SUPREME COURT OF NEVADA

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

Petitioners,

vs.

NEVADA YELLOW CAB CORPORATION, NEVADA CHECKER CAB CORPORATION, NEVADA STAR CAB CORPORATION,

Respondents,

Sup. Ct. No. 61681
Dist. Ct No.:A-12-661726-C
Dept. No. XXVIII

APPELLANTS' REPLY BRIEF

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IN REPLY TO RESPONDENTS' STATEMENT OF FACTS

Respondents' statement of facts asserts Article 15, Section 16 of the Nevada Constitution "did not eliminate the current and long-standing exceptions to the minimum wage and overtime laws for various categories of workers in Nevada." RAB 2.[1] This is not a statement of "fact" but an assertion of law. Such assertion is also unclear, as respondents provide no statutory reference for the "minimum wage and overtime laws" they discuss.

IN REPLY TO RESPONDENTS' STATEMENT OF THE STANDARD OF REVIEW

Appellants' Claims are Independent of Any Statute

Respondents state:

> Appellants' constitutional claims are not founded upon rights and obligations that are independent of those set forth in the Nevada Wage and Hour Law ("NWHL"), but must be examined in light of the Nevada Revised Statute[s] 608.250(2)(e), NWHL exceptions. ROB 2.

Respondents cite no authority for this assertion.[2] Such assertion is also incorrect. The plain language of Article 15, Section 16, of the Nevada Constitution, Subpart "A" states in its first sentence:

> Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section.

Appellants' claims are founded upon the foregoing obligation imposed upon their employer, the respondents, expressed in Nevada's Constitution. Appellants' claimed right to relief based upon such alleged obligation of their employer arises from Article 15, Section 16, of the Nevada Constitution, Subpart "C," which states in its fourth sentence:

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[1] RAB references are to page numbers of Respondents' Answering Brief.

[2] Respondents never state what statute or statutes they are referring to by the term "Nevada Wage and Hour Law" and that term is not used by any Nevada statute.

An employee claiming violation of this section may bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief.

Contrary to respondents' unsupported assertions, appellants' claims in this case exclusively concern obligations and rights conferred by Nevada's Constitution.

Nevada Has Not Adopted the Current Federal Pleading Standard

Respondents assert *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009), which overturned *Conley v. Gibson*, 355 U.S. 41, 47 (1957), set forth the standard used under NRCP Rule 12(b)(5) to determine whether a complaint states a claim for relief. This Court has not adopted the *Iqbal/Twombly* standard. The pleading standard in Nevada's courts remains the one utilized in *Conley*, as relied upon by the Nevada Supreme Court in *Edgar v. Wagner*, 699 P.2d 110, 112 (Nev. Sup. Ct. 1985) and *Washoe Medical Ctr., Inc. v. Reliance Ins. Co.*, 915 P.2d 288, 289 (Nev. Sup. Ct. 1996).

SUMMARY OF REPLY ARGUMENT

Respondents seek to have this Court abdicate its duty to uphold and enforce Nevada's Constitution by rendering null and void an express constitutional directive. The command of Article 15, Section 16 of the Nevada Constitution (the "Nevada Constitutional Minimum Wage" or "Section 16") is absolutely clear and unambiguous. It directs the payment of minimum wages from "each employer" to "each employee" pursuant to the terms set forth in Section 16:

> Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section. (Article 15, Section 16, Subpart "A," Nevada Constitution, first sentence).

Nevada's courts in applying Section 16 must, in the first instance,

examine the language of such constitutional provision. If Section 16's language is unambiguous it must be applied in accordance with its plain meaning. *See*, *Halverson v. Miller* 186 P.3d 893, 897 (Nev. Sup. Ct. 2008); *Nevadans for Nevada v. Beers*, 142 P.3d 339, 347 (Nev. Sup. Ct. 2006); and *Rogers v. Heller,* 18 P.3d 1034, 1038, n. 17 (Nev. Sup. Ct. 2001).

