2007 for the benefit of another person or entity shall:

(a) within seven (7) calendar days of receipt of the Notice Packet, request
from the Claims Administrator sufficient copies of the Notice Packet to forward to all such
beneficial owners and within seven (7) calendar days of receipt of those Notice Packets
forward them to all such beneficial owners; or

within seven (7) calendar days of receipt of the Notice Packet, send a (b) 11 list of the names and addresses of all such beneficial owners to the Claims Administrator in 12 which event the Claim Administrator shall promptly mail the Notice Packet to such beneficial 13 owners. Upon full compliance with this Order, such nominees may seek reimbursement of 14 their reasonable expenses actually incurred in complying with this Order, up to a maximum of 15 two dollars (\$2.00) per notice, by providing the Claims Administrator with proper 16 documentation supporting the expenses for which reimbursement is sought. Such properly 17 documented expenses incurred by nominees in compliance with this Order shall be paid from 18 the Settlement Fund. 19

6. Participation in the Settlement – The "Net Settlement Fund" is defined as the
 amount of funds remaining after:

(a) \$5.241 per share is paid to those Settlement Class Members who can
be identified and located and who did not receive the initial redemption payment for their
shares, and

25 (b) attorneys' fees are paid, and

26 (c) costs of litigation, notice and claims administration are paid, and

(d) the incentive award is paid to the class representative.



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Settlement Class Members who held shares in street name by brokerage firms or other 1 nominees and who wish to participate in the Settlement and to be eligible to receive a 2 distribution from the Net Settlement Fund must complete and submit a Claim Form and 3 appropriate income tax withholding form in accordance with the instructions contained therein. 4 Unless the Court orders otherwise, all Claim Forms and income tax withholding forms must be 5 received by the Claims Administrator no later than March 19, 2022. Notwithstanding the 6 foregoing, Plaintiffs Class Counsel may, at its discretion, accept for processing late Claims 7 provided such acceptance does not delay the distribution of the Net Settlement Fund to the 8 Settlement Class. By submitting a Claim, a person or entity shall be deemed to have 9 submitted to the jurisdiction of this Court with respect to his, her or its Claim and the subject 10 matter of the Settlement. 11

12 The Court further finds that each Claim Form submitted must satisfy the following 13 conditions:

(a) it must be properly completed, signed and submitted in a timely manner
 in accordance with the provisions of the preceding paragraph;

(b) it must be accompanied by adequate supporting documentation for the
holdings reported therein, such as a sworn affidavit and confirmation from the records
obtained by the Claims Administrator or in the form of broker confirmation slips, broker
account statements, an authorized statement from the broker containing the transactional and
holding information found in a broker confirmation slip or account statement, or such other
and additional documentation as is deemed adequate by Plaintiffs Class Counsel or the Claims
Administrator;

(c) if the person executing the Claim Form is acting in a representative
capacity, a certification of his, her or its current authority to act on behalf of the Settlement
Class Member must be included in the Claim Form to the satisfaction of Plaintiffs' Class
Counsel or the Claims Administrator; and

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(d) the Claim Form must be complete and contain no material deletions or

modifications of any of the printed matter contained therein and must be signed under penalty
of perjury.

The Court further finds that any Settlement Class Member who held shares in street name by brokerage firms or other nominees and who does not timely and validly submit a Claim Form or whose Claim is not otherwise approved by the Court shall be:

(a) deemed to have waived his, her or its right to share in the Net Settlement
 Fund;

(b) forever barred from participating in any distributions therefrom;

9 (c) bound by the provisions of the Settlement and all releases, proceedings,
 10 determinations, orders and judgments in the action relating thereto; and

(d) barred from commencing or prosecuting any of the Plaintiff Class claims
 dismissed with prejudice.

13 Settlement Class Members who held shares in their own record name will be paid from 14 the Net Settlement Fund on a *pro rata,* per share basis so long as the Settlement Class 15 Member can be identified, located and substantiated through Proof of Claim or other reliable 16 means such as a sworn affidavit or verified shareholder lists of record holders' names, 17 addresses and numbers of shares.

All shareholders (whether record holders or holders in street name) will be provided with and asked to complete an appropriate income tax reporting identification and withholding form prior to receiving payment.

All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Claims and payments from the Settlement Fund or the Net Settlement Fund, or who are otherwise involved in the administration of the taxation of the Settlement Fund or the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of that involvement, and all Settlement Class Members and other Claimants, whether or not they receive payment from the Settlement Fund or the Net Settlement Fund, are hereby barred from making any further claims against the Settlement



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Fund, or the Net Settlement Fund, the Claims Administrator, or any other agent retained by Plaintiffs' Class Counsel or the Claims Administrator in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund, or any other person released under the Settlement beyond the amounts allocated to authorized claimants.

