

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Christopher Thomas and Christopher Craig,
et al
Appellants,

vs.

Nevada Yellow Cab Corp., et al.
Respondents

No. 61681
Electronically Filed
Oct 03 2012 02:22 p.m.
DOCKETING STATEMENT
CIVIL APPEALS
Shirley K. Lindeman
Clerk of Supreme Court

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District 8TH Department XXVIII
County Clark Judge Hon. Ronald Israel
District Ct. Case No. A-12-661726

2. Attorney filing this docketing statement:

Attorney Leon Greenberg Telephone 702-383-6085
Firm Leon Greenberg Professional Corporation
Address 2965 S. Jones Boulevard, Suite E-4
Las Vegas, NV 89146

Client(s) Christopher Thomas and Christopher Craig

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Marc C. Gordon Telephone 702-873-6531
Firm General Counsel, Yellow Check Star Transportation Company Legal Department
Address 5225 W, Post Road
Las Vegas, NV 89118

Client(s) Nevada Yellow Cab Corp; Nevada Checker Cab Corp; Nevada Star Cab Corp.

Attorney _____ Telephone _____

Firm _____

Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input checked="" type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- Child Custody
- Venue
- Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

8. Nature of the action. Briefly describe the nature of the action and the result below:

Action for unpaid minimum wages allegedly owed pursuant to the provisions of Nevada's Constitution. Defendants filed a Motion to Dismiss based upon a claim the plaintiffs' employment with defendants was not subject to such provisions of Nevada's Constitution. The District Court granted that motion and dismissed the plaintiffs' complaint.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Nevada's Constitution, Article 15, Section 16, sets forth certain minimum hourly wage requirements and exemptions from those requirements. The appellants were taxi drivers who are not identified in Article 15, Section 16, of Nevada's Constitution as being exempt from the minimum hourly wage required by that Section. The appellants, under NRS 608.250(2)(e), are exempt, as are all taxi drivers, from the minimum wage requirements imposed by NRS 608.250(1). Such statutory minimum wage exemption provided by NRS 608.250(e) does not, and cannot, act to exempt the appellants from the minimum wage requirements of Nevada's Constitution. The district court erred by finding the minimum wage exemption of NRS 608.250(e) could apply, in any fashion, to the minimum wage requirements of Article 15, Section 16, of Nevada's Constitution.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

NONE

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

- N/A
- Yes
- No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

- Reversal of well-settled Nevada precedent (identify the case(s))
- An issue arising under the United States and/or Nevada Constitutions
- A substantial issue of first impression
- An issue of public policy
- An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- A ballot question

If so, explain: The claim made in this case arises directly under Nevada's Constitution, Article 15, Section 16, and seeks the relief expressly provided therein.

13. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

14. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from August 30, 2012

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. Date written notice of entry of judgment or order was served September 4, 2012

Was service by:

Delivery

Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

NRCP 50(b) Date of filing _____

NRCP 52(b) Date of filing _____

NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

Delivery

Mail

18. Date notice of appeal filed September 13, 2012

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |
-

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The district court entered an order dismissing all claims of all parties and resulting in a final judgment.

21. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Christopher Thomas and Christopher Craig - Plaintiffs, appellants

Nevada Yellow Cab Corp., Nevada Checker Cab Corp., Nevada Star Cab Corp. -
Defendants, appellees

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

All appellants make claims under Article 15, Section 16, of Nevada's Constitution for unpaid minimum wages. All of those claims have been dismissed by the district court's order entered on August 30, 2012. No other claims are made by any parties.