There is no ambiguity in the language of Section 16. Neither respondents nor the district court identify any ambiguity in its language. None of the court decisions relied upon by respondents identified any such ambiguity. Section 16 commands payment of minimum wages to all employees of all employers, subject only to certain exemptions stated in that very same constitutional provision. The appellants' occupation, taxi drivers, are not among the Nevada Constitutional Minimum Wage exemptions provided for in Section 16.

That taxi drivers are exempted from the minimum wage requirements of NRS 608.250(1), Nevada's statutory minimum wage law, by operation of NRS 608.250(2)(e), is irrelevant. Section 16 does not authorize Nevada's Legislature to modify or amend any of its terms. The clear and unambiguous dictates of Nevada's Constitution must be enforced and cannot be diluted or modified by NRS 608.250(2)(e) or any other statute.

ARGUMENT

I. RESPONDENTS IMPROPERLY TRANSFORM NRS 608.250(2)(e) INTO AN EXEMPTION FROM ALL NEVADA LAWS REQUIRING MINIMUM WAGES EVEN THOUGH ITS UNAMBIGUOUS LANGUAGE CREATES AN EXEMPTION ONLY TO NRS 608.250(1)

Respondents repeatedly refer to the "Nevada Wage and Hour Law" which it abbreviates as "NWHL." Respondents provide no statutory reference for this supposed legislative act and no group of Nevada statutes are designated

1 with that nomenclature.[3] There is no uniform or legislatively denominated
2 Nevada Wage and Hour Law statute or statutes. Rather, as relevant to
3 respondents' argument, there is a specific statute, NRS 608.250, that imposes
4 certain statutory minimum hourly wage requirements.

5 Respondents, after creating their undefined "Nevada Wage and Hour
6 Law," then assert NRS 608.250(2)(e) acts as an "exception" to that same law.
7 RAB 2. They also characterize NRS 608.250(2)(e) as "Nevada's statutory
8 wage and hour exceptions for limousine and taxicab drivers." RAB 7.
9 Respondents engage in this creation of law, and exceptions thereto, because
10 they seek to stretch NRS 608.250(2)(e) into something other that what it is, an
11 exemption to *just* NRS 608.250(1) and no other law.[4] This is indisputably
12 clear from the language of NRS 608.250:

13 608.250. Establishment by Labor Commissioner; exceptions; penalty.

14 1. Except as otherwise provided in this section, the Labor
15 Commissioner shall, in accordance with federal law, establish by regulation the minimum wage which may be paid to employees in private employment within the State. The Labor Commissioner
16 shall prescribe increases in the minimum wage in accordance with those prescribed by federal law, unless the Labor Commissioner
17

18 [3] Nevada's Legislature has demonstrated its desire to use Short Title
19 designations for certain groups of statutes. *See,* NRS 38.206, designating NRS
20 38.206 to 38.248 inclusive as the "Uniform Arbitration Act of 2000, " NRS 38.400, designating NRS 38.400 to 38.575 inclusive as the "Uniform
21 Collaborative Law Act" and numerous other statutes. It has not elected to
22 designate any group of Nevada statutes as the "Nevada Wage and Hour Law."

23 [4] United States District Court Judge Jones, in *Lucas v. Bell Transit*,
24 2009 U.S. Dist. LEXIS 72549,(D. Nev. June 23, 2009) and *Greene v. Executive Coach & Carriage* (unpublished), decisions relied upon by respondents and the
25 district court, uses the term "Nevada Wage and Hour Law." *See,* Respondents'
26 Appendix pages 7 and 23. Unlike respondents, Judge Jones specifically defines the term as meaning NRS 608.250. *Id.* But just like respondents,
27 Judge Jones never explains how NRS 608.250(2)(e) can operate to modify
28 anything besides the requirements otherwise imposed by NRS 608.250(1).

determines that those increases are contrary to the public interest.

2. **The provisions of subsection 1 do not apply to**:

....

(e) Taxicab and limousine drivers.