7. Exclusion from the Settlement Class – Any member of the Settlement Class who 5 wishes to exclude himself, herself or itself from the Settlement Class must request exclusion 6 in writing within the time and in the manner set forth in the Notice, that is, such request for 7 exclusion must be received no later than January 18, 2022. Any person or entity who or which 8 timely and validly requests exclusion in compliance with the Notice and is excluded from the 9 Settlement Class shall not be a Settlement Class Member, shall not be bound by the terms 10 of the Settlement or any releases, orders or judgments in the action and shall not receive any 11 payment out of the Net Settlement Fund. Any Settlement Class Member who or which does 12 not timely and validly request exclusion from the Settlement Class shall be deemed to have 13 waived his, her or its right to be excluded from the Settlement Class and shall be bound by the 14 releases, orders and judgments entered in this action. 15

The Court further finds that any Settlement Class Member who does not request exclusion from the Settlement Class may do any or all of the following:

18

(a) enter an appearance in the action individually or through counsel;

(b) file a written objection to the proposed Settlement, the proposed Plan
 of Allocation, and/or Plaintiffs Class Counsel's request for an award of attorneys' fees and
 reimbursement for costs of litigation; and

(c) appear and show cause why the Court should not approve the proposed
Settlement, the proposed Plan of Allocation, and/or Plaintiffs Class Counsel's request for an
award of attorneys' fees and reimbursement for costs of litigation; provided, however, that no
Settlement Class Member shall be heard or entitled to contest these matters unless that
person or entity has filed a written objection with the Court and served copies of such
objection on Plaintiffs Class Counsel and Defendants' counsel on or before January 18, 2022.



8. Settlement Administration Fees and Expenses – Further, the Court finds and
 Orders that all reasonable costs incurred in identifying and locating the Settlement Class
 Members and notifying them of the Settlement as well as in administering the Settlement
 Fund shall be paid with the approval of Plaintiffs' Class Counsel without further order of the
 Court.

9. Settlement Fund – The Court Orders that the Settlement Fund shall be held by
Steven J. Parsons, Plaintiffs' Class Counsel, in his clients' trust account at City National Bank,
Summerlin Branch, Las Vegas, Nevada and the funds shall be deemed and considered to be
in *custodia legis* of the Court, and shall remain subject to the jurisdiction of the Court, until
such time as the funds shall be distributed or as otherwise is in accordance with the Court's
orders.

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1	10.	Uncashed Distribution	Checks	${f s}$ – Finally, the Court finds and Orders that should
2	any Settlem	ent Class Member who	is issued	d a check from the Settlement Fund or the Net
3	Settlement I	Fund fail to cash his, he	er or its o	distribution check within ninety (90) days of the
4	issuance of	the check, the checks w	ill be de	eemed void, and the portion(s) of the Settlement
5	Fund or the	Net Settlement Fund rep	oresente	ed by uncashed checks shall be escheated to the
6	Treasurer of	the State of Nevada in the		irse and without further order of the Court.
7	Dated	d:, 202		ated this 25th day of October, 2021 as Vegas, Clark County, Nevada.
8			L	111
9			D	ISTRICT JUDGE
10	Submitted b	y:	Ма	3A 4C0 CC30 4F33 ark R. Denton istrict Court Judge
11	Kenneth Cha			istrict Court Judge
12		<i>r this case only, SCR 49</i> NIGMAN, PC, and		
13	LAW OFFICES (OF STEVEN J. PARSONS		
14	<u>/s/ Steven J.</u> STEVEN J. P			
15	Nevada Bar			
16	Attorneys for			
17		R, an individual on his ov alf of others similarly situ		lif
18	Approved as	to form and content:		
19	DICKINSON W	RIGHT, PLLC		
20	<u>/s/ Justin J. I</u>			
21	JUSTIN J. BL Nevada Bar			
22	Attorneys for	r Defendants		
23		RP., PAUL W. LOWDEN,	,	
24				
25				
26				
27				



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EXHIBIT "A"

EXHIBIT "A"

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

If you owned Archon Corporation preferred stock on August 31, 2007, you could receive a payment from a class action settlement.

A Nevada District court authorized this notice. This is not a solicitation from a lawyer.

- The proposed Settlement, if approved by the Court, will provide a \$9,200,000 Settlement Fund from which to pay: (1) claims of eligible class members who held Archon Corporation ("Archon") exchangeable redeemable preferred stock as of the close of business on August 31, 2007, (2) attorney fees and expenses, and (3) reimbursement of notice costs, and claims administration fees. The amount per share that Settlement Class Members will be paid is unknown and depends on how many of the approximately 1.4 million shares file valid claims.
- The Settlement resolves a lawsuit. The two sides disagree on whether the investors could have won, and if so, how much money they could have recovered.
- Plaintiff and Defendants, and their counsel, have concluded that the Settlement is advantageous, considering the risks and uncertainties to each side of continued litigation. The significant cash benefits under the Settlement must be considered against the significant risk that a smaller recovery or indeed no recovery at all might be achieved after a heavily contested litigation and appeals process, contested motions, a contested trial and likely further appeals. This litigation could be expected to last several years into the future. Class Representative Dan Raider and class counsel have determined that the Settlement is fair, reasonable, and adequate and is in the best interests of the Settlement Class Members.
- The lawyers who the court appointed to represent the Class have litigated this matter on a contingent fee basis and advanced all attorney time and expenses incurred on behalf of the Class. These lawyers will ask the Court for up to \$2,825,516 in attorneys' fees (which is a little less than one third of the Settlement) and reimbursement for expenses for their work litigating the case and negotiating the Settlement. Plaintiffs will ask for up to \$50,000 in incentive awards for Dan Raider for his contributions to this lawsuit. If approved by the Court, these amounts will be deducted from the \$9,200,000 Settlement Fund. The Court has not yet approved the Settlement. Playments will be made only if the Court approves the Settlement. Please be patient.
- Your legal rights are affected whether you act or don't act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		
SUBMIT A CLAIM FORM RECEIVED NO LATER THAN [INSERT DATE]	The only way to get a payment.	
EXCLUDE YOURSELF SUBMIT A WRITTEN REQUEST FOR EXCLUSION RECEIVED NO LATER THAN <u>IINSERT DATE</u>	You will not be eligible to receive a payment. This is the only option that allows you to sue Defendants separately or participate in a future lawsuit about the same factual circumstances and legal claims being raised in this lawsuit.	
OBJECT SUBMIT A WRITTEN OBJECTION RECEIVED NO LATER THAN <u>[INSERT DATE]</u>	Write to the Court about why you do not like the Settlement. You may, but are not required to, appear at the Settlement Hearing.	
GO TO A HEARING FILE A NOTICE OF APPEARANCE RECEIVED NO LATER THAN [INSERT DATE] AND APPEAR IN COURT [PLACE DATE and TIME]	You may ask to speak in Court about the fairness of the Settlement.	
DO NOTHING	Receive no payment and be bound by the terms of the Settlement or any releases.	