23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

Yes

No

24. If you answered "No" to question 23, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

Yes

No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

Yes

No

25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

26. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

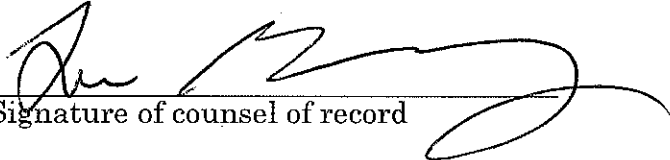
VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Christopher Thomas+Christopher Craig
Name of appellant

Leon Greenberg
Name of counsel of record

October 3, 2012
Date


Signature of counsel of record

Clark Count, Nevada
State and county where signed

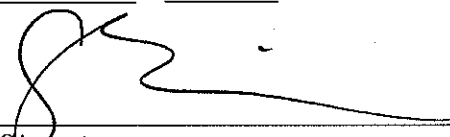
CERTIFICATE OF SERVICE

I certify that on the 3rd day of October, 2012, I served a copy of this completed docketing statement upon all counsel of record:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Marc C. Gordon, Esq.
Attorney for Respondents
5225 W, Post Road
Las Vegas, NV 89118

Dated this 3rd day of October, 2012


Signature

I. Party Information

Plaintiff(s) (name/address/phone): Christopher Craig, 1515 S. Mojave Road, Space 5, Las Vegas, NV 89104, 702-782-1188; Christopher Thomas, 3341 Casey Drive #203, Las Vegas, NV 89120, 702-561-6702

Attorney (name/address/phone):
Leon Greenberg, 2965 S. Jones Blvd., Ste E-4, Las Vegas, NV 89146, 702-383-6085

Defendant(s) (name/address/phone): Nevada Yellow Cab, Nevada Checker Cab Corp., and Nevada Star Cab Corp. 5225 W. Post Road, Las Vegas NV 89118; Nevada Checker Cab Corp.

Attorney (name/address/phone):
Unknown

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

Civil Cases

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input checked="" type="checkbox"/> Other Civil Matters

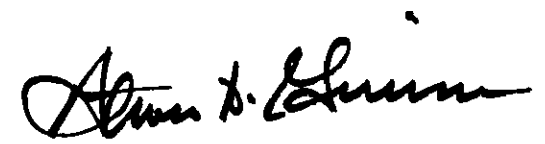
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

5-11-12

Date

Signature of initiating party or representative



CLERK OF THE COURT

1 **COMP**

2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
4 Leon Greenberg Professional Corporation
5 2965 South Jones Blvd- Suite E4
6 Las Vegas, Nevada 89146
(702) 383-6085
(702) 385-1827 (fax)
leongreenberg@overtimelaw.com
dana@overtimelaw.com

7 Attorneys for Plaintiffs

8

9

DISTRICT COURT

10

CLARK COUNTY, NEVADA

11

CHRISTOPHER THOMAS, and)
12 CHRISTOPHER CRAIG,)
Individually and on behalf of)
13 others similarly situated,)

Case No.: A-12-661726-C

Dept.: XXVIII

14 Plaintiffs,)

COMPLAINT

15 vs.)

**ARBITRATION
EXEMPTION CLAIMED
BECAUSE THIS IS
A CLASS ACTION CASE**

16 NEVADA YELLOW CAB)
CORPORATION, NEVADA CHECKER)
17 CAB CORPORATION, and NEVADA)
STAR CAB CORPORATION,)

18 Defendants.)
19)

20

21 CHRISTOPHER THOMAS, and CHRISTOPHER CRAIG, Individually and
22 on behalf of others similarly situated, by and through their
23 attorney, Leon Greenberg Professional Corporation, as and for a
24 Complaint against the defendants, state and allege, as follows:

25 **JURISDICTION, PARTIES AND PRELIMINARY STATEMENT**

26 1. The plaintiffs, CHRISTOPHER THOMAS, and CHRISTOPHER
27 CRAIG, (the "individual plaintiffs" or the "named plaintiffs") are
28 residents of the State of Nevada and during all relevant times were

1 residents of Clark County, Nevada, and all plaintiffs are current
2 employees of the defendants.

3 2. The defendants NEVADA YELLOW CAB CORPORATION, NEVADA
4 CHECKER CAB CORPORATION, and NEVADA STAR CAB CORPORATION,
5 (hereinafter referred to as "Yellow Checker Star" or "defendants")
6 are corporations existing and established pursuant to the laws of
7 the State of Nevada with their principal place of business in the
8 County of Clark, State of Nevada and conduct business in Nevada.

