


CLERK OF THE COURT

1 **NOA**
2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
4 Leon Greenberg Professional
5 Corporation
6 2965 South Jones Blvd - Suite E3
7 Las Vegas, Nevada 89146
8 Tel (702) 383-6085
9 Fax (702) 385-1827
10 leongreenberg@overtimelaw.com
11 dana@overtimelaw.com

Electronically Filed
Oct 18 2016 03:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

12 Attorneys for Plaintiff

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 MICHAEL SARGEANT, Individually and	}	Case No.: A-15-714136-C
16 on behalf of others similarly situated,		Dept.: XVII
17 Plaintiff,		NOTICE OF APPEAL
18 vs.		
19 HENDERSON TAXI,		
20 Defendant.	}	

21 Notice is hereby given that MICHAEL SARGEANT, plaintiff above named, by
22 and through his counsel of record Leon Greenberg, Esq., hereby appeals to the
23 Supreme Court of Nevada from the District Court's order entered on September 13,
24 2016 denying Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal..

25 Dated: Clark County, Nevada
26 October 12, 2016

27 Submitted by

28 Leon Greenberg Professional Corporation

/s/ Leon Greenberg

Leon Greenberg, Esq.
LEON GREENBERG PROFESSIONAL
CORPORATION
Attorney for the Plaintiff
2965 South Jones Boulevard - Suite E3
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PSER
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dana@overtimelaw.com

Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL SARGEANT, Individually
and on behalf of others similarly
situated,

Plaintiff,

vs.

HENDERSON TAXI,

Defendant.

Case No.: A-15-714136-C
Dept.: XVII

PROOF OF SERVICE

The undersigned certifies that on October 12, 2016, she served the within:

Notice of Appeal

by court electronic service to:

Anthony L. Hall, Esq.
R. Calder Huntington, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Fl.
Las Vegas, NV 89134

/S/ Sydney Saucier
SYDNEY SAUCIER


CLERK OF THE COURT

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Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL SARGEANT, Individually and
on behalf of others similarly situated,

Plaintiff,

vs.

HENDERSON TAXI,

Defendant.

Case No.: A-15-714136-C

Dept.: XVII

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: MICHAEL SARGEANT
2. Identify the judge issuing the decision, judgment, or order appealed from: Hon.
Michael Villani
3. Identify each appellant and the name and address of counsel for each appellant:
Appellant: Michael Sargeant
Attorneys: Leon Greenberg, Esq. and Dana Sniegocki, Esq., attorneys for
Appellant
2965 S. Jones Boulevard, Suite E-3
Las Vegas, NV 89146

1 4. Identify each respondent and the name and address of appellate counsel, if
2 known, for each respondent (if the name of a respondent's appellate counsel is
3 unknown, indicate as much and provide the name and address of that respondent's trial
4 counsel):

5 Respondent: Henderson Taxi

6 Attorneys: Anthony L. Hall, Esq., R. Calder Huntington, Esq.

7 HOLLAND & HART, LLP

8 9555 Hillwood Drive, 2nd Floor

9 Las Vegas, NV 89134

10 5. Indicate whether any attorney identified above in response to question 3 or 4 is
11 not licensed to practice law in Nevada and, if so, whether the district court granted that
12 attorney permission to appear under SCR 42 (attach a copy of any district court order
13 granting such permission):

14 All attorneys are licensed to practice in Nevada

15 6. Indicate whether appellant was represented by appointed or retained counsel in
16 the district court:

17 Counsel was retained.

18 7. Indicate whether appellant is represented by appointed or retained counsel on
19 appeal:

20 Counsel was retained.

21 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and
22 the date of entry of the district court order granting such leave:

23 Appellant is not proceeding in forma pauperis.

24 9. Indicate the date the proceedings commenced in the district court (e.g., date
25 complaint, indictment, information, or petition was filed):

26 Complaint was filed February 19, 2015.

27 10. Provide a brief description of the nature of the action and result in the district
28 court, including the type of judgment or order being appealed and the relief granted by

1 the district court:

2 Putative class action for defendant's taxi driver employees for unpaid minimum
3 wages and related damages and relief pursuant to the provisions of Nevada's
4 Constitution. Case proceeded to final judgment in favor of defendant as per district
5 court order entered on February 3, 2016, such final judgment being appealed and
6 assigned Case No. 69773 in the Nevada Supreme Court, such appeal is still pending.
7 This is an appeal of the post-judgment order of the district court, entered September
8 12, 2016 denying Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal.

