

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

WESTERN CAB COMPANY,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, in and for the COUNTY  
OF CLARK; and THE HONORABLE  
LINDA MARIE BELL, District Judge,

Respondents,

and

LAKSIRI PERERA, Individually and  
on behalf of others similarly situated,

Real Party in Interest.

Case No.: 68796

District Court Case No. A-14-707425-C

Electronically Filed  
Sep 16 2015 09:07 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**PETITIONER WESTERN CAB COMPANY'S RESPONSE TO REAL  
PARTY IN INTEREST LAKSIRI PERERA'S RESPONSE IN OPPOSITION  
TO MOTION TO CONSOLIDATE**

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*Attorneys for Petitioner  
Western Cab Company*

In an effort to discredit Petitioner Western Cab Company (“Western Cab”), Real Party in Interest Laksiri Perera (“Perera”) argues that Western Cab’s motions to consolidate this case with the proceedings in the other pending writ petitions, *Williams v Eighth Judicial District Court (Claim Jumper)* (Case No. A66629) and *MDC Restaurants, LLC v. Eighth Judicial District Court (Paulette Diaz, et al.)* (Case No. A67631), are but a ruse for delay. Of course, Perera does not explain why Western Cab, a writ petitioner seeking extraordinary relief in this forum, would be secretly harboring a desire to delay resolution of the confusion as to what statute of limitations governs claims for back minimum wage. Nor does the actual record support Perera’s accusation of contrived delay.

In fact, timing of the events in this Court and the District Court demonstrates that Western Cab proceeded with its District Court motion to reconsider without knowing that this Court would set a hearing in *Williams* on July 2, 2015. Indeed, the following timeline of recent filings in the District Court and this Court show:

6/16/15      Decision and Order (applying 4-year statute of limitations, filed by the Court)

6/16/15      Notice of Entry of Decision and Order (filed by Perera)

7/1/15      Motion for Reconsideration of Portion of the June 16, 2015, Decision and Order (filed by Western Cab)

**7/2/15      Supreme Court enters ORDER SCHEDULING  
ORAL ARGUMENT in *Williams* Writ Petition case**

8/27/15      Hearing at which Court announced its decision to deny Western Cab’s Motion for Reconsideration

**9/11/15      Western Cab's Writ Petition filed**

Western Cab could not have known that the day *after* it moved for reconsideration of the District Court's order setting the four-year statute of limitations in back minimum wage cases that this Court would enter an order setting oral argument in the *Williams* Case, which had been on file since October 6, 2014. There is no hint of a reason for Western Cab to seek delay. Quite simply, Western Cab is pressing for prompt resolution of this issue in the only procedure available to it.

In its Motion for Reconsideration, Western Cab submitted all of the conflicting decisions by the federal and state trial courts in Nevada to the District Court for her consideration. Western Cab concurs with Perera that this Court should not delay in resolving the statute of limitations issue raised by Western Cab's Petition, Williams' Petition or MDS Restaurants' Petition or that the October 6, 2015, hearing date in *Williams* should be continued to allow for Western Cab's participation in that proceeding. What Western Cab does urge, however, is that the Court consider the written arguments presented by Western Cab's Petition and that the Court's decision resolve the statute of limitations issue for Nevada employees previously excluded from the minimum wage by NRS 608.250(2) as well as Nevada employees previously covered by the minimum wage under NRS Chapter 608. Prompt resolution of this issue based on consideration of all legal arguments and positions,

including those presented by Western Cab, is in the best interest of all Nevada employers and employees.

Respectfully submitted this 15<sup>th</sup> day of September, 2015.

HEJMANOWSKI & McCREA, LLC

A handwritten signature in cursive script, reading "Malani L. Kotchka", written over a horizontal line.

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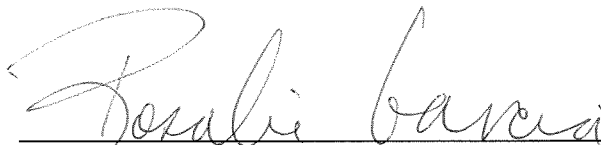
CERTIFICATE OF SERVICE

The undersigned does hereby certify that pursuant to NRAP 25(c) a true and correct copy of the foregoing **PETITIONER WESTERN CAB COMPANY'S RESPONSE TO REAL PARTY IN INTEREST LAKSIRI PERERA'S RESPONSE IN OPPOSITION TO MOTION TO CONSOLIDATE** was filed electronically with the Nevada Supreme Court Electronic Filing System, and a copy was served electronically on this 15th day of September, 2015, to the following:

Leon Greenberg, Esq.  
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And a true and correct copy of the foregoing **PETITIONER WESTERN CAB COMPANY'S RESPONSE TO REAL PARTY IN INTEREST LAKSIRI PERERA'S RESPONSE IN OPPOSITION TO MOTION TO CONSOLIDATE** was served via first class, postage-paid U.S. Mail on this 15th day of September, 2015, to the following:

The Honorable Linda Marie Bell  
District Court Judge  
Eighth Judicial District Court of Nevada  
200 Lewis Avenue, #3B  
Las Vegas, NV 89101

  
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An Employee of Hejmanowski & McCrea LLC