IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTERN CAB COMPANY Petitioners, 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, IRSHAD AHMED, MICHAEL SARGEANT, Individually and on behalf of others similarly situated, Real Parties in Interest	Dist. Ct No.:A-14-707425-C **Case No.: 69408** **REAL PARTIES IN INTEREST'S RESPONSE IN OPPOSITION TO PETITIONER'S MOTION TO STAY THE DISTRICT COURT PROCEEDINGS**

MEMORANDUM OF POINTS AND AUTHORITIES

I. PETITIONER'S REQUEST TO STAY THE DISTRICT COURT PROCEEDINGS IS BASED UPON SPECULATION THAT IT WILL BE INJURED

A. Petitioner speculates that real parties in interest's intent to seek certain relief in the district court will cause injury to petitioner even though the district court has yet to consider granting such relief and has not indicated it will ever grant such relief.

As petitioner correctly recites in its motion, NRAP Rule 8(c) requires a party seeking a stay from this Court to show that a denial of the stay request will cause irreparable injury to it or otherwise defeat the proceedings before this Court. Petitioner establishes neither of those criteria.

The totality of petitioner's claim of irreparable injury consists of a letter sent by real parties in interest's counsel advising that it intends to seek an injunction to prohibit an "employee expense payment" policy of petitioner found by the district

court to violate Article 15, Section 16, of Nevada's Constitution, the Minimum Wage Amendment (the "MWA"). Specifically, the district court has found that if petitioner requires its taxi drivers to pay for petitioner's business expenses (in this case gasoline for petitioner's taxi cabs) such expense payments, when deducted from those taxi drivers' wages, cannot result in an hourly wage payment to such taxi drivers that is less than the minimum amount set by the MWA. Petitioner seeks to overturn that ruling by the district court via this writ petition.

Real parties in interest intend to seek an injunction from the district court restraining petitioner's foregoing employee expense payment policy. That request will also seek to have the district court impose suitable protocols, including possibly the appointment of a Special Master to be paid by the petitioner, to enforce such an injunction. Whether the district court will grant such an injunction, and impose any such protocols upon petitioner, is unknown. Accordingly, petitioner's request for a stay of the district court proceedings, to prohibit even the *consideration* by the district court of such an injunction request, is completely premature. At this point in time there is *not even a possibility* that petitioner will be harmed by any injunction issued by the district court, which has yet to consider, on the merits, any such injunction request, much less actually fashion any injunction. It is impossible, under these circumstances, for petitioner to meet its very heavy burden of showing "...that the balance of the equities weighs heavily in favor of granting the stay." *Hansen v. Eighth Judicial Dist. Court*, 6 P.3d 982, 987 (Nev. Sup. Ct. 2000)

B. Even if the district court were to grant the injunction proposed by real parties in interest no basis exists to conclude such an injunction will cause irreparable harm to petitioner if petitioner ultimately prevails on its petition.

The only possible harm that could occur to petitioner would be if it were to prevail on its petition but be restrained, by an as yet to be issued injunction, for some period of time prior to securing such final petition relief. Yet even that

scenario involves pure conjecture in respect to petitioner suffering an "irreparable injury." The district court could well fashion an injunction that would place the monies in dispute, the "employee expense payments" that reduce wages below the MWA's minimum wage rate, into escrow pending the resolution of this petition. If that was done, and petitioner prevailed on this petition, such monies would be promptly released to it and it would suffer no actual financial loss as a result of that injunction. Conversely, the class of putative plaintiffs whose rights the real parties in interest seek to champion, would also be protected by such an injunction, as they would be assured their rightful minimum wages in the event petitioner's writ request is ultimately denied.

Petitioner should be compelled to first make its case before the district court, in the event the district court does believe injunctive relief is warranted, for the imposition of a form of injunction that will protect it from any irreparable injury. This Court should not intercede in such matters, at least not upon this record and at this stage of the proceedings before the district court.

II. NO BASIS EXISTS TO BELIEVE PETITIONER WILL PREVAIL ON THE MERITS AND PETITIONER HAS CONCEALED THAT ITS CLAIMS HAVE BEEN REJECTED BY THE UNITED STATES DEPARTMENT OF LABOR

A. Petitioner's claim is based upon a contrived reading of the MWA's terms and is contrary to every analogous decision and regulation dealing with minimum wage laws.