9 11. Indicate whether the case has previously been the subject of an appeal to or
10 original writ proceeding in the Supreme Court and, if so, the caption and Supreme
11 Court docket number of the prior proceeding:

12 Yes. Michael Sargeant v. Henderson Taxi, Case No. 69773, Michael Sargeant
13 v. Henderson Taxi, Case No. 70837.

14 12. Indicate whether this appeal involves child custody or visitation:

15 This appeal does not involve child custody or visitation.

16 13. If this is a civil case, indicate whether this appeal involves the possibility of
17 settlement:

18 This case involves a pure issue of law and no settlement is possible.

19
20 Dated: Clark County, Nevada
October 12, 2016

21 Submitted by

22 Leon Greenberg Professional Corporation

23 /s/ Leon Greenberg

24 Leon Greenberg, Esq.

25 LEON GREENBERG PROFESSIONAL
CORPORATION

26 Attorney for the Plaintiff

27 2965 South Jones Boulevard - Suite E3

28 Las Vegas, Nevada 89146

(702) 383-6085

leongreenberg@overtimelaw.com

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10 dana@overtimelaw.com

11 Attorneys for Plaintiff

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DISTRICT COURT
CLARK COUNTY, NEVADA

11 MICHAEL SARGEANT, Individually)
12 and on behalf of others similarly)
13 situated,)

14 Plaintiff,)

15 vs.)

16 HENDERSON TAXI,)

17 Defendant.)

Case No.: A-15-714136-C

Dept.: XVII

PROOF OF SERVICE

18 The undersigned certifies that on October 12, 2016, she served the within:

19
20
21
22
23
24
25
26
27
28

Case Appeal Statement

by court electronic service to:

Anthony L. Hall, Esq.
R. Calder Huntington, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Fl.
Las Vegas, NV 89134

/S/ Sydney Saucier
SYDNEY SAUCIER

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C

Michael Sargeant, Plaintiff(s)
vs.
Henderson Taxi, Defendant(s)

§
§
§
§
§
§
§

Location: **Department 17**
Judicial Officer: **Villani, Michael**
Filed on: **02/19/2015**
Cross-Reference Case Number: **A714136**
Supreme Court No.: **69773**
70837

CASE INFORMATION

Case Type: **Other Civil Matters**

Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Automatically Exempt from Arbitration

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-15-714136-C
Court Department 17
Date Assigned 02/19/2015
Judicial Officer Villani, Michael






PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Sargeant, Michael	Greenberg, Leon <i>Retained</i> 7023836085(W)
Defendant	Henderson Taxi	Hall, Anthony L. <i>Retained</i> 702-669-4650(W)

DATE

EVENTS & ORDERS OF THE COURT












INDEX

02/19/2015	 Complaint With Jury Demand Filed By: Plaintiff Sargeant, Michael <i>Complaint</i>	
02/19/2015	Case Opened	
03/19/2015	 Answer to Complaint Filed by: Defendant Henderson Taxi <i>Answer to Complaint</i>	
03/19/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Henderson Taxi <i>Initial Appearance Fee Disclosure</i>	
05/06/2015	 Joint Case Conference Report Filed By: Plaintiff Sargeant, Michael <i>Joint Case Conference Report</i>	
05/27/2015	 Motion for Class Certification Filed By: Plaintiff Sargeant, Michael	


CASE SUMMARY

CASE NO. A-15-714136-C













Motion to Certify Class, Invalidate Improperly Obtained Acknowledgments, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff

05/27/2015	 Notice of Motion Filed By: Plaintiff Sargeant, Michael <i>Notice of Motion to Certify Class, Invalidate Improperly Obtained Acknowledgments, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
05/27/2015	 Proof of Service Filed by: Plaintiff Sargeant, Michael <i>Proof of Service</i>
05/28/2015	 Notice of Hearing <i>Notice of Hearing</i>
05/29/2015	 Scheduling Order <i>Scheduling Order</i>
06/03/2015	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial and Calendar Call</i>
06/03/2015	 Amended Joint Case Conference Report Filed By: Plaintiff Sargeant, Michael <i>Amended Joint Case Conference Report</i>
06/09/2015	 Motion for Order Extending Time Filed by: Defendant Henderson Taxi <i>Defendant Henderson Taxi Motion for Continuation of Hearing and Enlargement of Time to Oppose Plaintiff's Motion to Certify - Ex Parte Application for Order Shortening Time and Order Thereon</i>
06/15/2015	 Stipulation and Order Filed by: Defendant Henderson Taxi <i>Stipulation and Order</i>
06/15/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Stipulation and Order</i>
06/17/2015	CANCELED Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Stipulation and Order</i> <i>Defendant Henderson Taxi Motion for Continuation of Hearing and Enlargement of Time to Oppose Plaintiff's Motion to Certify - Ex Parte Application for Order Shortening Time and Order Thereon</i>
07/15/2015	 Certificate of Service Filed by: Defendant Henderson Taxi <i>Certificate of Service</i>
07/15/2015	 Notice of Entry of Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Order</i>



DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C

07/15/2015	 Opposition Filed By: Defendant Henderson Taxi <i>Defendant's Opposition to Motion to Certify Class, Invalidate Improperly Obtained Acknowledgements, Issue Notice to Class Members, and to Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
07/15/2015	 Appendix Filed By: Defendant Henderson Taxi <i>Appendix of Exhibits</i>
07/15/2015	 Ex Parte Filed By: Defendant Henderson Taxi <i>Ex Parte Application for Leave to Exceed Page Limit for Defendant's Opposition to Motion to Certify Class, Invalidate Improperly Obtained Acknowledgements, Issue Notice to Class Members, and to Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
07/15/2015	 Order Filed By: Defendant Henderson Taxi <i>Order Granting Ex Parte Application for Leave to Exceed Page Limit for Defendant's Opposition to Motion to Certify Class, Invalidate Improperly Obtained Acknowledgements, Issue Notice to Class Members, and to Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
07/15/2015	 Stipulated Protective Order Filed By: Defendant Henderson Taxi <i>Stipulated Protective Order</i>
07/16/2015	 Notice of Entry of Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Stipulated Protective Order</i>
08/05/2015	 Reply to Opposition Filed by: Plaintiff Sargeant, Michael <i>Reply to Opposition to Motion to Certify Class, Invalidate Improperly Obtained Acknowledgments, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
08/12/2015	 Motion to Certify Class (8:30 AM) (Judicial Officer: Villani, Michael) <i>Plaintiff's Motion to Certify Class, Invalidate Improperly Obtained Acknowledgements, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
08/19/2015	 Decision (3:00 AM) (Judicial Officer: Villani, Michael) <i>Decision: Plaintiff's Motion to Certify Class, Invalidate Acknowledgements, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
10/08/2015	 Order Denying Filed By: Defendant Henderson Taxi <i>Order Denying Plaintiff's Motion to Certify Cass, Invalidate Improperly Obtained Acknowledgements, Issue Notice to Class Members, and to Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
10/13/2015	 Notice of Entry of Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Order</i>






DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C

10/30/2015	 Motion to Reconsider Filed By: Plaintiff Sargeant, Michael <i>Motion for Partial Reconsideration or Alternatively for Entry of Final Judgment</i>
10/30/2015	 Notice of Motion Filed By: Plaintiff Sargeant, Michael <i>Notice of Motion for Partial Reconsideration or Alternatively for Entry of Final Judgment</i>
11/11/2015	 Appendix Filed By: Defendant Henderson Taxi <i>Appendix of Exhibits</i>
11/11/2015	 Motion for Summary Judgment Filed By: Defendant Henderson Taxi <i>Defendant's Motion for Summary Judgment</i>
11/19/2015	 Stipulation and Order Filed by: Defendant Henderson Taxi <i>Stipulation and Order</i>
11/20/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Order</i>
12/14/2015	 Opposition Filed By: Defendant Henderson Taxi <i>Defendant's Opposition to Plaintiff's Motion for Partial Reconsideration or Alternatively for Entry of Final Judgment</i>
12/14/2015	 Appendix Filed By: Defendant Henderson Taxi <i>Appendix of Exhibits</i>
12/14/2015	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Sargeant, Michael <i>Opposition to Defendant's Motion for Summary Judgment</i>
12/21/2015	 Declaration Filed By: Plaintiff Sargeant, Michael <i>Declaration of Michael Sargeant, Exhibit "B" to Plaintiff's Opposition to Motion for Summary Judgment</i>
01/06/2016	 Reply in Support Filed By: Defendant Henderson Taxi <i>Defendant's Reply in Support of Motion for Summary Judgment</i>
01/06/2016	 Reply to Opposition Filed by: Plaintiff Sargeant, Michael <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Partial Reconsideration or Alternatively for Entry of Final Judgment</i>
01/13/2016	 Motion (3:00 AM) (Judicial Officer: Villani, Michael) <i>Plaintiff's Motion for Partial Reconsideration or, Alternatively, for Entry of Final Judgment</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C

