

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, in and for the County of
Clark; and THE HONORABLE
RONALD J. ISRAEL, District Judge,

Respondents,

and

CHRISTOPHER THOMAS and
CHRISTOPHER CRAIG,

Real Parties in Interest.

Case No.: 68975

Clark County District Court Case No. 1726

Electronically Filed
Nov 13 2015 08:57 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**

Malani L. Kotchka
Nevada Bar No. 283
HEJMANOWSKI & McCREA LLC
520 South Fourth Street, Suite 320
Las Vegas, NV 89101
Telephone: (702) 834-8777
Facsimile: (702) 834-5262
Email: mlk@hmlawlv.com

*Attorneys for Amicus Curiae
Western Cab Company*

<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
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CERTIFICATE OF SERVICE

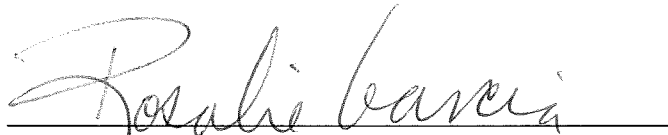
The undersigned does hereby certify that pursuant to NRAP 25(c), a true and correct copy of the forgoing **WESTERN CAB COMPANY'S APPENDIX IN SUPPORT OF AMICUS BRIEF IN SUPPORT OF PETITIONER'S PETITION FOR WRIT OF MANDAMUS AND SUPPORTING REVERSAL OF THE DISTRICT COURT'S DECISION** was filed electronically with the Nevada Supreme Court Electronic Filing System, and a copy was served electronically on this 22nd day of October, 2015, to the following:

Marc C. Gordon, Esq.
Tamer B. Botros, Esq.
5225 W. Post Road
Las Vegas, NV 89118
Telephone: (702) 873-6531
Facsimile: (702) 251-3460
E-mail: tbotros@ycstrans.com

Leon Greenberg, Esq.
GREENBERG, P.C.
2965 S. Jones Blvd., Suite E4
Las Vegas, NV 89146
Telephone: (702) 383-6085
Facsimile: (702) 385-1827
Email: leongreenberg@overtimelaw.com

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 22nd day of October, 2015, to the following:

The Honorable Ronald J. Israël
District Court Judge
Eighth Judicial District Court of Nevada
200 Lewis Avenue, #15C
Las Vegas, NV 89101


An Employee of Hejmanowski & McCrea LLC

1 Richard McCracken, SBN 2748
Andrew J. Kahn, SBN 3751
2 McCracken, STEMERMAN & HOLSBERRY
1630 S. Commerce Street, Suite A-1
3 Las Vegas, NV 89102
4 Telephone: (702) 386-5107
Facsimile: (702) 386-9848
5 Email: rmccracken@dcbsf.com
ajk@dcbsf.com

6 *Attorneys for Proposed Intervenor Nevada AFL-CIO*

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA – SOUTHERN DIVISION

9 LANDRYS, INC., a Delaware corporation; BUBBA
10 GUMP SHRIMP CO., RESTAURANTS, INC., a
11 Delaware corporation; NEVADA RESTAURANT
SERVICES, INC. d/b/a DOTTY'S GAMING AND
12 SPIRITS, a Nevada Corporation; NEVADA
RESTAURANT SERVICES, INC. d/b/a
13 LAUGHLIN RIVER LODGE, a Nevada
14 corporation; NEVADA RESTAURANT
SERVICES, INC. d/b/a/ HOOVER DAM LODGE, a
15 Nevada Corporation,

16 Plaintiffs,

17 vs.

18 BRIAN SANDOVAL, in his official capacity as
19 Governor of the State of Nevada; SHANNON
CHAMBERS, in her official capacity as Labor
20 Commissioner in the State of Nevada ex rel,

21 Defendants.

22 NEVADA AFL-CIO,

23 Proposed Intervenor-Defendant

CASE NO. 2:15-cv-01160-GMN-PAL

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

24 I, Danny Thompson, declare:

25
26 I. I am the Executive Secretary-Treasurer of the Nevada AFL-CIO and have held that position since
27 1999, and am competent to testify to the following: the Nevada AFL-CIO is comprised of over 120 local
28 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, Stemerman
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.

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

1 Richard McCracken, SBN 2748
Andrew J. Kahn, SBN 3751
2 McCRACKEN, STEMERMAN & HOLSBERRY
1630 S. Commerce Street, Suite A-1
3 Las Vegas, NV 89102
Telephone: (702) 386-5107
4 Facsimile: (702) 386-9848
5 Email: . rmccracken@dcbf.com
ajk@dcbf.com

6 *Attorneys for Proposed Intervenor Nevada AFL-CIO*

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8 DISTRICT OF NEVADA – SOUTHERN DIVISION

9 LANDRYS, INC., a Delaware corporation; BUBBA
10 GUMP SHRIMP CO., RESTAURANTS, INC., a
11 Delaware corporation; NEVADA RESTAURANT
SERVICES, INC. d/b/a DOTTY'S GAMING AND
12 SPIRITS, a Nevada Corporation; NEVADA
RESTAURANT SERVICES, INC. d/b/a
13 LAUGHLIN RIVER LODGE, a Nevada
corporation; NEVADA RESTAURANT
14 SERVICES, INC. d/b/a/HOOVER DAM LODGE, a
15 Nevada Corporation,

16 Plaintiffs,

17 vs.

18 BRIAN SANDOVAL, in his official capacity as
19 Governor of the State of Nevada; SHANNON
CHAMBERS, in her official capacity as Labor
20 Commissioner in the State of Nevada ex rel,

21 Defendants.

22 NEVADA AFL-CIO,

23 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

24 I, Danny Thompson, declare:

25
26 1. I am the Executive Secretary-Treasurer of the Nevada AFL-CIO and am competent to testify to the
27 following; members of some Nevada AFL-CIO affiliates receive wages below \$8.25 per hour but also
28

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

1 Richard McCracken, SBN 2748
2 Andrew J. Kahn, SBN 3751
3 McCracken, Stemerman & Holsberry
4 1630 S. Commerce Street, Suite A-1
5 Las Vegas, NV 89102
6 Telephone: (702) 386-5107
7 Facsimile: (702) 386-9848
8 Email: rmccracken@dobsf.com
9 ajk@dobsf.com

10 *Attorneys for Proposed Intervenor Nevada AFL-CIO*

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13 LANDRYS, INC., a Delaware corporation; BUBBA
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
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23 Plaintiffs,

24 vs.

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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

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

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

14 
15 _____
DANNY THOMPSON