

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTERN CAB COMPANY,

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

LAKSIRI PERERA, IRSHAD
AHMED, MICHAL SARGEANT,
individually and behalf of others
similarly situated,

Real Parties in
Interest.

Case No. 69408

District Court Case: A-14-707415-G

Electronically Filed
Mar 23 2016 08:24 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION BY NEVADA
AFFILIATE OF THE NATIONAL
EMPLOYMENT LAWYERS
ASSOCIATION FOR LEAVE TO
FILE AMICUS CURIAE BRIEF IN
OPPOSITION OF PETITION FOR
WRIT OF MANDAMUS**

Pursuant to NRAP 29(a) and 21(b)(3), the Nevada Employment Lawyers Association (“Nevada NELA”), moves for leave to appear as amicus curie in support of Respondents and the Real Parties in Interest.

Nevada NELA is an organization of attorneys who advance employee rights, justice and equality in the workplace for all Nevada employees. The issues raised

in the Petition for Writ of Mandamus are of great importance to Nevada NELA members and the Nevada employees those members represent. It is the position of Nevada NELA that the Nevada Constitutional Minimum Wage Amendment *is not* (1) preempted by federal labor law pronounced in the National Labor Relations Act (“NLRA”), (2) preempted by ERISA, or (3) void for vagueness. Nevada NELA further opposes Petitioner’s position that it can avoid its minimum wage obligations by deducting employer expenses from an employee’s pay. In sum, it is the position of Nevada NELA that the District Court correctly rejected Petitioner’s arguments in these respects.

Nevada NELA offers legal support and a perspective in favor of the Voters and Nevadans who work at or near the minimum wage. This position is distinctly different from those views offered by any amicus curie filed in support of the taxicab companies. Nevada NELA’s perspective may assist the court in resolving this issue. *See NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (Courts “frequently 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.’”) (citations omitted). Accordingly, Nevada NELA respectfully requests

the opportunity to file a brief as amicus curie in support of Respondent and Real Parties in Interest.

Dated: March 22, 2016

Respectfully Submitted,

/s/Mark R. Thierman

Mark R. Thierman, Attorney
Nevada NELA Amicus Support

NEVADA NELA
Joshua D. Buck, President
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CERTIFICATE OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 7287 Lakeside Drive, Reno, Nevada 89511. On March 22, 2016, the following document was served on the following:

AMICUS CURIAE BRIEF FOR THE NEVADA NELA IN SUPPORT OF RESPONDENTS

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

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- By **United States Mail**: A true copy of the document was served via first class, postage-paid U.S. Mail on this 22nd day of March, 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

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

Executed on March 22, 2016 at Reno, Nevada.

By: /s/ Jasmin Williams
Jasmin Williams