9 **CLASS ACTION ALLEGATIONS**

10 3. The plaintiffs bring this action as a class action
11 pursuant to Nev. R. Civ. P. §23 on behalf of themselves and a class
12 of all similarly situated persons employed by the defendants in the
13 State of Nevada.

14 4. The class of similarly situated persons consists of all
15 persons employed by defendant in the State of Nevada during the
16 applicable statute of limitations periods prior to the filing of
17 this Complaint continuing until date of judgment, such persons being
18 employed as Taxi Cab Drivers (hereinafter referred to as "cab
19 drivers" or "drivers") such employment involving the driving of taxi
20 cabs for the defendants in the State of Nevada.

21 5. The common circumstance of the cab drivers giving rise to
22 this suit is that while they were employed by defendants they were
23 not paid the minimum wage required by Nevada's Constitution, Article
24 15, Section 16 for many or most of the days that they worked in that
25 their hourly compensation, when calculated pursuant to the
26 requirements of said Nevada Constitutional Provision, did not equal
27 at least the minimum hourly wage provided for therein.

28 6. The named plaintiffs are informed and believe, and based

1 thereon allege that there are at least 300 putative class action
2 members. The actual number of class members is readily
3 ascertainable by a review of the defendants' records through
4 appropriate discovery.

5 7. There is a well-defined community of interest in the
6 questions of law and fact affecting the class as a whole.

7 8. Proof of a common or single set of facts will establish
8 the right of each member of the class to recover. These common
9 questions of law and fact predominate over questions that affect
10 only individual class members. The individual plaintiffs' claims
11 are typical of those of the class.

12 9. A class action is superior to other available methods for
13 the fair and efficient adjudication of the controversy. Due to the
14 typicality of the class members' claims, the interests of judicial
15 economy will be best served by adjudication of this lawsuit as a
16 class action. This type of case is uniquely well-suited for class
17 treatment since the employers' practices were uniform and the burden
18 is on the employer to establish that its method for compensating the
19 class members complies with the requirements of Nevada law.

20 10. The individual plaintiffs will fairly and adequately
21 represent the interests of the class and have no interests that
22 conflict with or are antagonistic to the interests of the class and
23 have retained to represent them competent counsel experienced in the
24 prosecution of class action cases and will thus be able to
25 appropriately prosecute this case on behalf of the class.

26 11. The individual plaintiffs and their counsel are aware of
27 their fiduciary responsibilities to the members of the proposed
28 class and are determined to diligently discharge those duties by

1 vigorously seeking the maximum possible recovery for all members of
2 the proposed class.

3 12. There is no plain, speedy, or adequate remedy other than
4 by maintenance of this class action. The prosecution of individual
5 remedies by members of the class will tend to establish inconsistent
6 standards of conduct for the defendants and result in the impairment
7 of class members' rights and the disposition of their interests
8 through actions to which they were not parties. In addition, the
9 class members' individual claims are small in amount and they have
10 no substantial ability to vindicate their rights, and secure the
11 assistance of competent counsel to do so, except by the prosecution
12 of a class action case.

13 **AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF OF THE NAMED**
14 **PLAINTIFFS AND ALL PERSONS SIMILARLY SITUATED PURSUANT TO NEVADA'S**
CONSTITUTION

15 13. The named plaintiffs repeat all of the allegations
16 previously made and bring this First Claim for Relief pursuant to
17 Article 15, Section 16, of the Nevada Constitution.

18 14. Pursuant to Article 15, Section 16, of the Nevada
19 Constitution the named plaintiffs and the class members were
20 entitled to an hourly minimum wage for every hour that they worked
21 and the named plaintiffs and the class members were often not paid
22 such required minimum wages.

23 15. The named plaintiffs seek all relief available to them and
24 the alleged class under Nevada's Constitution, Article 15, Section
25 16 including appropriate injunctive and equitable relief to make the
26 defendants cease their violations of Nevada's Constitution and a
27 suitable award of punitive damages.

