

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

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4   WESTERN CAB COMPANY,

5                   Petitioner,

6                   vs.

7   THE EIGHTH JUDICIAL DISTRICT  
8   COURT OF THE STATE OF  
9   NEVADA, in and for the COUNTY OF  
10   CLARK; and THE HONORABLE  
11   LINDA MARIE BELL, district court  
12   judge,

13                   Respondents,

14                   and

15   LAKSIRI PERERA, IRSHAD  
16   AHMED, and MICHAEL  
17   SARGEANT, individually and on  
18   behalf of others similarly situated,

19                   Real Parties in Interest,

Electronically Filed  
Mar 08 2016 10:31 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**Case No. 69408**

Dist. Ct. No.: A-14-707425-C

**MOTION BY PROGRESSIVE  
LEADERSHIP ALLIANCE OF  
NEVADA FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF IN  
SUPPORT OF REAL PARTIES IN  
INTEREST'S ANSWERING BRIEF**

20           Prospective *amicus curiae* the Progressive Leadership Alliance of Nevada  
21   (“PLAN”) hereby files a motion for leave to file its brief in support of Real Parties  
22   in Interest’s answering brief, and in support of denying the present writ petition.  
23   PLAN seeks leave to file an amicus brief to raise legal arguments and highlight the  
24   ramifications of the arguments advanced by Petitioners.

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**I. THE COURT SHOULD GRANT LEAVE TO FILE AN AMICUS BRIEF**

This Court has the discretion to permit a non-party to file an amicus brief. *See* Nev. R. App. P. 29(a); Nev. R. App. P. 21(b)(3). Courts “welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *NVG Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005). PLAN offers its experience in advocating economic justice for low-wage workers to amplify and reinforce the argument that Nev. Const. art. XV, sec. 16 (the “Minimum Wage Amendment,” or the “Amendment”) is valid in all respects and is neither preempted by federal law nor void for vagueness.

PLAN was founded in 1994 to advocate for, among other things, economic justice for low-wage workers and the working poor in Nevada. PLAN played in role in the passage of the Minimum Wage Amendment at issue in this writ petition, at the 2004 and 2006 general elections. PLAN members also regularly testify before the Nevada State Legislature on matters regarding the minimum wage, on behalf of minimum wage workers and the economically-disadvantaged. PLAN is keenly aware of the remedial, pro-employee intent of the Minimum Wage Amendment, and recognizes that rulings regarding the Amendment potentially affect tens, if not hundreds, of thousands of minimum wage workers in Nevada.

Corporations, like the taxicab company that is parties to this and similar litigation, enjoy the resources and organizational structures required to file such briefs and engage in such litigation. Minimum wage workers, as individuals or even as a group, do not benefit from the same profit margins, legal budgets, professional associations, or organization. By virtue of earning the absolute lowest

1 wage allowable by law, minimum wage workers—in this case workers who have  
2 been deprived of any wage at all, minimum or otherwise—rely on groups such as  
3 PLAN to advocate on their behalves. Due to its long-term engagement in wage  
4 issues in Nevada, and in particular to its involvement in the passage of the  
5 Minimum Wage Amendment, PLAN is qualified and able to provide such  
6 advocacy on this issue. These interests qualify proposed *amicus curiae* to  
7 participate in this matter.

8 Furthermore, the validity of the Minimum Wage Amendment is a question  
9 of enormous importance to the communities PLAN serves, and the arguments  
10 PLAN raises offer legal perspectives important to this Court’s resolution of the  
11 issues presented in this writ petition.

## 12 **II. CONCLUSION**

13 An *amicus curiae* brief on behalf of PLAN is both useful and timely given  
14 the importance of the issue herein to low-wage workers. Accordingly, this Court  
15 should give leave to file the attached *amicus curiae* brief on behalf of PLAN.

16 Respectfully submitted this 7th day of March 2016.

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18 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**

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27 *Attorneys for prospective amicus curiae Progressive  
Leadership Alliance of Nevada*

1 **CERTIFICATE OF SERVICE**

2 **STATE OF NEVADA, COUNTY OF CLARK**

3 At the time of service, I was over 18 years of age and not a party to this  
4 action. I am employed in the County of Clark, State of Nevada My business  
address is 3556 E. Russell Road, 2nd Floor, Las Vegas, Nevada 89120-2234.

5 On March 7, 2016, I served true copies of the following document(s)  
6 described as **MOTION BY PROGRESSIVE LEADERSHIP ALLIANCE OF**  
7 **NEVADA FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT**  
**OF REAL PARTIES IN INTEREST'S ANSWERING BRIEF** on the interested  
parties in this action as follows:

8 **BY CM/ECF:** Pursuant to N.E.F.R., the above-referenced document was  
9 electronically filed and served upon the parties listed below through the Court's  
Case Management and Electronic Case Filing (CM/ECF) system.

10 I declare under penalty of perjury under the laws of the State of Nevada that  
11 the foregoing is true and correct.

12 Executed on March 7, 2016, at Las Vegas, Nevada.

13 By: /s/ Dannielle R. Fresquez

14 Dannielle R. Fresquez, an Employee of  
15 WOLF, RIFKIN, SHAPIRO,  
16 SCHULMAN & RABKIN, LLP  
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