While the MWA prohibits counting tips received by an employee towards its minimum wage payment requirements, petitioner insists the MWA does not prohibit an employer from forcing an employee to use their tips to pay for the employer's fuel costs.[1] The problem with this argument is that money is

[1] There is no actual evidence in the record that the fuel costs forced upon petitioner's taxi drivers could have been paid exclusively from those drivers' tips and doing so would have left them with sufficient "post fuel payment" wage earnings to at least equal the MWA's minimum wage rate. Petitioner simply insists that is true.

completely fungible. An employer is not actually "paying" a minimum wage, without any reduction for the employee's tips as required by the MWA, if it is requiring the employee paid only the minimum wage rate to "pay back to the employer" (or pay for the employer's benefit) an amount in a separate transaction. Petitioner, by doing so, is actually using that "payment by the employee back to the employer" to meet its minimum wage obligation. Requiring an employee to pay "$3.00 an hour from tips for gasoline" when the employer pays just the minimum hourly rate required by the MWA has the same effect as paying the employee "$3.00 an hour less than the hourly rate required by the MWA because the employee received $3.00 an hour in tips." There is no economic or functional difference between the two and both practices are banned by the MWA.

Petitioner does not, and cannot, cite a single precedent, a single regulation or regulatory interpretation, supporting its position. It cannot because none exist. Instead it insists that because the MWA does not contain express language limiting "forced employee expense payment" policies petitioner's policy is permitted. Such argument, of course, ignores that allowing such policies would destroy the MWA's protections, as employers could simply require employees to pay all manner of their employer's expenses and reduce such employee's actual wages far below the rate set by the MWA. Janitors would be required to pay for the cost of their mops and soap; maids for the cost of laundering the towels and bed linen that they change; bartenders for the cost of the liquor that they serve the employer's customers; and of course drivers for the cost of the gasoline consumed by their employer's vehicles. The list of such expenses would only be limited by the imagination of unscrupulous employers.

Petitioner's assertion that no guidance can be drawn from the federal Fair Labor' Standards Act's regulations regarding minimum wages because they "never address the cost of fuel" but only payments for "facilities" is in error. Petitioner ignores 29 C.F.R. § 531.35, the "free and clear" and "no kickback" regulations that

apply to the federal minimum wage standard: "The [minimum] wage requirements of the [federal Fair Labor Standards] Act will not be met where the employee "kicks-back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to the employee." *Id.* *See, Rivera v. Peri & Sons Farms, Inc.*, 735 F.3d 892, 897 (9th Cir. 2013) ("An employer has not satisfied the minimum wage requirement unless the compensation is "free and clear," meaning the employee has not kicked back part of the compensation to the employer.... ...To the extent deductions for items not qualifying as "board, lodging, or other facilities"—such as items primarily benefitting the employer—lower an employee's wages below the minimum wage, they are unlawful. 29 C.F.R. § 531.36(b). Thus, the question before us is whether the expenses incurred by the farmworkers primarily benefitted Peri & Sons or the farmworkers.") As *Rivera* makes clear, petitioner's distinction between expenses that an employer "deducts" from wages, and those that an employee from their own pocket has to "pay for the employer's benefit," is irrelevant for minimum wage purposes. *Rivera* required the employer to *reimburse the employees for the employee's out of pocket expenses* (in that case certain travel expenses) found to have "primarily benefitted" the employer and reduced the employees' wage below the minimum wage rate for the workweek. 735 F.3d at 899.

The MWA's silence on this express issue, and the absence of any other specific Nevada statute or regulation addressing this issue in the minimum wage context, cannot be interpreted, as petitioner urges, to allow such a subversion of the MWA's requirements. Indeed, except for insisting such practices should be allowed as a result of that silence, petitioner provides no rationale whatsoever as to why or how such a practice complies with the purpose or intent of the MWA or any other minimum wage standard. Nor can it.

B. Petitioner has misrepresented to this Court and the district court that its employee expense payment policy was approved by the United States Department of Labor when the opposite is true and that agency expressly condemned that policy.