28 16. The named plaintiffs on behalf of themselves and the

1 proposed plaintiff class members, seek, on this First Claim for
2 Relief, a judgment against the defendants for minimum wages, such
3 sums to be determined based upon an accounting of the hours worked
4 by, and wages actually paid to, the plaintiffs and the class
5 members, a suitable injunction and other equitable relief barring
6 the defendants from continuing to violate Nevada's Constitution, a
7 suitable award of punitive damages, and an award of attorney's fees,
8 interest and costs, as provided for by Nevada's Constitution and
9 other applicable laws.

10 WHEREFORE, plaintiffs demand the relief on each cause of action
11 as alleged aforesaid.

12 Plaintiffs demand a trial by jury on all issues so triable.

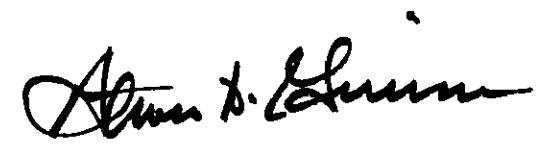
13
14 Dated this 11th day of May, 2012.

15
16 Leon Greenberg Professional Corporation

17
18 By: /s/ Leon Greenberg

19 LEON GREENBERG, Esq.
20 Nevada Bar No.: 8094
21 2965 South Jones Blvd- Suite E4
22 Las Vegas, Nevada 89146
23 (702) 383-6085

24
25
26
27
28
Attorney for Plaintiff



CLERK OF THE COURT

1 **NEOJ**
 2 MARC C. GORDON, ESQ.
 3 GENERAL COUNSEL
 Nevada Bar No. 001866
 4 TAMER B. BOTROS, ESQ.
 5 ASSOCIATE COUNSEL
 Nevada Bar No. 012183
YELLOW CHECKER STAR
TRANSPORTATION CO. LEGAL DEPT.
 6 5225 W. Post Road
 Las Vegas, Nevada 89118
 7 T: 702-873-6531
 F: 702-251-3460
 mgordon@ycstrans.com
 Attorneys for Defendants
 8 NEVADA YELLOW CAB CORPORATION
 9 NEVADA CHECKER CAB CORPORATION
 NEVADA STAR CAB CORPORATION

10 **DISTRICT COURT**
 11 **CLARK COUNTY, NEVADA**

12 CHRISTOPHER THOMAS, and CHRISTOPHER)
 13 CRAIG, Individually and on behalf of others)
 similarly situated,)
 14 Plaintiff,)
 15 vs.)
 16 NEVADA YELLOW CAB CORPORATION,)
 17 NEVADA CHECKER CAB CORPORATION)
 NEVADA STAR CAB CORPORATION)
 18 Defendants.)

Case No.: A-12-661726-C
 Dept. No.: XXVIII

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order was entered by the Court in the above-captioned

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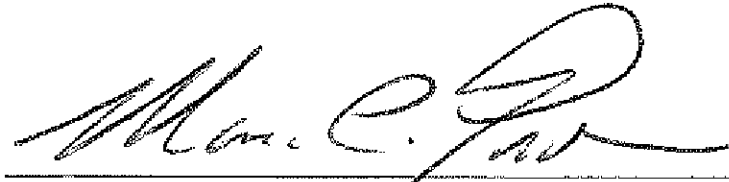
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1 matter on the 30th day of August, 2012, a copy of which is attached hereto.

2 DATED this 4th day of September, 2012.

3 **YELLOW CHECKER STAR**
4 **TRANSPORTATION CO. LEGAL DEPT.**

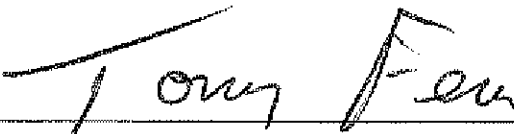
5 

6 _____
7 MARC C. GORDON, ESQ.
8 GENERAL COUNSEL
9 Nevada Bar No. 001866
10 TAMER B. BOTROS, ESQ.
11 ASSOCIATE COUNSEL
12 Nevada Bar No. 012183
13 5225 W. Post Road
14 Las Vegas, Nevada 89118
15 Attorneys for Defendants
16 NEVADA YELLOW CAB CORPORATION
17 NEVADA CHECKER CAB CORPORATION
18 NEVADA STAR CAB CORPORATION
19
20
21
22
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25
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1 CERTIFICATE OF MAILING

