

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOULDER CAB, INC.,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, in and for the County of
Clark; and THE HONORABLE
TIMOTHY C. WILLIAMS, District
Judge,

Respondents,

and

DAN HERRING,

Real Party in Interest.

Case No.: 68949

Clark County District Court Case A691551

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Nov 13 2015 09:07 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**WESTERN CAB COMPANY'S APPENDIX IN SUPPORT OF
PETITIONER'S PETITION FOR WRIT OF MANDAMUS AND
SUPPORTING REVERSAL OF THE DISTRICT COURT'S DECISION**

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<u>APPENDIX #</u>	<u>DOCUMENT DESCRIPTION</u>	<u>PAGES</u>
1	Declaration of Danny Thompson In Support of Nevada AFL-CIO's Motion to Intervene	000001-000002
2	Supplemental Declaration of Danny Thompson In Support of Nevada AFL-CIO's Motion to Intervene.....	000003-000004
3	Second Supplemental Declaration of Danny Thompson In Support of Nevada AFL-CIO's Motion to Intervene.....	000005-000006

CERTIFICATE OF SERVICE

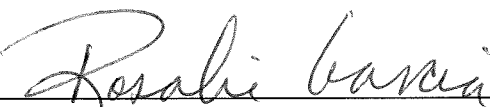
The undersigned does hereby certify that pursuant to NRAP 25(c), a true and correct copy of the forgoing **WESTERN CAB COMPANY'S APPENDIX IN SUPPORT OF AMICUS BRIEF IN SUPPORT OF PETITIONER'S PETITION FOR WRIT OF MANDAMUS AND SUPPORTING REVERSAL OF THE DISTRICT COURT'S DECISION** was filed electronically with the Nevada Supreme Court Electronic Filing System, and a copy was served electronically on this 19th day of October, 2015, to the following:

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And a true and correct copy of the foregoing **WESTERN CAB COMPANY'S APPENDIX IN SUPPORT OF AMICUS BRIEF IN SUPPORT OF PETITIONER'S PETITION FOR WRIT OF MANDAMUS AND SUPPORTING REVERSAL OF THE DISTRICT COURT'S DECISION** was served via first class, postage-paid U.S. Mail on this 19th day of October, 2015, to the following:

The Honorable Timothy C. Williams
District Court Judge
Eighth Judicial District Court of Nevada
200 Lewis Avenue, #12D
Las Vegas, NV 89101



An Employee of Hejmanowski & McCrea LLC

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10 *Attorneys for Proposed Intervenor Nevada AFL-CIO*

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA – SOUTHERN DIVISION

13 LANDRYS, INC., a Delaware corporation; BUBBA CASE NO. 2:15-cv-01160-GMN-PAL
14 GUMP SHRIMP CO., RESTAURANTS, INC., a
15 Delaware corporation; NEVADA RESTAURANT
16 SERVICES, INC. d/b/a DOTTY'S GAMING AND
17 SPIRITS, a Nevada Corporation; NEVADA
18 RESTAURANT SERVICES, INC. d/b/a
19 LAUGHLIN RIVER LODGE, a Nevada
20 corporation; NEVADA RESTAURANT
21 SERVICES, INC. d/b/a/ HOOVER DAM LODGE, a
22 Nevada Corporation,

23 Plaintiffs,

24 vs.

25 BRIAN SANDOVAL, in his official capacity as
26 Governor of the State of Nevada; SHANNON
27 CHAMBERS, in her official capacity as Labor
28 Commissioner in the State of Nevada ex rel,

Defendants.

NEVADA AFL-CIO,

Proposed Intervenor-Defendant

DECLARATION OF DANNY THOMPSON
IN SUPPORT OF NEVADA AFL-CIO's
MOTION TO INTERVENE

I, Danny Thompson, declare:


I. I am the Executive Secretary-Treasurer of the Nevada AFL-CIO and have held that position since 1999, and am competent to testify to the following: the Nevada AFL-CIO is comprised of over 120 local unions with over 200,000 members in Nevada. The Nevada AFL-CIO and its affiliates actively

1 adoption by voters in 2004 and 2006 of the Minimum Wage Amendment to the Nevada Constitution
2 ("MWA") which we drafted in conjunction with our lawyers at the law firm of McCracken, Sternerman
3 & Holsberry. This law helped increase the compensation of AFL-CIO members in Nevada and helps level
4 the playing field between non-union employers and unionized employers (who generally have been paying
5 their employees better than non-union employers). Most unionized employers provide health benefits
6 readily meeting the MWA's standard of not costing employees more than 10 percent of their gross income,
7 while a number of nonunion plans are reported to be falling such standard inside Nevada, and we
8 understand many outside Nevada fail such standard.
9