Petitioner represented to the district court, and this Court, that its employee expense payment policy was in compliance "with the directions of the U.S. Department of Labor." *See*, Petitioner's Petition, page 5, citing Petitioner's Appendix pages 257 and 356-57. The truth is the exact opposite. In 2013 the United States Department of Labor conducted an audit of petitioner's operations and found $877,791.84 was owed in unpaid minimum wages to 594 employees as a result of, in part, "an illegal gas deduction" policy used by petitioner. Ex. "A," page 3, investigative report from that agency. As that 2013 investigation concluded, petitioner, in 2012 in response to an *earlier investigation* by that agency uncovering minimum wage violations, "implemented a new policy requiring all drivers to pay for their own gasoline used for their taxicabs out of pocket" and such policy "caused drivers to fall below the $7.25 [an hour] minimum wage for all hours worked." *Id.*, page 2.

Petitioner has not just been guilty of a lack of candor with this Court and the district court but has engaged in affirmative misrepresentations and the concealment of relevant facts. Such conduct is further evidence of the speciousness, and bad faith, of both its writ petition and its motion for a stay.

CONCLUSION

Wherefore, petitioner's motion should be denied.

Dated: March 16, 2016

Submitted by:

/s/ *Leon Greenberg*

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Attorney for Real Parties in Interest

CERTIFICATE OF SERVICE

The undersigned certifies that on March 17, 2016, she served the within:

Real Parties in Interest's Response in Opposition to Petitioner's Motion to Stay the District Court Proceedings

by court electronic service:

TO:
Malani Kotchka
HEJMANOWSKI & MCCREA LLC
520 S. 4th St., Suite 320
Las Vegas, NV 89101

And a true and correct copy of the foregoing was served via personal service on March 18, 2016, 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

/s/Sydney Saucier
Sydney Saucier

EXHIBIT “A”

Western Cab Company
Dba Western Cab Company
801 Main St.
Las Vegas, NV 89101
Tel: (702)382-7100
EIN: 20-8981212
Point of Contact: Martha Sarver

Representative:
Moran Law Firm, LLC
John T. Moran, Jr., Attorney at Law
630 S. 4th Street
Las Vegas, NV 89101
Tel#:702-384-8424
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FAIR LABOR STANDARDS ACT NARRATIVE

COVERAGE:

Subject firm is a local taxicab company. The firm provides local transit services via taxicab to customers. The firm was incorporated in the state of Nevada in September 1950. It was purchased by the late Mr. Tobman in 1967. The company currently owns and operates around Ex. 4 taxicabs and a limo service with Ex. 4 limo drivers. The company employs approximately Ex. 4 employees, including taxicab and limo drivers, mechanics, dispatchers, and office staff.

The corporate officers of the firm are: Helen Tobman Martin, Director; Marylin Tobman Moran, Director; Janie Tobman Moore, President; and Jean Tobman, Secretary & Treasurer. Mrs. Jean Tobman is retired and is the mother of Helen, Marilyn, and Jean.

Section 3(d) employers: The General Manager, Martha Sarver, and Director, Helen Tobman Martin, handle all the day to day operations of the business, including hiring and firing of all staff. Ms. Martin and Ms. Sarver are both the 3(d) employers (see Exhibits B-1-B94).

Period of investigation: This limited investigation is from 09/26/2010-12/16/2012. Ex. 7(E)

2010- Ex. 4
2011-
2012-

(See Exhibit C-2)

EXEMPTIONS

13 (b)(17) Applicable to: Taxicab drivers are exempt from overtime provisions

STATUS OF COMPLIANCE

History: 1574184. FLSA. Section 6- taxicab drivers were not being paid the minimum wage. 434 employees found to be due $285,229.89 in back wages (Exhibit E-2).

1601867. FMLA. ER failed to offer FMLA. ER ATR and pay lost wages. Concluded 01/1/11.

MODO Instructions: Las Vegas District Office is the MODO.

Ex. 7(E)

[redacted]

Section 6: There were violations found under this section, as the firm failed to come into compliance for the period that was not included in the previous investigation, but was a time frame while WHI Ex. 6, Ex. 7(C) still actively had the previous investigation, from 10/1/10- 01/09/12 (See Exhibit E-2). Additionally, on February 5, 2012, the firm implemented a new policy requiring all drivers to pay for their own gasoline used for their taxicabs out of pocket. This change caused drivers to fall below the $7.25 minimum wage for all hours worked (See Exhibits A-0-A154).