[END OF COVER PAGE]

WHAT THIS NOTICE CONTAINS

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BASIC INFORMATION

1. WHY DID I RECEIVE THE NOTICE PACKET?

You or someone in your family may have owned shares of Archon exchangeable redeemable preferred stock as of the close of business on August 31, 2007. A lawsuit was brought that may affect you. The lawsuit is titled *Raider v Archon Corporation, et al.*, Case No. A-15-712113-B. Judge Mark R. Denton of the Eight Judicial District in Clark County, Nevada is overseeing the case and has granted class certification. The Court directed that the Notice Packet be sent to potential members of the Settlement Class because they have a right to know about a proposed Settlement of this class action lawsuit, and about all their options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, the Claims Administrator will make the payments that the Settlement allows.

2. WHAT IS THIS LAWSUIT ABOUT?

Archon sought to redeem its preferred stock at the close of business on August 31, 2007 at a redemption price of \$5.241 per share. A preferred shareholder whose name is Dan Raider filed a lawsuit ("Plaintiff"), on behalf of himself and most other Preferred shareholders, claiming that the redemption price should have been \$8.69 per share. Paul W. Lowden and Suzanne Lowden were also sued for breach of fiduciary duties as officers, directors and majority shareholders. Other related claims were asserted against these defendants that were dismissed. Together Archon Corporation, Paul W. Lowden and Suzanne Lowden are defendants ("Defendants"). The Defendants contested the case and denied all liability. The court allowed the case to proceed as a class action. There were two previous Federal Court lawsuits against Archon that were brought by other preferred shareholders. Archon lost those cases and the rulings were upheld on appeal. The Court has ruled in this case that Defendants are bound by the prior decision of the Federal Court holding that Archon should have paid \$8.69 per share when it redeemed the preferred shares.

3. WHY IS THIS A CLASS ACTION?

In a class action, one person called a Class Representatives (in this case Dan Raider), sues on behalf of people who have similar claims (in this case other preferred shareholders, except those who have previously filed lawsuits or are a defendant). All persons with similar claims meeting the definition the judge gives are members of the Class, unless a class member chooses to exclude him or herself from the Class. The court allows for a class action in certain types of cases, because a class action allows for there to be one consistent decision regarding issues such as how much should have been paid per share to redeem the preferred stock.

4. WHY IS THERE A SETTLEMENT?

In this case, both sides have agreed to the proposed Settlement. That way, they avoid the costs and risks of further litigation, a possible trial, and appeal(s). As explained above, Plaintiff and his attorneys think the proposed Settlement is best for all members of the Class.

WHO IS PART OF THE SETTLEMENT?

5. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

You are a class member if you owned shares of Archon exchangeable redeemable preferred stock at the close of business on August 31, 2007, unless you have ever been an officer or director of Archon or a Plaintiff in one of four individual cases that have already resolved. Those four cases are: (1) *D.E. Shaw et al. v Archon Corporation*, United States District Court for the District of Nevada, Case No. 2:07-CV-01146-PMP-LRL, (2) *Leeward, L.P. v Archon Corporation*, United States District Court for the District of Nevada, Case No. 2:08-CV-00007-PMP-LRL, (3) *Archon v. Jung and Megowen*, District Court of Clark County Nevada, Case No. A-15-712853-C and (4) *Haberkorn v. Archon Corporation, et al.*, District Court of Clark County, Nevada, Case No. A-16-732619-B.

6. ARE THERE EXCEPTIONS TO BEING INCLUDED?

Class Members who timely and validly request exclusion (opt out) from the Settlement Class pursuant to the instructions provided in this Notice are not included as a member of the class. Their rights are not affected and they will receive no share of the Settlement Fund.

