

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTERN CAB COMPANY,  
Petitioner,

vs.

THE 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;  
AND MICHAEL SARGEANT,  
INDIVIDUALLY AND ON BEHALF OF  
OTHERS SIMILARLY SITUATED,  
Real Parties in Interest.

No. 69408

**FILED**

MAY 18 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Youney  
DEPUTY CLERK

*ORDER DENYING REHEARING<sup>1</sup>*

After considering Western Cab Company's two petitions for rehearing in this matter, we conclude that rehearing is not warranted. NRAP 40(c). However, we note that in the opinion we stated that Western previously required its drivers to reimburse Western for fuel costs, when Western had in fact covered its drivers' fuel costs prior to 2012.

---

<sup>1</sup>The Honorable Lidia Stiglich, Justice, did not participate in the decision of this matter.

Nonetheless, this factual discrepancy is immaterial to our holding in the opinion and therefore rehearing is not warranted on this basis.<sup>2</sup>

It is so ORDERED.

Cherry, C.J.  
Cherry

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

PICKERING, J., dissenting:

I would have ordered the real parties in interest to file an answer to the petitions. Accordingly, I respectfully dissent.

Pickering, J.  
Pickering

cc: Hon. Linda Marie Bell, District Judge  
Hejmanowski & McCrea LLC  
Leon Greenberg Professional Corporation  
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas  
Rodriguez Law Offices, P.C.  
Thierman Buck LLP  
Marc C. Gordon  
Hutchison & Steffen, LLC  
Eighth District Court Clerk

<sup>2</sup>We deny the motion for leave to file a brief of amicus curiae in support of petitioner's petition for rehearing on ERISA Preemption filed in this court on May 5, 2017.