(Emphasis provided)

Just as there is no statute or statutes actually designated as the "Nevada Wage and Hour Law," NRS 608.250(2)(e) does not provide an exemption to *all* minimum wage requirements imposed under Nevada law. It only provides an exemption to the specific minimum wage requirements imposed by NRS 608.250(1). None of its language speaks of modifying or affecting the force or scope of any other statute or legal obligation.

By its express and unambiguous language, NRS 608.250(2)(e) is wholly irrelevant to the requirements imposed by Nevada's Constitution or any Nevada statute other than NRS 608.250(1). The district court erred by allowing NRS 608.250(2)(e) to act as an exemption to a minimum wage requirement that did *not* originate from NRS 608.250(1).

II. EVEN IF NRS 608.250(2)(e) IS IMPROPERLY TRANSFORMED INTO AN EXEMPTION FROM ALL MINIMUM WAGE STATUTES, CONSTITUTIONAL SUPREMACY REQUIRES THAT THE DISTRICT COURT'S ORDER BE REVERSED

A. If a Statute, Such As NRS 608.250(2)(e), Conflicts With a Constitutional Provision, Such Statute is Rendered Void

Even if NRS 608.250(2)(e) was completely divorced from its clear language, and transformed into an exemption from *any* statutory minimum wage requirement and not just NRS 608.250(1), the issue presented would not be, as respondents claim, whether there has been an "implied repeal" of NRS 608.250(2)(e). The issue presented would be one of constitutional supremacy: Whether the unambiguous terms of Article 15, Section 16 of Nevada's Constitution apply and require minimum wage payments to appellants despite

their exemption by NRS 608.250(2)(e) from all Nevada statutes requiring the payment of minimum wages.

The doctrine of constitutional supremacy is fundamental to our system of government as "[t]he government of the United States has been emphatically termed a government of laws, and not of men," *Marbury v. Madison*, 5 U.S. 137, 163 (1803). As *Marbury* goes on to make clear, the whole purpose of our constitutional system is to assure that government is bound to the dictates of a supreme written constitution it can neither supercede nor choose to ignore:

> The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it.
>
> If the former part of the alternative be true, then a legislative act contrary to the constitution is not law: if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power, in its own nature illimitable. Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void.
>
> This theory is essentially attached to a written constitution, and is consequently to be considered, by this court, as one of the fundamental principles of our society. 5 U.S. at 171.

The Nevada Constitutional Minimum Wage is not subject to modification or limitation by Nevada's Legislature. It reigns supreme over any other Nevada law. Under our constitutional system of government the rights it confers and obligations it imposes are impervious to, and unaffected by, Nevada's statutes, including NRS 608.250(2)(e).

B. The Terms of Article 15, Section 16, of Nevada's Constitution Are Clear and Unambiguous and Must Be Enforced Pursuant to Their Plain Language and For the Benefit of Appellants

Respondents never address the clear language and constitutional supremacy of Section 16. Instead they, the district court, and the decision in *Lucas v. Bell Transit*, 2009 U.S. Dist. LEXIS 72549, (D. Nev. June 23, 2009)

upon which they rely, observe that Section 16 and the 2006 Ballot Question "made no reference to NRS 608.250." RAB 8. Based upon this lack of any express reference to NRS 608.250, *Lucas* then goes on to conduct an analysis of whether Section 16 was ever meant to "repeal" NRS 608.250(2)(e). As discussed in appellant's opening brief, such "repeal" analysis is erroneous, but more importantly the district court, and *Lucas*, erred by engaging in any such analysis in the first instance.