7. WHAT IF I AM STILL NOT SURE IF I AM INCLUDED?

If you are still not sure whether you are included, you can ask for free help. You can contact the Claims Administrator by calling, emailing, or writing to the Claims Administrator, JND Legal Administration, at 1-888-551-9712, info@ArchonPreferredClassAction.com, or Raider v. Archon Corporation, et al., c/o JND Legal P.O. Box 91332, Seattle, WA 98111, for more information.

WHAT ARE THE SETTLEMENT BENEFITS?

8. WHAT DOES THE SETTLEMENT PROVIDE?

Defendants have agreed to create a \$9.2 million fund from which to reimburse preferred shareholders.

In return, the Parties will agree to dismiss the Raider v. Archon lawsuit and all members of the Settlement Class who do not request exclusion from the Settlement Class agree to release, relinquish, and discharge all claims against the Defendants.

9. HOW WILL THE SETTLEMENT BE ALLOCATED AMONG MEMBERS OF THE SETTLEMENT CLASS?

The proposed settlement provides for a Settlement Amount of \$9,200,000 in cash. After payment of Plaintiff's attorneys' fees and reimbursement of costs, expenses, claims administration fees for costs and time of locating and paying shareholders, and an incentive award of up to \$50,000 to Dan Raider, the remaining Settlement Amount will be distributed to the Authorized Claimants according to the following plan of allocation:

First, any Archon preferred shareholders who have not received \$5.241 for tendering their preferred shares who can be identified, located and substantiated through Proof of Claim or other reliable means will be paid \$5.241 per share.

Second, the remainder from the Settlement Amount will be divided evenly among the shares of all class members who are non-record holders of shares in street name and have submitted a timely and valid Proof of Claim and all class members who are record holders and who can be identified, located and substantiated through Proof of Claim or other reliable means including verified shareholder lists of record holders' names, addresses and numbers of shares. For non-record holders of shares in street name, the Proof of Claim will require additional documentation to substantiate ownership and number of shares so held.

10. HOW MUCH WILL MY PAYMENT BE?

Because payments will be calculated on a *pro rata* basis divided among those class members who submit a valid and timely Proof of Claim, it is impossible to know exactly how much additional money per share will be paid.

Claims which result in payment of less than \$10 will be deemed to be *de minimis* and will not be issued.

To the extent that any amount of the Settlement Fund remains after the Claims Administrator has caused distributions to be made as outline above, whether by reason of uncashed distributions or otherwise, then, the remaining Settlement Fund will be subject to being escheat to the Treasurer of the State of Nevada. No portion of the Settlement Fund will be returned to the Defendants.

HOW CAN YOU RECEIVE A PAYMENT?

11. HOW CAN I GET A PAYMENT?

12. WHEN WOULD I GET MY PAYMENT?

If the Settlement is approved, the Claims Administrator will complete the administration process and determine how much each Authorized Claimant is entitled to receive. This may take several months.

13. WHAT AM I GIVING UP TO GET A PAYMENT?

Unless you exclude yourself, you will remain a member of the Settlement Class, and that means you will permanently release all claims you might have regarding Archon preferred stock.

In addition, if you remain a member of the Settlement Class, all of the Court's orders will apply to you and legally bind you.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not wish to be bound by the terms of Settlement and wish to maintain your right to sue Defendants separately regarding the same factual circumstances and legal claims being raised in this lawsuit, you must take steps to exclude yourself—or as it is sometimes referred to, you must "opt out" of the Settlement.

14. HOW DO I EXCLUDE MYSELF FROM THE PROPOSED SETTLEMENT?

To exclude yourself from the Settlement, you must send a letter by mail stating that you "request exclusion from the Archon Preferred Settlement Class." In addition, be sure to include your name, address, daytime telephone number, email address, and if known, the number of preferred shares you owned as of the close of business on August 31, 2007. Be sure to sign your letter. You must mail your exclusion request so that it is **received by the Claims Administrator no later than** <u>[Insert Date]</u>, at **Raider v. Archon Corporation, et al., c/o JND Class Legal Administration, EXCLUSIONS, P.O. Box 91332, Seattle, WA 98111.**

You cannot exclude yourself by telephone, by fax or by e-mail. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You will not be legally bound by the terms or releases of the Settlement, and you will maintain the option to start your own individual lawsuit against Archon and/or the Lowdens relating to Archon preferred stock.

15. IF I DO NOT EXCLUDE MYSELF, CAN I SUE ARCHON, DEFENDANTS OR THE OTHER RELEASED PERSONS LATER FOR THE RELEASED CLAIMS?

No. Unless you exclude yourself, you give up any rights to sue Archon and the Lowden defendants regardless of whether you have submitted a timely and valid Proof of Claim and regardless of whether you receive any payment. Remember, the exclusion deadline is [Insert Date].

16. IF I EXCLUDE MYSELF, CAN I GET MONEY FROM THE PROPOSED SETTLEMENT?

No. If you exclude yourself, you should not send in a Proof of Claim form and you will not be eligible to receive any money from this Settlement.

THE LAWYERS REPRESENTING YOU

17. DO I HAVE A LAWYER IN THIS CASE?

The Class is represented by Steven E. Goren, Kenneth Chadwell and Steven Parsons as Class Counsel to represent all class members. These lawyers are called Plaintiffs Class Counsel. You will **not** be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. HOW WILL THE LAWYERS BE PAID?