2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that on the 4th day of
3 September, 2012, service of the foregoing **NOTICE OF ENTRY OF ORDER** was made this date
4 by depositing a true copy of the same for mailing, first class mail, at Las Vegas, Nevada, in an
5 envelope addressed as follows:

6 Leon Greenberg, Esq.
7 Dana Sniegocki, Esq.
8 Leon Greenberg P.C.
9 2965 S. Jones Blvd., Ste. E4
10 Las Vegas, NV 89146
11 Attorney for Plaintiffs

12
13
14 
15 For **Yellow Checker Star**
16 **Transportation Co. Legal Dept.**
17
18
19
20
21
22
23
24
25
26
27
28

CLERK OF THE COURT

1 **ORDR**
2 MARC C. GORDON, ESQ.
3 GENERAL COUNSEL
4 Nevada Bar No. 001866
5 TAMER B. BOTROS, ESQ.
6 ASSOCIATE COUNSEL
7 Nevada Bar No. 012183
8 **YELLOW CHECKER STAR**
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11 Las Vegas, Nevada 89118
12 T: 702-873-6531
13 F: 702-251-3460
14 mgordon@ycstrans.com
15 Attorneys for Defendants
16 NEVADA YELLOW CAB CORPORATION
17 NEVADA CHECKER CAB CORPORATION
18 NEVADA STAR CAB CORPORATION

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 CHRISTOPHER THOMAS, and CHRISTOPHER
13 CRAIG, Individually and on behalf of others
14 similarly situated,

14 Plaintiff,

15 vs.

16 NEVADA YELLOW CAB CORPORATION,
17 NEVADA CHECKER CAB CORPORATION
18 NEVADA STAR CAB CORPORATION

18 Defendants.

Case No.: A-12-661726-C

Dept. No.: XXVIII

Date of Hearing: July 30, 2012

Time of Hearing: 9:00 a.m.

19 **ORDER DISMISSING CASE**

20 Defendants, NEVADA YELLOW CAB CORPORATION, NEVADA CHECKER CAB
21 CORPORATION and NEVADA STAR CAB CORPORATION, hereinafter ("YCS") by and through
22 their undersigned attorneys, MARC C. GORDON, ESQ., and TAMER B. BOTROS, ESQ., brought
23 its "Motion to Dismiss" on for hearing on the 30th day of July, 2012. Marc C. Gordon, Esq., General
24 Counsel of the Yellow Checker Star Transportation Legal Department, appeared on behalf of
25 Defendants, and Leon Greenberg, Esq., having appeared on behalf of Plaintiffs at the hearing.
26 Following arguments of counsel, due consideration by the Court of all briefs, pleadings and papers on
27 file herein, and good cause appearing therefore,
28

<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Stip Dis	<input type="checkbox"/> Sum Jdgmt	FINAL DISPOSITIONS
<input type="checkbox"/> Involuntary (stat) Dis	<input type="checkbox"/> Slip Jdgmt	<input type="checkbox"/> Non-Jury Trial	<input type="checkbox"/> Time Limit Expired
<input type="checkbox"/> Jdgmt on Arb Award	<input type="checkbox"/> Default Jdgmt	<input type="checkbox"/> Jury Trial	<input type="checkbox"/> Dismissed (with or without prejudice)
<input checked="" type="checkbox"/> Mot to Dis (by def)	<input type="checkbox"/> Transferred		<input type="checkbox"/> Judgment Satisfied/Paid in full

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

2 1. The Court agrees with the Defendants that the decision of the United States District
3 Court of Nevada in Lucas v. Bell Trans., 2009 WL 2424557 (D. Nev. 2009), is sound and persuasive.
4 The Nevada Supreme Court strongly disfavors implied repeal. The decision in Lucas v Bell Trans.,
5 supra, although not binding authority on this Court, is persuasive authority, and therefore adopted by
6 this Court.