When computing their total wages earned, the firm counted the amount of tips reported to the IRS as wages. On March 30, 2011 the IRS entered into a "Tip Rate Determination Agreement" with the firm which subjects them to reporting a pre-determined percentage of the driver's meter as the tipped earnings for their shift (See Exhibit D-4). This agreements subjects the firm to reporting nine percent of the driver's meter from 01/01/2011-12/31/2012 for "participants" and ten percent for "non-participants" (See Exhibit D-4). The firm relied on this reporting rate to count as the employee's tips for their shift. Section 3 (m) permits an employer to take a tip credit

toward its minimum wage obligation for tipped employees equal to the difference between he required cash wage and the minimum wage. The firm failed to fulfill the tip credit requirements, thus invalidating their ability to take credit for the tips an employee receives. In referencing the tip credit requirements of Fact Sheet #15 rev. 03/2011, the firm failed to provide any of the tip credit information to the employees prior to them making use of the tip credit. The violations found under this section were found as the firm failed to have a valid tip credit agreement with the taxicab drivers. Additionally, the drivers were not guaranteed a $2.13 cash wage and were paid solely based off commission. A total of $877,791.84 was found in back wages due to 594 employees. The back wages resulted in an illegal gas deduction and invalid tip credit that brought the drivers below the federal minimum wage of $7.25 per hour.

An Excel spread sheet was used to compute the minimum wage due to the employees (Exhibit A-2- A-154):

Pay Period Ending column: the bi-weekly pay period in which minimum wage violations were found (note: drivers are exempt from Section 7 of FLSA; therefore, computations remained at the biweekly pay period instead of separating shifts per work week)
TA# column: The Taxicab Authority issued employee identification number
Employee name column: the employee's name
Shifts column: the number of shifts in the biweekly pay period
Trips column: the number of recorded shifts in the biweekly pay period
Book column: the total gross amount of their book for the biweekly pay period
Tips column: the total number of tips automatically reported to the IRS per the TRDA (9% or 10%)- according to firm
Gross wages column: the total amount of gross wages received by the employee for the biweekly pay period. This amount is the final number after the trip charges ($1.25 prior to 2/5/12, $1.00 after 2/5/12) and commission percentage (30% of first $100.00, then 50% of any earnings thereafter prior to 2/5/12; 50% of book after 2/5/12).
Daily gas column: the daily gas the drivers paid out of pocket and were not reimbursed (deduction). The number is the average daily cost to refuel the car spent by each drivers. It is computed using Exhibit D-1. To establish the average take the total gas spent (Gas column) divided by the number of shifts column (Shifts column) to develop the daily average per each driver. For drivers where the TA# was undecipherable or the full gas amount reported appeared to be incorrect, an average of the other employee's daily gas averages was applied and used for this computation. The average was $24.33 per shift.
Gas deduction column: the daily gas column multiplied by the shifts column
Gross after deduction column: the gas deduction column subtracted from the gross wages column. This column displays the actual gross received by the employee as they had a daily deduction when paying for their taxicab's gas from their own wages
Total hours worked column: the agreed average shift length (confirmed by ER and through interviews) of 12 hours multiplied by the number of shifts (shifts column)
Regular rate column: The "gross after deduction" column divided by the "total hours worked" column providing the hourly regular rate of pay

Minimum wage difference column: the difference between the federal $7.25 minimum wage and the "regular rate column", thus giving the amount due that will bring the employee up to minimum wage for all the hours worked

*Please note- On 4/10/13, WHI Ex. 6, Ex. 7(C) was provided information Ex. 7(E) the drivers switch to eight hour shifts around the holidays. A request of such information was provided to the firm and the response to the letter returned failed to include specific information that would have changed the average of 12 hours used for the computations to represent the alleged eight hour shifts during that time period. The back wage computations were not changed and remained at 12 hour shifts. (See Exhibit D-7, D-8).

Section 7: There were no violations found under this section as drivers are exempt from Section 7 overtime under Section 13 (b)(17) of the Fair Labor Standards Act.