Plaintiffs Class Counsel are asking the Court to award attorneys' fees from the Settlement Fund in an amount not to exceed \$2,825,516 (slightly less than one third (1/3) of the Settlement Fund) and for reimbursement of their expenses and the costs and fees of the Claims Administrator. Counsel, without further notice to the Class, may subsequently apply to the Court for the expenses incurred in connection with administering and distributing the Settlement.

The attorneys' fees and expenses requested will be the only payment to Plaintiffs Class Counsel for their efforts in achieving the Settlement and for their risk in undertaking this representation on a wholly contingent basis. To date, Plaintiffs Class Counsel have not been paid for their services for conducting this litigation.

OBJECTING TO THE SETTLEMENT

19. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE PROPOSED SETTLEMENT?

If you are a member of the Settlement Class, you can object to the Settlement or any of its terms. You may write to the Court setting out your objections. You may give reasons why you think the Court should not approve any or all of the Settlement terms or arrangements and submit any documentation you believe is appropriate. The Court will only consider your views if you file a proper objection within the deadline identified and according to the following procedures.

To object, you must send a signed letter or other court submission stating that you object to the proposed Settlement. All objections should reference the action *Raider v. Archon Corporation et al.*, Case No. A-15-712113-B. You must include your name, address, telephone number, and your signature. If represented by counsel, you should include his/her address and phone number. You must attach your timely proof of claim form and proof you held Archon preferred shares at the close of business on August 31, 2007 and the number of shares owned. State the reasons why you object to the Settlement. Your objection must be **actually received, not merely postmarked, on or before [Insert Date].**

Send your objection to the Court with and serve copies to Plaintiffs Class Counsel and Defendants' counsel:

COURT:		
Clerk to the Honorable Mark R. Denton Regional Justice Center 200 Lewis Avenue Las Vegas, NV 89155 Case No. A-15-712113-B		
PLAINTIFFS' CLASS COUNSEL:		
Steven J. Parsons, Esq. 10091 W. Park Run Drive, Suite 200 Las Vegas, NV 89128		
COUNSEL FOR THE DEFENDANTS:		
Justin Bustos and John Desmond Dickinson Wright 100 W. Liberty, Suite 940 Reno, NV 89501		

20. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?

Objecting is simply telling the Court that you do not like something about the proposed Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you cannot object because you are no longer a Settlement Class Member and the case no longer affects you.

THE COURT'S SETTLEMENT HEARING

21. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE PROPOSED SETTLEMENT?

The Court will hold a Settlement Hearing at **[time] on [date] at [place].** At this hearing, the Court will consider whether the Settlement is fair, reasonable and adequate. At the Settlement Hearing, the Court also will consider the proposed Plan of Allocation for the proceeds of the Settlement and the application of Plaintiffs Class Counsel for attorneys' fees, reimbursement of expenses, and request for incentive awards for Dan Raider. The Court will take into consideration any written objections. The Court may change the date and time of the Settlement Hearing. Please check with the Court before coming to be sure that the date and/or time has not changed.

22. DO I HAVE TO COME TO THE HEARING?

No. Plaintiffs Class Counsel will answer questions the Court may have, but you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but attendance is not mandatory. Members of the Settlement Class do not need to appear at the hearing or take any other action to indicate their approval.

23. MAY I SPEAK AT THE HEARING?

If you object to the Settlement, you may ask the Court for permission to speak at the Settlement Hearing. To do so, you must include with your objection a written notice of your intention to come to the hearing and request to be heard. Members of the Settlement Class who intend to object to the Settlement, the Plan of Allocation, Plaintiff's Counsel's application for an award of attorneys' fees and reimbursement of expenses, or Dan Raider's request for incentive award, and desire to present evidence at the Settlement Hearing must include in their written objections the identity of any witnesses they propose to call to testify and any exhibits they intend to offer into evidence at the Settlement Hearing. You cannot speak at the hearing if you excluded yourself from the Settlement Class or if you have not provided written notice of your intention to speak at the Settlement Hearing by the deadline of [InsertDate].

IF YOU DO NOTHING

24. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing, you will be forever barred from receiving any payments from the Settlement, you will be bound by the provisions of the Settlement and all releases, proceedings, determinations, orders and judgments, and you will be barred from participating in any other lawsuit against Defendants about the claims being released in the Settlement.

GETTING MORE INFORMATION

25. ARE THERE MORE DETAILS ABOUT THE PROPOSED SETTLEMENT?

This Notice summarizes the proposed Settlement. You may obtain the Settlement Agreement by visiting the website www.ArchonPreferredClassAction.com to obtain information and forms. If you have other questions or concerns, you may call 1-888-551-9712 or email info@ArchonPreferredClassAction.com.

DO NOT TELEPHONE THE COURT REGARDING THIS NOTICE.

SPECIAL NOTICE TO NOMINEES

If you owned or held shares of Archon exchangeable redeemable preferred stock on August 31, 2007 for the benefit of another person or entity, then you must either: (1) within seven (7) calendar days of receipt of the Notice Packet, request from the Claims Administrator sufficient copies of the Notice Packet to forward to all such beneficial owners and within seven (7) calendar days of receipt of those Notice Packets forward them to all such beneficial owners; or (2) within seven (7) calendar days of receipt of the Notice Packet, send a list of the names and addresses of all such beneficial owners to the Claims Administrator at <u>RVAsecurities@JNDLA.com</u> in which event the Claim Administrator shall promptly mail the Notice Packet to such beneficial owners.