7 2. The Court concludes that the adoption of the constitutional amendment by Nevada voters
8 in 2006, now known as Article 15, Section 16 (the "Minimum Wage Amendment"), did not repeal
9 NRS 608.250 by "implication." The Court finds there is another reasonable construction of the
10 Minimum Wage Amendment that does not require the repeal of NRS 608.250 by implication. The
11 Minimum Wage Amendment made absolutely no reference to NRS 608.250. The focus of the
12 Minimum Wage Amendment was the actual minimum wage. The Minimum Wage Amendment's
13 definition of "employee" is not in conflict with NRS 608.250's exceptions, which include taxi and
14 limousine drivers. As a result, this Court holds that the Minimum Wage Amendment did not repeal
15 NRS 608.250 or its exceptions. Because NRS 608.250(2)(e) expressly states that Nevada's minimum
16 wage does not apply to taxicab and limousine drivers, Plaintiffs cannot sue for a violation of unpaid
17 minimum wages under Nevada law. NRS 608.250(2)(e).

18 3. The Motion to Dismiss Plaintiffs' Complaint, brought by Defendants, NEVADA
19 YELLOW CAB CORPORATION, NEVADA CHECKER CAB CORPORATION and NEVADA
20 STAR CAB CORPORATION, is granted in its entirety and with prejudice. Accordingly, this case is
21 dismissed.

22 DATED this 30 day of August, 2012.

23
24 
25 DISTRICT COURT JUDGE

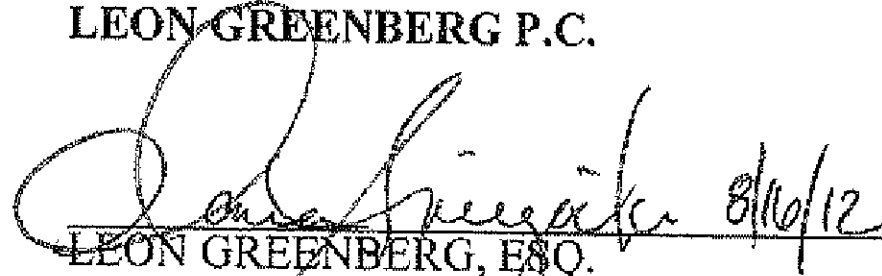
26 RONALD J. ISRAEL
27
28 

Submitted by:

Approved as to Form by:

YELLOW CHECKER STAR
TRANSPORTATION CO. LEGAL DEPT.

LEON GREENBERG P.C.



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DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Filing

COURT MINUTES

August 14, 2012

A-12-661726-C Christopher Thomas, Plaintiff(s)
vs.
Nevada Yellow Cab Corp, Defendant(s)

August 14, 2012 Chambers Motion to Dismiss Defendants' Motion
to Dismiss Complaint

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

PARTIES None
PRESENT:

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, Court agrees with the decision Lucas v. Bell Trans, 2009 WL 2424557 (D.Nev.2009). The Nevada Supreme Court strongly disfavors implied repeal and the decision in Lucas v. Bell Trans, although not binding or authority is persuasive and adopted by this Court. Defense Counsel to prepare the order.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Leon Greenberg, Esq. (Leon Greenberg Professional Corp) and Marc Gordon, Esq. (Yellow Checker Star Transportation Co Legal Dept.)

A-12-661726-C

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Filing

COURT MINUTES

August 14, 2012

A-12-661726-C

Christopher Thomas, Plaintiff(s)

vs.

Nevada Yellow Cab Corp, Defendant(s)

August 14, 2012

Chambers

Motion to Dismiss

Defendants' Motion
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HEARD BY: Israel, Ronald J.

COURTROOM:

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PRINT DATE: 08/15/2012

Page 1 of 1

Minutes Date: August 14, 2012