10 2. We are unaware of any MWA enforcement efforts by the Labor Commissioner. We have had serious
11 differences with the Office of the Labor Commissioner and their counsel in recent years, and we recently
12 submitted comments to that office in a rulemaking process over their minimum wage regulations in which
13 we objected to a number of these regulations.
14

15 3. We are very active in the health benefits arena within Nevada and have developed expertise in this
16 arena as many unionized employers provide health benefits through plans which are jointly administered
17 by union and employer trustees. Even where the plan does not have union trustees, our unions are still
18 involved in negotiating over and monitoring the employer plans.
19

20 I declare under penalty of perjury of the laws of the United States and Nevada that the foregoing is true
21 and correct. Executed this ___ day of ___, 2015.

22 
23 DANNY THOMPSON
24
25
26
27
28

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17 SPIRITS, a Nevada Corporation; NEVADA
18 RESTAURANT SERVICES, INC. d/b/a
19 LAUGHLIN RIVER LODGE, a Nevada
20 corporation; NEVADA RESTAURANT
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27 CHAMBERS, in her official capacity as Labor
28 Commissioner in the State of Nevada ex rel,

Defendants.

NEVADA AFL-CIO.

Proposed Intervenor-Defendant

Case No. 2:15-cv-01160-GMN-PAL

SUPPLEMENTAL DECLARATION OF
DANNY THOMPSON IN SUPPORT OF
NEVADA AFL-CIO's MOTION TO
INTERVENE

I, Danny Thompson, declare:

1. I am the Executive Secretary-Treasurer of the Nevada AFL-CIO and am competent to testify to the following: members of some Nevada AFL-CIO affiliates receive wages below \$8.25 per hour but also

1 receive health benefits from their employer which qualify their employer to the lower minimum rate under
2 the State Constitution. They work as cab drivers and casino dealers.

3 2. Unionized employers in this State compete constantly with non-union employers paying only the state
4 minimum wage, particularly in the restaurant industry. If those non-union employers were allowed to
5 lower wages to pay only the lower federal minimum wage, there would be large amounts of business lost
6 by unionized employers, and hence losses to union members of paid hours worked, tips, and jobs, and
7 losses in dues income to AFL-CIO affiliates.
8

9 I declare under penalty of perjury of the laws of the United States and Nevada that the foregoing
10 is true and correct. Executed this __ day of August 2015.

11 
12 DANNY THOMPSON

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18 RESTAURANT SERVICES, INC. d/b/a
19 LAUGHLIN RIVER LODGE, a Nevada
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28 Commissioner in the State of Nevada ex rel,

Defendants.

NEVADA AFL-CIO,

Proposed Intervenor-Defendant

Case No. 2:15-cv-01160-GMN-PAL

SECOND SUPPLEMENTAL
DECLARATION OF DANNY
THOMPSON IN SUPPORT OF NEVADA
AFL-CIO's MOTION TO INTERVENE

I, Danny Thompson, declare:

1. I am the Executive Secretary-Treasurer of the Nevada AFL-CIO and am competent to testify to the following: members of some Nevada AFL-CIO affiliates receive wages below \$8.25 per hour but also receive health benefits from their employer which qualify their employer to the lower minimum rate under

1 the State Constitution. These include those working as new hires at a number of Las Vegas downtown
2 casinos belonging to Culinary Workers Union Local 226, as its contracts at eight facilities call for such
3 rates for certain benefitted workers hired recently; Binions, Four Queens, Fremont, Main Street, Plaza,
4 Las Vegas Club, Dupars and Golden Gate.

5 2. Unionized employers in this State compete constantly with non-union employers paying only the state
6 minimum wage, particularly in the restaurant industry. If those non-union employers were allowed to
7 lower wages to pay only the lower federal minimum wage, there would be large amounts of business lost
8 by unionized employers, and hence losses to union members of paid hours worked, tips, and jobs, and
9 losses in dues income to AFL-CIO affiliates.
10

11 I declare under penalty of perjury of the laws of the United States and Nevada that the foregoing
12 is true and correct. Executed this __ day of August 2015,
13

14 
15 DANNY THOMPSON