When a constitutional provision's language is clear and unambiguous, its provisions must be applied pursuant to their plain language. *See*, *Halverson,* 186 P.3d at 897; *Nevadans for Nevada v. Beers*, 142 P.3d at 347; and *Rogers* 18 P.3d at 1038, n. 17. This guiding principle was even recognized by the author of the *Lucas* opinion, United States District Judge Jones, in the unpublished post-*Lucas* order he authored addressing this same issue in *Green v. Executive Coach & Carriage,* a copy of which is at respondents' appendix pages 20-31. As Judge Jones correctly observed in *Greene*:

> When the language of a constitutional provision adopted through the initiative process is clear on its face, Nevada courts will not go beyond that language in determining the voters' intent. *Miller v. Burk*, 188 P.3d 1112, 1120 (Sup. Ct. Nev 2008)." RA 25.[5]

Despite properly recognizing this rule, Judge Jones, in neither *Lucas* nor *Greene*, ever identifies any ambiguity in Section 16. Nor does he venture an explanation how Section 16's language is not "clear on its face." Respondents, the district court in this case, and the other district court jurists who have followed *Lucas*, never attempt to explain how Section 16 is ambiguous or how its language is not clear on its face. The only jurist who has addressed that issue is District Judge Kenneth Cory of the Nevada Eighth Judicial District Court, in his decision and order in *Murray v. A Cab Taxi Service LLC*, A-12-

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[5] RA references are to page numbers of Respondents' Appendix.

669926-C, copy at Notice of Supplemental Authorities filed by Appellant on February 21, 2013, wherein he states:

> An examination of the intent or purpose behind a constitutional provision is only proper when ambiguity exists in the language of the provision. If there is no ambiguity the provision must be applied in accordance with its plain meaning. *See*, *Halverson v. Miller* 186 P.3d 893, 897 (Nev. Sup. Ct. 2008); *Nevadans for Nevada v. Beers*, 142 P.3d 339, 347 (Nev. Sup. Ct. 2006); and *Rogers v. Heller,* 18 P.3d 1034, 1038, n. 17 (Nev. Sup. Ct. 2001). The Court discerns no ambiguity in the language of Section 16 and none has been brought to its attention by defendants. Under such circumstances, for the Court to engage in an analysis of the intent behind Section 16, and by doing so override its express, clear, and unambiguous language, would be antithetical to our system of constitutional law. The people of the State of Nevada, through the democratic process, have made Section 16 the supreme law of the State of Nevada by placing its provisions in Nevada's Constitution. This Court is duty bound to enforce Section 16 and its clear language.

In reaching the foregoing conclusion, Judge Cory specifically acknowledged his awareness of the holding in *Lucas* and this case:

> In reaching its decision, the Court acknowledges it has been advised of the contrary conclusion rendered in the opinion issued by United States District Court Judge Jones in *Lucas v. Bell Transportation*, 2009 U.S. Dist. LEXIS 72549,(D. Nev. June 23, 2009). It has also been made aware that the holding of *Lucas* has been adopted by two of the judges of this Court.[6] With all due respect to its judicial brethren, this Court must decline to follow *Lucas* which this Court believes has not appropriately recognized, and respected, the clear language and primacy of Section 16.

Respondents never address *Murray's* holding that the language of Section 16 is clear and unambiguous and must be enforced pursuant to its plain meaning. Ignoring the controlling standards set forth by this Court in *Halverson*, *Nevadans for Nevada*, and numerous other cases, respondents just insist *Murray's* holding is "flawed" because it did "...not even consider a voter's intent, when he or she went to cast a ballot in 2006 in support of the Constitutional Amendment..." RAB 9. They make no attempt to explain how

[6] *See, Thomas v. Nevada Yellow Cab*, A-12-661726-C, August 30, 2012 and *Gilmore v. Desert Cab*, A-12-668502-C.

such an examination of "voter's intent" was justified under this Court's controlling precedents. Nor do respondents explain how *Murray* erred in finding it would be improper to conduct such an examination in light of the clear and unambiguous language of Section 16.

III. THE IMPROPER "VOTERS' INTENT" ANALYSIS UNDERLYING THE DISTRICT COURT'S DECISION VIOLATES THE FUNDAMENTAL PRINCIPLES OF CONSTITUTIONAL DEMOCRACY

Respondents assert it is essential for this Court to examine "the voter's intent when he or she read and cast the ballot" in 2006 adding Section 16 to Nevada's Constitution. ROB 9. Assuming, *arguendo*, that this Court's controlling precedents should be ignored, and such an "intent" examination should be conducted, it should be presumed, as respondents state, that Nevada's voters *read* and understood what was on the ballots that they cast. Those ballots set forth the full, entire, language of Section 16. RA 17-20.