If you choose to mail the Notice Packet yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of these documents as you will need to complete the mailing.

Upon full compliance with this Order, such nominees may seek reimbursement of their reasonable expenses actually incurred in complying with this Order, up to a maximum of \$2.00 per notice, by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. Such properly documented expenses incurred by nominees in compliance with this Order shall be paid from the Settlement Fund.

The full Notice and the Claim Form are available at www.ArchonPreferredClassAction.com.

Dated:

BY ORDER OF THE COURT



Date: [date] Number of Shares: [No-Shares]

[NAME-1] [NAME-2] [NAME-ADD-3] [NAME-ADD-4] [CITY], [STATE]/[PROVINCE] [PostalCode] [COUNTRY]

IMPORTANT INFORMATION

Dear Archon Preferred Shareholder:

Our records indicate that you owned the above referenced shares of Archon Corporation exchangeable redeemable preferred stock at the close of business on August 31, 2007. Our records further indicate that you did not redeem your shares or receive the initial \$5.241 per share redemption price offered by Archon. You are entitled to \$5.241 per share <u>plus</u> an additional pro rata per share payment from the Net Settlement Fund. If you owned more than the number of shares referenced above at the close of business on August 31, 2007, please complete and return the enclosed Claim Form to substantiate your shares no later than [Insert Date] so that you may be paid the correct per share amount when the Settlement Fund is distributed. Even if you did not own more than the number of shares referenced above at the close of business on August 31, 2007, please complete and return the enclosed W9 income tax withholding form (for U.S. Persons) or provide the appropriate W8 form no later than [Insert Date] so that the correct amount of tax may be withheld from your portion of the Net Settlement Fund.

Thank you,

JND Legal Administration



Date: [date] Number of Shares: [No-Shares]

[NAME-1] [NAME-2] [NAME-ADD-3] [NAME-ADD-4] [CITY], [STATE]/[PROVINCE] [PostalCode] [COUNTRY]

IMPORTANT INFORMATION

Dear Archon Preferred Shareholder:

Our records indicate that you owned the above referenced shares of Archon Corporation exchangeable redeemable preferred stock at the close of business on August 31, 2007. Our records further indicate that you redeemed your shares and received the initial \$5.241 per share redemption price offered by Archon. However, you are entitled to an additional pro rata per share payment from the Net Settlement Fund. If you owned more than the number of shares referenced above at the close of business on August 31, 2007, please complete and return the enclosed Claim Form to substantiate your shares no later than [Insert Date] so that you may be paid the correct per share amount when the Net Settlement Fund is distributed. Even if you did not own more than the number of shares referenced above at the close of business on August 31, 2007, please complete and return the enclosed W9 income tax withholding form (for U.S. Persons) or provide the appropriate W8 form no later than [Insert Date] so that the correct amount of tax may be withheld from your portion of the Settlement Fund.

Thank you,

JND Legal Administration

DISTRICT COURT CLARK COUNTY, NEVADA

In re Archon Preferred Stock Class Action

Case No.: A-15-712113-B DEPT. XIII Hon. Mark R. Denton

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT, SETTLEMENT HEARING, AND RIGHT TO OBJECT, OPT OUT, AND APPEAR AT HEARING

To: All shareholders that held Archon Corporation ("Archon") Exchangeable Redeemable Preferred Stock as of the close of business on August 31, 2007.

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of Nevada Rules of Civil Procedure and an Order of the District Court of Clark County, Nevada, that the Class Representative, Dan Raider on behalf of himself and all members of the Class, and Archon Corporation, Paul Lowden and Suzanne Lowden (collectively "Defendants"), have reached a proposed settlement in the above-captioned class action (the "Action") in the amount of \$9,200,000 (the "Settlement").

A hearing will be held before the Honorable Mark R. Denton, on [Date] at [Time], in [Courtroom] of the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101 (the "Settlement Hearing") to, among other things, determine whether the Court should: (i) approve the proposed Settlement on the terms and conditions provided for in the Settlement Agreement Term Sheet as fair, reasonable, and adequate; (ii) to enter a final order approving the Settlement and dismissing this action with prejudice against Defendants (iii) approve the proposed Plan of Allocation for the proceeds of the Settlement; (iv) approve the application of Plaintiff's Counsel for attorneys' fees, reimbursement of litigation expenses, notice, and claims administration expenses; (v) approve the Class Representative's incentive award; and (vi) to consider any other matters that may properly be brought before the Court in connection with the Settlement. The Court may change the date of the Settlement Hearing, or hold it telephonically or via videoconference, without providing further notice. You do NOT need to attend the Settlement Hearing to receive a distribution from the Settlement.