01/13/2016	 Motion for Summary Judgment (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion for Summary Judgment</i>
02/03/2016	 Order Filed By: Defendant Henderson Taxi <i>Order Denying Plaintiff's Motion for Partial Reconsideration or Alternatively For Entry of Final Judgment</i>
02/03/2016	 Findings of Fact, Conclusions of Law and Judgment Filed by: Defendant Henderson Taxi <i>Findings of Fact and Conclusions of Law and Order Granting Motion for Summary Judgment</i>
02/03/2016	Summary Judgment (Judicial Officer: Villani, Michael) Debtors: Michael Sargeant (Plaintiff) Creditors: Henderson Taxi (Defendant) Judgment: 02/03/2016, Docketed: 02/10/2016
02/09/2016	 Notice of Appeal Filed By: Plaintiff Sargeant, Michael <i>Notice of Appeal</i>
02/09/2016	 Case Appeal Statement Filed By: Plaintiff Sargeant, Michael <i>Case Appeal Statement</i>
02/15/2016	 Notice of Entry Filed By: Defendant Henderson Taxi <i>Notice of Entry of Order</i>
02/18/2016	 Memorandum of Costs and Disbursements Filed By: Defendant Henderson Taxi <i>Defendant Henderson Taxi's Memorandum of Costs and Disbursements</i>
02/19/2016	 Errata Filed By: Plaintiff Sargeant, Michael <i>Errata to Defendant Henderson Taxi's Memorandum of Costs and Disbursements</i>
02/22/2016	 Motion to Retax Filed By: Plaintiff Sargeant, Michael <i>Plaintiff's Motion to Deny Costs and/or Retax Costs</i>
02/22/2016	 Notice of Motion Filed By: Plaintiff Sargeant, Michael <i>Notice of Motion</i>
02/23/2016	 Errata Filed By: Plaintiff Sargeant, Michael <i>Errata to Plaintiff's Motion to Deny Costs And/or Retax Costs</i>
03/01/2016	 Declaration Filed By: Plaintiff Sargeant, Michael <i>Declaration of Michael Sargeant</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C











03/07/2016	Motion for Attorney Fees Filed By: Defendant Henderson Taxi <i>Defendant Henderson Taxi's Motion for Attorneys' Fees</i>
03/09/2016	 Errata Filed By: Defendant Henderson Taxi <i>Errata to Defendant Henderson Taxi's Motion for Attorneys' Fees</i>
03/09/2016	 Opposition Filed By: Defendant Henderson Taxi <i>Defendant's Opposition to Motion to Deny Costs and/or Retax Costs</i>
03/16/2016	 Stipulation and Order Filed by: Defendant Henderson Taxi <i>Stipulation and Order to Remove Motion for Attorneys' Fees and Continue Chambers Decision</i>
03/16/2016	 Notice of Entry of Stipulation and Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Stipulation and Order</i>
03/23/2016	 Reply Filed by: Plaintiff Sargeant, Michael <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Deny Costs And/or Retax Costs</i>
03/30/2016	 Motion (3:00 AM) (Judicial Officer: Villani, Michael) <i>Plaintiff's Motion to Deny Costs and/or Retax Costs</i>
04/06/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Plaintiff's Motion to Certify Class, Invalidate Improperly Obtained Acknowledgments, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff August 12, 2015</i>
04/14/2016	 Opposition to Motion Filed By: Plaintiff Sargeant, Michael <i>Plaintiff's Opposition to Defendant's Motion for An Award of Attorney's Fees Per NRS 18.010 (2)(b)</i>
04/27/2016	 Reply Filed by: Defendant Henderson Taxi <i>Defendant's Reply in Support of Motion for Attorney's Fees</i>
04/28/2016	 Errata Filed By: Defendant Henderson Taxi <i>Errata to Defendant's Motion for Attorney's Fees</i>
05/04/2016	 Motion for Attorney Fees (3:00 AM) (Judicial Officer: Villani, Michael) <i>Defendant Henderson Taxi's Motion for Attorneys' Fees</i>
07/08/2016	 Order Granting Filed By: Defendant Henderson Taxi <i>Order Granting Motion for Attorneys' Fees</i>
07/08/2016	Order (Judicial Officer: Villani, Michael) Debtors: Michael Sargeant (Plaintiff)