Respondents do not argue that the language of Section 16, which was accurately set forth, in full, on the ballots cast by Nevada's voters, is unclear. Nor can they. What they argue is that Nevada's voters cannot be trusted or assumed to have actually read, and understood, the plain language of Section 16 appearing on those ballots. Alternatively, they argue Nevada's voters could not have intended Section 16 to extend minimum wage rights to employees not already subject to the minimum wage provisions of NRS 608.250 because Section 16 makes no mention of such statute.

Respondents' arguments on the voters' intent makes a mockery of our constitutional democracy. Section 16 means what it says. The voters of the State of Nevada, when they voted to place Section 16 in the Nevada Constitution, did so by casting ballots setting forth the language of Section 16 in its entirety. Section 16 is the supreme law of Nevada and its failure to mention NRS 608.250, or any other statute, does not modify this Court's

obligation to enforce its plain, clear, and unambiguous, language.

Respondents are urging this Court to rule that the voters of Nevada are too stupid, too feebleminded, too ignorant, to be trusted to read and understand what they overwhelmingly voted to enact.[7] Such argument urges a complete abandonment of *Marbury's* "government of laws" which are clearly stated and enacted by the people and the adoption of a "government of men," *e.g.,* of judicial guardians, or perhaps judicial despots, who are not limited or controlled by the Nevada Constitution's clear language and who do whatever they decide is best for the populace.

The assumption Nevada's voters lack the intellectual faculties, literacy, and intelligence, to fully read and understand what appears on the ballots that they cast, underlies the holding in *Lucas* relied upon by the district court. *Greene* expressly held that an intent by the voters to grant a minimum wage to employees not covered by NRS 608.250 could be found only if the ballot arguments on Section 16 included "...at least a passing reference to how such change would affect the state." RA 26. According to *Greene,* it is not enough for the actual language of Section 16 to be on the voter's ballot, the plain meaning of such language is irrelevant if all of its effects are not explained in the ballot arguments as well. Respondents substantially rely upon this reasoning by quoting such portion of *Greene.* RAB 9.

The respondents assume Nevada's voters only bother to read the ballot argument sections of their ballots, not the actual contents of what they are

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[7] The amendment was approved by 69% of the voters in the final 2006 ballot. *See*, www.littler.com/publication-press/publication/nevada-constitutional-minimum-wage. This website, maintained by a prominent nationwide labor law firm that exclusively represents employers, also observes that Section 16 abolishes the minimum wage exemptions, including those for taxi drivers, previously available to Nevada employers.

voting upon. This "lack of patience to read" argument is illogical because the ballot arguments at issue were over 1500 words in length while Section 16 itself is less than one-half that length. RA 13-19. Respondents also assume if a voter has bothered to read Section 16 they will not understand anything omitted from the ballot arguments. The basis for this remarkable assumption about the limited attention span and comprehension of Nevada's voters is not provided by the district court, respondents, *Lucas* or *Greene.* Such assumption is an affront to the fundamental and founding values of our constitutional democracy. Such assumption must be rejected by this Court and the opposite presumption embraced: That the citizens of Nevada must be presumed to read and understand the constitutional amendments that they vote to enact.