IF YOU ARE A MEMBER OF THE CLASS, YOUR RIGHTS WILL BE AFFECTED BY THE PROPOSED SETTLEMENT AND YOU MAY BE ENTITLED TO A MONETARY PAYMENT. A full Notice and Claim Form can be obtained by visiting the Settlement website, <u>www.ArchonPreferredClassAction.com</u>, or by contacting the Claims Administrator at:

> Raider v. Archon Corporation, et al. c/o JND Legal Administration P.O. Box 91332 Seattle, WA 98111

info@ArchonPreferredClassAction.com 1-888-551-9712

Settlement Website: www.ArchonPreferredClassaction.com

If you are a member of the Settlement Class, to qualify for a payment, you must submit a Claim Form and appropriate income tax withholding form, so that it is *received by the Claims Administrator no later than [Insert Date]*. If you are a class member and do not timely submit a valid Claim Form and appropriate tax withholding form, you will not be eligible to share in the distribution of the Net Settlement Fund, but you will nevertheless be bound by all judgments or orders entered by the Court relating to the Settlement, whether favorable or unfavorable.

If you are a member of the Settlement Class and wish to exclude yourself from the Settlement, you must submit a written request for exclusion in accordance with the instructions set forth in the Notice such that it is *received no later than_Insert DateJ*. If you properly exclude yourself from the Settlement Class, you will not be bound by any judgments or orders entered by

the Court relating to the Settlement, whether favorable or unfavorable, and you will not be eligible to share in the distribution of the Net Settlement Fund.

Any objections to the proposed Settlement, application of Plaintiff's Counsel for attorneys' fees, and/or the proposed Plan of Allocation must be filed with the Court, by mail, and be mailed to counsel for the Parties in accordance with the instructions in the Notice, such that they are

received no later than [Insert Date].

If you are a member of the Settlement Class and wish to attend the Settlement Hearing and request to speak in Court, you must file a Notice of Appearance so that it is *received no later than*

[Insert Date].

PLEASE DO NOT CONTACT THE COURT, DEFENDANTS, OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE.

DATED: [Date]

BY ORDER OF THE COURT DISTRICT COURT CLARK COUNTY, NEVADA

EXHIBIT "B"

EXHIBIT "B"

DISTRICT COURT CLARK COUNTY, NEVADA

In re Archon Preferred Stock Class Action

Case No.: A-15-712113-B DEPT. XIII Hon. Mark R. Denton

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT, SETTLEMENT HEARING, AND RIGHT TO OBJECT, OPT OUT, AND APPEAR AT HEARING

To: All shareholders that held Archon Corporation ("Archon") Exchangeable Redeemable Preferred Stock as of the close of business on August 31, 2007.

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of Nevada Rules of Civil Procedure and an Order of the District Court of Clark County, Nevada, that the Class Representative, Dan Raider on behalf of himself and all members of the Class, and Archon Corporation, Paul Lowden and Suzanne Lowden (collectively "Defendants"), have reached a proposed settlement in the above-captioned class action (the "Action") in the amount of \$9,200,000 (the "Settlement").

A hearing will be held before the Honorable Mark R. Denton, on [Date] at [Time], in [Courtroom] of the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101 (the "Settlement Hearing") to, among other things, determine whether the Court should: (i) approve the proposed Settlement on the terms and conditions provided for in the Settlement Agreement Term Sheet as fair, reasonable, and adequate; (ii) to enter a final order approving the Settlement and dismissing this action with prejudice against Defendants (iii) approve the proposed Plan of Allocation for the proceeds of the Settlement; (iv) approve the application of Plaintiff's Counsel for attorneys' fees, reimbursement of litigation expenses, notice, and claims administration expenses; (v) approve the Class Representative's incentive award; and (vi) to consider any other matters that may properly be brought before the Court in connection with the Settlement. The Court may change the date of the Settlement Hearing, or hold it telephonically or via videoconference, without providing further notice. You do NOT need to attend the Settlement Hearing to receive a distribution from the Settlement.

IF YOU ARE A MEMBER OF THE CLASS, YOUR RIGHTS WILL BE AFFECTED BY THE PROPOSED SETTLEMENT AND YOU MAY BE ENTITLED TO A MONETARY PAYMENT. A full Notice and Claim Form can be obtained by visiting the Settlement website, <u>www.ArchonPreferredClassAction.com</u>, or by contacting the Claims Administrator at:

> Raider v. Archon Corporation, et al. c/o JND Legal Administration P.O. Box 91332 Seattle, WA 98111

info@ArchonPreferredClassAction.com 1-888-551-9712

Settlement Website: www.ArchonPreferredClassaction.com

If you are a member of the Settlement Class, to qualify for a payment, you must submit a Claim Form and appropriate income tax withholding form, so that it is *received by the Claims Administrator no later than [Insert Date]*. If you are a class member and do not timely submit a valid Claim Form and appropriate tax withholding form, you will not be eligible to share in the distribution of the Net Settlement Fund, but you will nevertheless be bound by all judgments or orders entered by the Court relating to the Settlement, whether favorable or unfavorable.

If you are a member of the Settlement Class and wish to exclude yourself from the Settlement, you must submit a written request for exclusion in accordance with the instructions set forth in the Notice such that it is *received no later than_Insert DateJ*. If you properly exclude yourself from the Settlement Class, you will not be bound by any judgments or orders entered by

the Court relating to the Settlement, whether favorable or unfavorable, and you will not be eligible to share in the distribution of the Net Settlement Fund.