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C

Creditors: Henderson Taxi (Defendant)
Judgment: 07/08/2016, Docketed: 07/15/2016
Total Judgment: 26,715.00

07/11/2016	 Notice of Entry of Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Order Granting Motion for Attorneys' Fees</i>
07/13/2016	 Notice of Appeal Filed By: Plaintiff Sargeant, Michael <i>Notice of Appeal</i>
07/13/2016	 Case Appeal Statement Filed By: Plaintiff Sargeant, Michael <i>Case Appeal Statement</i>
07/22/2016	 Notice of Motion Filed By: Defendant Henderson Taxi <i>Notice of Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal</i>
07/22/2016	 Motion to Stay Filed By: Plaintiff Sargeant, Michael <i>Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal</i>
08/04/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings Plaintiff's Motion to Certify Class, Invalidate Improperly Obtained Acknowledgments, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff</i>
08/08/2016	 Opposition Filed By: Defendant Henderson Taxi <i>Defendant's Opposition to Motion to Stay Judgment Enforcement Pending Appeal</i>
08/16/2016	 Reply to Opposition Filed by: Plaintiff Sargeant, Michael <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal</i>
08/18/2016	 Reply to Opposition Filed by: Defendant Henderson Taxi <i>Defendant's Surreply in Opposition to Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal</i>
08/24/2016	 Motion to Stay (8:30 AM) (Judicial Officer: Villani, Michael) <i>Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal</i>
08/31/2016	 Affidavit Filed By: Plaintiff Sargeant, Michael <i>Affidavit of Service</i>
09/07/2016	 Claim Filed By: Plaintiff Sargeant, Michael <i>Claim of Exemption From Execution</i>
09/12/2016	

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C

	 Order Denying Motion <i>Order Denying Plaintiff's Motion to Stay Judgment Enforcement Pending Appeal</i>
09/13/2016	 Notice of Entry of Order Filed By: Defendant Henderson Taxi <i>Notice of Entry of Order Denying Plaintiff's Motion to Stay Enforcement Pending Appeal</i>
09/16/2016	 Objection Filed By: Defendant Henderson Taxi <i>Objection to Michael Sargeant's Claim of Exemption from Execution</i>
10/06/2016	 Stipulation and Order Filed by: Plaintiff Sargeant, Michael <i>Stipulation and Order</i>
10/10/2016	 Opposition Filed By: Plaintiff Sargeant, Michael <i>Response to Defendant's Objection to Michael Sargeant's Claim of Exemption from Judgment Execution; Counter-motion to Continue Hearing, to Post Bond or Pay Judgment, for Appointment of Receiver, for Notice of Sheriff's Sale and to Stay Any Order</i>
10/11/2016	 Motion Filed By: Plaintiff Sargeant, Michael <i>Plaintiff's Motion to Recuse Judge Michael Villani from this Case Pursuant to NRS 1.235</i>
10/12/2016	 Proof of Service Filed by: Plaintiff Sargeant, Michael <i>Proof of Service</i>
10/12/2016	 Notice of Appeal Filed By: Plaintiff Sargeant, Michael <i>Notice of Appeal</i>
10/12/2016	 Case Appeal Statement Filed By: Plaintiff Sargeant, Michael <i>Case Appeal Statement</i>
10/13/2016	 Notice of Entry of Order Filed By: Plaintiff Sargeant, Michael <i>Notice of Entry</i>
10/19/2016	Objection (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Objection to Michael Sargeant's Claim of Exemption from Execution</i>
10/19/2016	Objection (8:30 AM) (Judicial Officer: Villani, Michael) <i>Response to Defendant's Objection to Michael Sargeant's Claim of Exemption from Judgment Execution; Counter-motion to Continue Hearing, to Post Bond or Pay Judgment, for Appointment of Receiver, for Notice of Sheriff's Sale and to Stay Any Order</i>
01/25/2017	Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael)
02/06/2017	Jury Trial (9:00 AM) (Judicial Officer: Villani, Michael)

DATE

FINANCIAL INFORMATION

Defendant Henderson Taxi
Total Charges

569.50

DEPARTMENT 17
CASE SUMMARY
CASE NO. A-15-714136-C

Total Payments and Credits	569.50
Balance Due as of 10/14/2016	0.00
Plaintiff Sargeant, Michael	
Total Charges	698.00
Total Payments and Credits	698.00
Balance Due as of 10/14/2016	0.00
Plaintiff Sargeant, Michael	
Appeal Bond Balance as of 10/14/2016	1,000.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
Case No. A-15-714136-C Dept XVII
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Michael Sargeant, 2001 Ramrod Ave., Apt. 2215, Henderson, NV, 89014 702-809-6540	Defendant(s) (name/address/phone): Henderson Taxi 1900 Industrial Road, Las Vegas NV, 89102
Attorney (name/address/phone): Leon Greenberg, Esq. 2965 S. Jones Blvd., Suite E-3, Las Vegas, NV 89146	Attorney (name/address/phone): Unknown

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

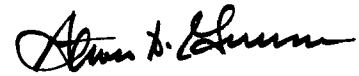
Business Court filings should be filed using the Business Court civil coversheet.