IV. RESPONDENTS' CLAIM THERE HAS BEEN NO "IMPLICIT REPEAL" OF NRS 608.250(E) IGNORES THE SUPREMACY OF NEVADA'S CONSTITUTION

Respondents erroneously argue there has been no "implicit repeal" of NRS 608.250(2)(e). The question is not whether a "repeal" of NRS 608.250(2)(e) or any modification of NRS 608.250 has taken place. The issue is the *scope, meaning and effect* of Section 16. The resolution of such issue must, in the first instance, be based upon the language of Section 16 and, in the absence of any ambiguity in such language, the application of the same pursuant to its plain meaning. If that results in Section 16, by operation of its constitutional supremacy, imposing minimum wage obligations not imposed by NRS 608.250, such result could be viewed as a *de facto* "implicit repeal" of NRS 608.250(2)(e). Attorney General Sandoval voiced the view that such a "repeal by implication" would occur if Section 16 was enacted. AA 17. But the use of such "implicit repeal" nomenclature is really a misnomer, as Section 16 is not *repealing* but *imposing* a superior, controlling, constitutional

obligation to pay minimum wages that supercedes or renders obsolete and irrelevant portions of the more limited minimum wage statute.

As part of their misplaced "no implicit repeal has occurred" argument respondents engage in an inaccurate discussion of *Board of Retirement v. Superior Court*, 101 Cal. App. 4th 1062 (Cal. Ct. App. 2nd Dept. 2002) and appellants' citation to such case. *Board of Retirement* was cited by appellant in support of the principle that implicit repeat of a statute occurs when a constitutional amendment, such as Section 16, "constitute[s] a revision of the entire subject" at issue. 101 Cal. App. 4th at 1068. Respondents do not dispute the correctness of that principle of law. Instead they misleadingly imply *Board of Retirement* involved a situation where a constitutional provision was held to not repeal by implication a conflicting statute. RAB 7. Respondents also assert, incorrectly, *Board of Retirement* sets forth the "very same legal principles" which were applied by *Lucas*. *Id.*

Contrary to what respondents imply, *Board of Retirement* did *not* hold a constitutional provision could or did fail to implicitly repeal a mere statute. In *Board of Retirement* the court resolved a conflict between *two statutes*, Cal. Gov't. Code § 13967.2, which conferred upon crime victims a right to restitution through income garnishments, and Cal. Gov't. Code § 31452, which exempts the pensions of county retirees from garnishment. 101 Cal. App. 4th at 1065. Each of those statutes were enabling legislation that was mandated by different express provisions of California's Constitution, Article 1, Section 28, which granted crime victims a right to financial restitution, and Article 16, Section 17, which requires public pension or retirement systems hold assets "for the exclusive purposes of providing benefits to participants...." 101 Cal. App. 4th at 1066-67.

The conflict resolved in *Board of Retirement* concerned two conflicting

statutes that were, in turn, the product of two constitutional directives. One statute directed, without limitation, the garnishment of income to provide restitution to crime victims. 101 Cal. App. 4th at 1066. The other prohibited any garnishment of a county retiree's pension except in connection with child, family or spousal support judgments. 101 Cal. App. 4th at 1067. The resolution of this conflict involved, in part, an analysis of the purpose, history and intent between the two constitutional provisions directing the enactment of those statutes. 101 Cal. App. 4th at 1068-71.

Board of Retirement does not support the district court's holding, respondents' "no implicit repeal" claim, or the reasoning in *Lucas*. This case involves a clear and unambiguous requirement imposed by Nevada's Constitution. Such requirement is not in conflict with any other provision of Nevada's Constitution or any statute enacted pursuant to a constitutional directive. The co-equal and conflicting constitutional provisions and statutes at issue in *Board of Retirement* are not present in this case. Section 16, being a constitutional directive, overrides, supplants and supercedes all other statutory provisions, including those in NRS 608.250.

CONCLUSION

Wherefore, for all the foregoing reasons, the Order and Judgment appealed from should be reversed in its entirety.

Dated: March 25, 2013

Respectfully submitted,

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Certificate of Compliance With N.R.A.P Rule 28.2

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using 14 point Times New Roman typeface in wordperfect.

I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more and contains 4133 words.

Finally, I hereby certify that I have read this brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 25th day of March, 2013.

/s/ Leon Greenberg

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CERTIFICATE OF MAILING

The undersigned certifies that on the March 25, 2013, she served the within:

APPELLANTS' REPLY BRIEF

by depositing the same in the U.S. mail, first class postage, prepaid, addressed as follows:

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