

# EXHIBIT 1

# EXHIBIT 1

# WHISARD Compliance Action Report

## U.S. Department of Labor Wage and Hour Division

Case ID: 1649531 Originating District: Las Vegas District Office  
Local Filing Number: 2012-280-00660 Investigating District: Las Vegas District Office  
WHMIS Case Number: Lead Investigator: [REDACTED]  
Registration Date: 03/19/2012  
Assignment Date: 07/12/2012

### Employer Information

Trade Name: Western Cab Company  
Address: 801 Main St.  
  
Las Vegas, NV 89101

Legal Name: Western Cab Company  
EIN: [REDACTED]  
County: Clark  
NAICS Code: 485310  
No. Of Employees: [REDACTED]

### Investigation Information

Period Investigated From: 09/26/2010  
To: 12/16/2012  
Investigation Type: [REDACTED]  
Investigation Tool: Limited Investigation  
Compliance Status: Refuse to Comply

BNPI: [REDACTED]

Future Compliance Agreed: ☐  
Involved in AG: ☐

### Recommended Action:

BWPS: ☐  
CMP: ☐  
[REDACTED]  
Civil Action: ☐  
Criminal Action: ☐  
Submit For Opinion: ☐

RONO Review: ☐  
Follow Up Investigation: ☐  
Other Action: ☐  
Denial of Future Certificate: ☐  
BW Payment Deadline: ☐  
Trailer forms attached: ☐

\* CMPs computed do not necessarily indicate CMPs assessed.

Unduplicated Employees Found:	0	Unduplicated Employees Agreed:	0
Total Amount BWs Computed:	\$0.00	Total Amount BWs Agreed:	\$0.00
Total Amount LDs Computed:		Total Amount LDs Agreed:	

## WHISARD Compliance Action Report

### Conclusions & Recommendations:

220 75 HRS. FI SA, No. 7, 11, 12 violations. FI takes invalid tip credit, did not meet requirements. 504  
EX 716) recommend.

since inv was caused when Tip credit was disallowed initially. BWs computed dropped after  
ROSOL & RO DOE changed enforcement policy by allowing the use of IRS reporting percent tip wages as a tip  
credit toward MW thus eliminating BWs computed. Admin close with no further ac

Richard Quetzada

Assistant District Director

WHI Signature: Richard Quetzada Date: 04/26/2013

Reviewed By: John L. ... Date: ...

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

WESTERN CAB COMPANY,

Petitioner,

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.

**Case No.: 69408**

Electronically Filed  
Nov 04 2016 09:36 a.m.

District Court Case No. A-14-707425-C

Elizabeth A. Brown  
Clerk of Supreme Court

**PETITIONER'S MOTION TO  
SUPPLEMENT THE RECORD**

On November 2, 2016 at 3:45 p.m., Real Parties in Interest filed their Motion to Supplement the Record with Exhibit A which consists of a Fair Labor Standards Act Narrative dated April 26, 2013. On November 3, 2016, this Court granted the motion "to the extent we will consider it if our review of the petition reveals that it is appropriate."

If this Court decides to consider the document, Petitioner respectfully requests that Exhibit 1, WC Perera 231-232, supplement the record and be considered because this April 26, 2013 document is the DOL Compliance Action Report which followed the Fair Labor Standards Act Narrative. This document shows that the back wages computed by DOL were dropped after the Department changed its enforcement policy by allowing the use of IRS reporting percent tip wages as a tip credit toward minimum wage thus eliminating the back wages computed. DOL closed its limited investigation with no further action. Exhibit 1, WC Perera 232. The Real Parties in Interest furnished this document, WC Perera 231-32, to Petitioner on May 20, 2016.

Western Cab does not believe Exhibit A is relevant to the merits of the Petition. However, if this Court considers Exhibit A, Western Cab requests that the record also be supplemented with the Compliance Action Report, WC Perera 231-32, attached as Exhibit 1.

Respectfully submitted,

HEJMANOWSKI & McCREA, LLC

/s/ Malani L. Kotchka

MALANI L. KOTCHKA

Nevada Bar No. 283

520 South Fourth Street, Suite 320

Las Vegas, Nevada, 89101

Telephone: (702) 834-8777

Facsimile: (702) 834-5262

Email: mlk@hmlawlv.com

*Attorneys for Petitioner*

### CERTIFICATE OF SERVICE

The undersigned does hereby certify that pursuant to NRAP 25(c), a true and correct copy of the foregoing **PETITIONER'S MOTION TO SUPPLEMENT THE RECORD** was filed electronically with the Nevada Supreme Court Electronic Filing System, and a copy was served electronically on this 3rd day of November, 2016, to the following:

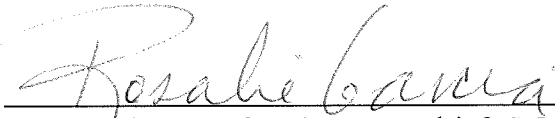
Leon Greenberg, Esq.  
GREENBERG, P.C.  
2965 S. Jones Blvd., Suite E4  
Las Vegas, NV 89146  
Telephone: (702) 383-6085  
Facsimile: (702) 385-1827  
Email: leongreenberg@overtimelaw.com

Joshua D. Buck  
NEVADA NELA  
7287 Lakeside Drive  
Reno, NV 89511  
Telephone: (775) 284-1500  
Facsimile: (775) 703-5027

Bradley Schrager  
Wolf, Rifkin, Shapiro, Schulman &  
Rabkin, LLP  
3556 E. Russell Road  
2<sup>nd</sup> Floor  
Las Vegas, NV 89120  
Telephone: (702) 341-5200  
Facsimile: (702) 341-5300

And a true and correct copy of the foregoing **PETITIONER'S MOTION TO SUPPLEMENT THE RECORD** was served via first class, postage-paid U.S. Mail on this 3rd day of November 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

  
An Employee of Hejmanowski & McCrea LLC