February 18, 2015

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **ORDR**

2 Anthony L. Hall, Esq.
3 Nevada Bar No. 5977
4 ahall@hollandhart.com
5 R. Calder Huntington, Esq.
6 Nevada Bar No. 11996
7 rchuntington@hollandhart.com
8 HOLLAND & HART LLP
9 9555 Hillwood Drive, 2nd Floor
10 Las Vegas, Nevada 89134
11 (702) 669-4600
12 (702) 669-4650 -fax

13 *Attorneys for Defendant Henderson Taxi*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 MICHAEL SARGEANT, individually and on
17 behalf of others similarly situated,

18 Plaintiff,

19 v.

20 HENDERSON TAXI,

21 Defendant.

CASE NO.: A-15-714136-C
DEPT. NO.: XVII

**PROPOSED ORDER DENYING
PLAINTIFF'S MOTION TO STAY
JUDGMENT ENFORCEMENT
PENDING APPEAL**

22 This matter came before the Court for hearing on August 24, 2016 at 8:30 AM on Plaintiff
23 Michael Sargeant's ("Sargeant") *Motion to Stay Judgment Enforcement Pending Appeal* (the
24 "Motion"). Leon Greenberg, Esq., appeared on behalf of Sargeant and R. Calder Huntington, Esq.
25 appeared on behalf of Defendant Henderson Taxi.

26 The Court, having considered Plaintiff's Motion, Defendant's Opposition, Plaintiff's
27 Reply, and Defendant's Surreply, along with the relevant pleadings and papers on file herein, and
28 having considered the oral argument of counsel presented at the hearing, and good cause
appearing, the Court finds as follows:

Plaintiff failed to demonstrate that any of the factors the Court is to consider in determining
whether to grant a stay pending appeal absent a full supersedeas bond set forth in *Nelson v. Heer*,
121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005) weigh in favor of granting a stay. As Sargeant has
failed to demonstrate that any of the *Nelson* factors weigh in favor of a stay and has otherwise

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AUG 31 2016

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600 ♦ Fax: (702) 669-4650

1 failed to demonstrate that the status quo might be maintained absent the posting of a full
2 supersedeas bond, Sargeant's motion is denied.

3 IT IS HEREBY ORDERED that Plaintiff's Motion to Stay Judgment Enforcement Pending
4 Appeal is DENIED.

5 DATED this 6 day of Sept, 2016.

6 *Handwritten signature/initials*

7 DISTRICT COURT JUDGE

8 JB

8 Respectfully submitted by:

9
10 By

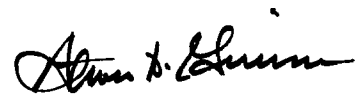
Handwritten signature of Anthony L. Hall
Anthony L. Hall, Esq.
R. Calder Huntington, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Attorneys for Defendant Henderson Taxi

14
15 Approved as to form:

16
17 By

Handwritten signature of Dana Sniegocki
Leon Greenberg, Esq.
Dana Sniegocki, Esq.
LEON GREENBERG PROFESSIONAL CORPORATION
2965 South Jones Blvd., Suite E3
Las Vegas, Nevada 89146
Attorney for Plaintiff

21 9060782_1



CLERK OF THE COURT

1 **NEO**
2 Anthony L. Hall, Esq.
3 Nevada Bar No. 5977
4 ahall@hollandhart.com
5 R. Calder Huntington, Esq.
6 Nevada Bar No. 11996
7 rchuntington@hollandhart.com
8 **HOLLAND & HART LLP**
9 9555 Hillwood Drive, 2nd Floor
10 Las Vegas, Nevada 89134
11 (702) 669-4600
12 (702) 669-4650 –fax

13 *Attorneys for Defendant Henderson Taxi*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 **MICHAEL SARGEANT**, individually and on
17 behalf of others similarly situated,

18 Plaintiff,

19 v.