Section 11: The firm failed to accurately enforce and maintain an accurate record of hours worked. The firm has a policy requiring drivers to clock in, but the trip sheets were not reliable as not all employees accurately use the time clock to clock in and out on the trip sheet. The trip sheet is the only location where hours worked are recorded, so their failure of records being complete caused the investigator to deem their trip sheets for the investigative period inaccurate (See Exhibits A-0, B-1-94), (See Exhibit D-6 for sample of trip sheets).

Section 12: No violations were found under this section. The firm only employs workers above the age of 18 (See Exhibits B-1-94).

DISPOSITION

A final conference was held at the firm's attorney's law office on April 25, 2013. Present at the meeting representing the firm was Attorney John Moran Jr., Marilyn Moran, Helen Tobman, Martha Sarver, Wage Hour Investigator Ex. 6, Ex. 7(C) and Assistant District Director Richard Quezada (See Exhibit E-1).

The basis of Enterprise Coverage was discussed with the firm as their annual dollar volume exceeds $500,000 annually. The firm was notified this investigation was limited to the drivers only as it appears compliance has not been achieved regarding this group of employees since the previous investigation. The investigative period was notified to be from October 1, 2010 through December 16, 2012.

The firm was notified there were no Section 12 child labor violations found as the firm does not employ any drivers under the age of 21.

The firm was notified the drivers are exempt from the Section 7 overtime requirements of the Fair Labor Standards Act in Section 13 (b)(13).

The Section 11 recordkeeping requirements were then discussed with the firm. WHI Ex. 6, Ex. 7(C) notified them their records were found to be inaccurate as they were missing information

regarding the "clock in" or "clock out" time on several of the trip sheets that were reviewed. Ms. Sarver acknowledged this is a problem that they continuously face as their drivers are lazy and sometimes do not clock out. She stated the firm has attempted to work on this issue since the previous investigation and it occurs very infrequently now, around 3-4% of the time. WHI Ex. 6, Ex. 7(C) expressed the importance of all trip sheets being accurate as the firm is unable to correctly determine the hours worked if they do not have the time the employee stopped work and returned to the shop. Ms. Moran stated that one can estimate by the last trip on the trip sheet the amount of time it took the driver to return to the shop after the shift. WHI Ex. 6, Ex. 7(C) informed the firm that is not an accurate way to determine hours worked because they do not know the circumstances that occurred after that last trip (traffic, waiting time at a location, car problems, etc) that could cause the driver to exceed or work less than the average 12 hour shift. The firm stated they will comply in the future with such requirements, but expressed the difficulty of perfecting such recordkeeping based on the industry and type of drivers they have.

The Section 6 minimum wage violations were discussed with the firm. WHI Ex. 6, Ex. 7(C) informed the firm there were two areas of concern affecting the minimum wage of the drivers: the gas deduction and the invalid tip credit. WHI Ex. 6, Ex. 7(C) first discussed the deduction that arose from the firm requiring the drivers to pay out of pocket for the gas to drive the taxicabs. WHI Ex. 6, Ex. 7(C) provided Fact Sheet #16 and referred to section 3(m) of the provided Fair Labor Standards Act publication. The firm has a requirement that drivers are to return their vehicles to the shop at the end of the shift with a full tank of gas. This requirement brings the drivers below minimum wage. Many of the attendees representing the firm voiced the same notion that they were informed they were allowed to do this practice from WHI Ex. 6, Ex. 7(C) during the final conference of the previous case, CF#1574184. Ms. Sarver stated at the initial conference of the previous case, they were informed they would be given a $20.00 per day gas credit toward the minimum wage since the firm paid for the gas of the drivers at the time. She stated WHI Ex. 6, Ex. 7(C) then at the final conference after discussing it with her supervisor disallowed the credit as it was an employer expense. Ms. Sarver stated she asked WHI Ex. 6, Ex. 7(C) how they could take credit for paying for the gas and asked if they would be allowed to have the drivers pay for their own gas. She stated WHI Ex. 6, Ex. 7(C) said "if it is not on the payroll, it does not count". Mr. Moran stated the