Any objections to the proposed Settlement, application of Plaintiff's Counsel for attorneys' fees, and/or the proposed Plan of Allocation must be filed with the Court, by mail, and be mailed to counsel for the Parties in accordance with the instructions in the Notice, such that they are

received no later than [Insert Date].

If you are a member of the Settlement Class and wish to attend the Settlement Hearing and request to speak in Court, you must file a Notice of Appearance so that it is *received no later than*

[Insert Date].

PLEASE DO NOT CONTACT THE COURT, DEFENDANTS, OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE.

DATED: [Date]

BY ORDER OF THE COURT DISTRICT COURT CLARK COUNTY, NEVADA

From:	Justin J. Bustos
То:	Steven Parsons
Cc:	John P. Desmond; Kenneth Chadwell; Candice Benson
Subject:	RE: EXTERNAL: RAIDER final draft of proposed Order, ready for submission to the Court
Date:	Thursday, October 21, 2021 3:33:58 PM
Attachments:	image001.png

Steve,

You may affix my electronic signature and submit. I note that the exhibits still need to be attached.

Best regards,

Justin

Justin J. Bustos Member

 100 West Liberty Street
 Phone 775-343-7503

 Suite 940
 Fax 844-670-6009

 Reno NV 89501-1991
 Email JBustos@dickinsonwright.com

DICKINSON WRIGHTPLLC ARIZONA CALIFORNIA FLORIDA ILLINOIS KENTUCKY MICHIGAN NEVADA OHIO TENNESSEE TEXAS WASHINGTON D.C. TORONTO

From: Steven Parsons <steve@sjplawyer.com>

Sent: Thursday, October 21, 2021 12:33 PM

To: Justin J. Bustos <JBustos@dickinson-wright.com>

Cc: John P. Desmond <JDesmond@dickinson-wright.com>; Kenneth Chadwell

<kchadwell@manteselaw.com>; Candice Benson <Candice@sjplawyer.com>

Subject: EXTERNAL: RAIDER -- final draft of proposed Order, ready for submission to the Court

Good afternoon Justin:

Ken and I are putting the dates into the exhibits, getting this proposed Order ready to lodge with the Court. Here is the final draft of the proposed Order. While I always encourage adverse counsel to again read it carefully as the more eyes the better, I believe the changes are:

1. The Department references were changed in two places to correctly refer that Judge Denton is in Dept. XIII;

2. Your approval was inserted into the preamble on p. 2, line 15-16, and in the signature block at the end of the proposed Order;

3. All dates were calculated working from the hearing date of March 14, 2022 and the other dates were inserted.

If you give me a further permission to lodge this proposed Order, I will affix your e-

sig and send it along to Judge Denton's chambers.

Thanks for the ongoing cooperation – Steve

Steven J. Parsons Nevada Bar No. 363 Law Offices of Steven J. Parsons 10091 Park Run Dr., Ste. 200 Las Vegas, NV 89145-8868 (702) 384-9900 (702) 384-5900 -- fax Steve@SJPlowyer.com



The information contained in this e-mail, including any attachments, is confidential, intended only for the named recipient(s), and may be legally privileged. If you are not the intended recipient, please delete the e-mail and any attachments, destroy any printouts that you may have made and notify us immediately by return e-mail.

Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

1	CSERV		
2		DISTRICT COURT	
3	C	LARK COUNTY, NEVADA	
4			
5			
6	Dan Raider, Plaintiff(s)	CASE NO: A-15-712113-B	
7	vs.	DEPT. NO. Department 13	
8 9	Archon Corporation, Defendant(s)		
10			
11	AUTOMA	TED CERTIFICATE OF SERVICE	
12 13	This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing 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:		
14	Service Date: 10/25/2021		
15	Candice Benson .	candice@sjplawyer.com	
16	Cindy Grinstead .	cgrinstead@dickinsonwright.com	
17 18	Cindy Grinstead .	cgrinstead@dickinsonwright.com	
19	General .	info@sjplawyer.com	
20	John Desmond .	jdesmond@dickinsonwright.com	
21	John P. Desmond .	jdesmond@dickinsonwright.com	
22	Joseph N. Mott .	Joey@SJPlawyer.com	
23	Justin Bustos .	jbustos@dickinsonwright.com	
24 25	Reno Clerk .	RN_litdocket@dickinson-wright.com	
26	Scott Lundy .	scott@sjplawyer.com	
27	Steven J. Parsons .	steve@sjplawyer.com	
28			

1	Kenneth K. Ching .	kching@dickinsonwright.com
2 3	Whitney Jones .	wjones@dickinsonwright.com
4	Steven Goren	sgoren@gorenlaw.com
5	Terry Osgood	tosgood@manteselaw.com
6	Kenneth Chadwell	kchadwell@manteselaw.com
7	Gerard Mantese	gmantese@manteselaw.com
8	Douglas Toering	dtoering@manteselaw.com
9	Leah Jackson	ljackson@manteselaw.com
10	Zyrah Ashraf	zashraf@manteselaw.com
11 12	Justin Bustos	jbustos@dickinsonwright.com
12	Caren Adkins	cadkins@dickinson-wright.com
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