20 **HENDERSON TAXI**,

21 Defendant.

CASE NO.: A-15-714136-C
DEPT. NO.: XVII

**NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFF'S MOTION TO
STAY JUDGMENT ENFORCEMENT
PENDING APPEAL**

22 PLEASE TAKE NOTICE that the attached **Order Denying Plaintiff's Motion to Stay**
23 **Judgment Enforcement Pending Appeal** was entered by the Court on the 12th day of September,
24 2016.

25 DATED this 13th day of September 2016

26 **HOLLAND & HART LLP**

27 By /s/ R. Calder Huntington

28 Anthony L. Hall, Esq.

Nevada Bar No. 5977

R. Calder Huntington, Esq.

Nevada Bar No. 11996

9555 Hillwood Drive, 2nd Floor

Las Vegas, Nevada 89134

Attorneys for Defendant Henderson Taxi

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600 ♦ Fax: (702) 669-4650

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September 2016, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO STAY**

JUDGMENT ENFORCEMENT PENDING APPEAL was served by the following method(s):

☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

Leon Greenberg, Esq.
Dana Sniegocki, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Blvd., Suite E3
Las Vegas, Nevada 89146

Leon Greenberg: leongreenberg@overtimelaw.com
Dana Sniegocki: dana@overtimelaw.com

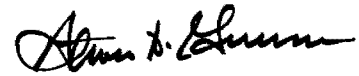
☐ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

☐ Email: by electronically delivering a copy via email to the following e-mail address:

☐ Facsimile: by faxing a copy to the following numbers referenced below:

/s/ Marie Twist
An Employee of Holland & Hart LLP

9110512_1



CLERK OF THE COURT

1 **ORDR**

2 Anthony L. Hall, Esq.
3 Nevada Bar No. 5977
4 ahall@hollandhart.com
5 R. Calder Huntington, Esq.
6 Nevada Bar No. 11996
7 rchuntington@hollandhart.com
8 HOLLAND & HART LLP
9 9555 Hillwood Drive, 2nd Floor
10 Las Vegas, Nevada 89134
11 (702) 669-4600
12 (702) 669-4650 -fax

13 *Attorneys for Defendant Henderson Taxi*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 MICHAEL SARGEANT, individually and on
17 behalf of others similarly situated,

18 Plaintiff,

19 v.

20 HENDERSON TAXI,

21 Defendant.

CASE NO.: A-15-714136-C
DEPT. NO.: XVII

**PROPOSED ORDER DENYING
PLAINTIFF'S MOTION TO STAY
JUDGMENT ENFORCEMENT
PENDING APPEAL**

22 This matter came before the Court for hearing on August 24, 2016 at 8:30 AM on Plaintiff
23 Michael Sargeant's ("Sargeant") *Motion to Stay Judgment Enforcement Pending Appeal* (the
24 "Motion"). Leon Greenberg, Esq., appeared on behalf of Sargeant and R. Calder Huntington, Esq.
25 appeared on behalf of Defendant Henderson Taxi.

26 The Court, having considered Plaintiff's Motion, Defendant's Opposition, Plaintiff's
27 Reply, and Defendant's Surreply, along with the relevant pleadings and papers on file herein, and
28 having considered the oral argument of counsel presented at the hearing, and good cause
appearing, the Court finds as follows:

Plaintiff failed to demonstrate that any of the factors the Court is to consider in determining
whether to grant a stay pending appeal absent a full supersedeas bond set forth in *Nelson v. Heer*,
121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005) weigh in favor of granting a stay. As Sargeant has
failed to demonstrate that any of the *Nelson* factors weigh in favor of a stay and has otherwise

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AUG 31 2016

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Las Vegas, NV 89134
Phone: (702) 669-4600 ♦ Fax: (702) 669-4650

1 failed to demonstrate that the status quo might be maintained absent the posting of a full
2 supersedeas bond, Sargeant's motion is denied.