Ex. 4

WHI Ex. 6, Ex. 7(C) then discussed the requirements of taking a tip credit. WHI Ex. 6, Ex. 7(C) referred Mr. Moran to Final Rule April 5, 2011 that references such enforcement. Additionally, a print out of CFR531.59, Fact Sheet #15 and Fact Sheet #15a were provided to the firm's representatives. WHI Ex. 6, Ex. 7(C) informed the attendees the firm did not notify their employees they would make use of the tip credit. Additionally, the firm does not provide a cash wage of $2.13 to the employees as the employees work solely on commission plus tips. Such commission is based on the formula mentioned above. The firm was also notified the tips that are received by the employees are not retained by the employee as they are required to pay for their own gas out of

pocket. WHI Ex. 6, Ex. 7(C) informed them Ex. 7(E) it was discovered many of the drivers pay for their gas with the tips they earned from that day and if they did not make enough tips, they will get money out of their personal bank account to ensure the tank is full upon returning it to the shop. Based on the above factors, WHI Ex. 6, Ex. 7(C) informed the firm they could not use the tip credit provisions for the period of investigation and therefore must pay the tipped employees at least $7.25 per hour in wages and allow the tipped employee to keep all tips received. The firm found many problems with the information provided to them. Ms. Moran stated during the previous investigation, WHI Ex. 6, Ex. 7(C) actually provided them with a back wage amount of around $900k and that amount did not give the company credit for the tips. She stated after they found many mistakes in her computations and the fact they weren't given credit for the tips, the amount went down to the final back wage amount of $285,000. She stated WHI Ex. 6, Ex. 7(C) gave a credit for the tips, so they do not understand why it is not granted so now (See Exhibit E-2). Ms. Sarver stated the firm and all other local taxicab companies entered into an agreement Tip Rate Determination Agreement with the IRS in 2007 that requires the firm to report an agreed percentage of tips to the IRS (See Exhibit D-4). Ms Sarver stated the firm has the drivers sign a document acknowledging participating in such agreement and she does not understand why that document does not count for the Department of Labor. Additionally, she stated the tip percentage of 9% or 10% is reported to the IRS and considered as wages, so she does not understand why the Department of Labor does not as well.

The firm mentioned several other items during the meeting that did not pertain to the current investigation, but the previous investigation. Mr. Moran stated this investigation added to their confusion as to why there was a second investigation as they were under the assumption they came into compliance under the previous investigation and were told by WHI Ex. 6, Ex. 7(C) there would not be a subsequent investigation after the back wages were paid. Ms. Sarver stated during the final conference with WHI Ex. 6, Ex. 7(C) they asked what they should do about individuals they felt were overpaid by the back wages as they were underperformers. She stated many of the employees were elderly and were workers they have had for years. Ms. Sarver stated they asked WHI Ex. 6, Ex. 7(C) what they should do, mentioning firing the employees and she responded "if they are not performing, then you should get rid of them." Ms. Moran also inquired as to why they were not provided such publications provided at the present meeting during the previous investigation and were under the assumption this investigation was to "cover up her mistakes". Ms. Tobman mentioned she felt as though the Department was using this investigation as a test and Western Cab was the "guinea pig" for the entire Las Vegas taxicab industry. They felt as though they have been mislead and the Department is picking on them since they are the only "mom and pop" company left in the taxicab business.

When asked whether they agreed to come into compliance regarding paying the minimum wage, Mr. Moran stated the firm needed additional time to review the information provided at the meeting. He mentioned the firm may have to retain a labor attorney and planned to contact elected officials to notify them of their concern. WHI Ex. 6, Ex. 7(C) and ADD Quezada agreed to allow time for the firm to review the publications and information provided at the meeting and informed the firm to notify when they were prepared to give their compliance status and their plans for coming into compliance.

The back wage amount was not disclosed at this meeting as compliance was not agreed. Possibilities of CMPs or liquidated damages were not discussed with the firm at the final conference.

[redacted] Ex. 7(E)

Publications: Ms.Tobman and Ms. Sarver were provided the FLSA Handy Reference Guide, Fair Labor Standards Act publication, Part 785, Part 778- Overtime Bulletin, Part 541, and Fact Sheet #15 at the initial conference by WHI [redacted] Ex. 6, Ex. 7(C) on January 8, 2013. At the final conference, Attorney John Moran Jr., Ms. Sarver, Ms. Tobman, and Mrs. Moran were provided the FLSA publication, Fact Sheet #15, Fact Sheet #15a, Fact Sheet #16, and a copy of CFR 531.59.

[redacted] Ex. 6, Ex. 7(C)

Date: April 26, 2013

Wage and Hour Investigator