3 IT IS HEREBY ORDERED that Plaintiff's Motion to Stay Judgment Enforcement Pending
4 Appeal is DENIED.

5 DATED this 6 day of Sept, 2016.

Handwritten signature/initials

DISTRICT COURT JUDGE

JB

8 Respectfully submitted by:

9
10 By

Handwritten signature of Anthony L. Hall
Anthony L. Hall, Esq.
R. Calder Huntington, Esq.
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Attorneys for Defendant Henderson Taxi

14
15 Approved as to form:

16
17 By

Handwritten signature of Leon Greenberg
Leon Greenberg, Esq.
Dana Sniegocki, Esq.
LEON GREENBERG PROFESSIONAL CORPORATION
2965 South Jones Blvd., Suite E3
Las Vegas, Nevada 89146
Attorney for Plaintiff

21 9060782_1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 12, 2015

A-15-714136-C Michael Sargeant, Plaintiff(s)
vs.
Henderson Taxi, Defendant(s)

August 12, 2015 8:30 AM Motion to Certify Class

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Nora Pena

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Hall, Anthony L. Attorney
Huntington, Robert Calder Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Argument by Mr. Greenberg in support of his motion. Colloquy. Mr. Greenberg advised payments were owed and he has no idea if the amount was correct; the issue went to the Supreme Court. Mr. Greenberg addressed the exhibit of the acknowledgement form and he believed certification is conditional. Mr. Greenberg requested attorney's fees and asked to certify class, prohibit communication with the employees and restraint Defendant of improper conduct. Colloquy. Opposition by Mr. Hall, he believed Mr. Greenberg made misrepresentations of the fact and the law. Mr. Hall advised there is no evidence of coercion as to acknowledgement and it states for employees to contact their attorney and there is no admission of liability. Mr. Hall addressed exhibit "H" and advised the time period for opting out has pass. Court noted he is not imposing sanctions on either side. Mr. Hall advised they have a binding agreement with the employees for payment with the caveat that there is no class. Mr. Hall addressed waivers and tip issue agreement and noted the two year statute of limitations is being decided 10/6/15 which would make this moot due to settlement with the union and will have an issue with discovery. Reply by Mr. Greenberg for request for certification and it is appropriate to proceed forward as the Plaintiff has not complied and there is conduct of impropriety of the Defendant. COURT ORDERED, DECISION DEFERRED. Court

advised will prepare a written decision on or before next Wednesday, 8/19th.

8/19/15 DECISION: PLAINTIFF'S MOTION TO CERTIFY CLASS, INVALIDATE IMPROPERLY OBTAINED ACKNOWLEDGMENTS, ISSUE NOTICE TO CLASS MEMBERS, AND MAKE INTERIM AWARD OF ATTORNEY'S FEES AND ENHANCEMENT PAYMENT TO REPRESENTATIVE PLAINTIFF - CHAMBER CALENDAR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 19, 2015

A-15-714136-C	Michael Sargeant, Plaintiff(s) vs. Henderson Taxi, Defendant(s)
---------------	---

August 19, 2015	3:00 AM	Decision	Plaintiff's Motion to Certify Class, Invalidate Acknowledgements, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff's Motion to Certify Class, Invalidate Acknowledgements, Issue Notice to Class Members, and Make Interim Award of Attorney's Fees and Enhancement Payment to Representative Plaintiff came before this Court on the August 12, 2015, Oral Calendar. After hearing the arguments of counsel, the Court DEFERRED its decision to issue a written minute order, placing this matter on the Court's August 19, 2015, Chamber Calendar. The Court now rules as follows:

An action may be maintained as a class action if "(1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or

defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class." NRCP 23(a).

After the Nevada Supreme Court decided *Thomas v. Nevada Yellow Cab Corp.*, 130 Nev. Adv. Op. 52, 327 P.3d 518, 522 (2014), finding that "the Minimum Wage Amendment, by enumerating specific exceptions that [did] not include taxicab drivers," the Union filed a grievance with Henderson Taxi requesting back pay. Henderson Taxi entered into a settlement agreement with the Union, which provided that Henderson Taxi would pay the former and current employees back pay, acting as a complete accord and satisfaction of the grievance. The COURT FINDS, that the Union is the exclusive representation of the former and current taxicab employees of Henderson Taxi, and that there is no evidence of coercion.

Employers cannot enter into an agreement with their employees to waive minimum wages "because of inequality of bargaining power." *D.A. Schulte, Inc., v. Gangi*, 328 U.S. 108, 115, 66 S. Ct. 925, 928-29, 90 L. Ed. 1114 (1946). However, in this instance, the Union entered into negotiations with Henderson Taxi, balancing the bargaining power. Additionally, because there is a dispute as to whether Yellow Cab is to be applied retroactively, it is not clear that these employees were entitled to back pay. Thus, the settlement resolved a fee-dispute grievance and not necessarily a waiver of a minimum wage rights.

Based on the foregoing, the COURT FURTHER FINDS, that Plaintiff has not established the factors to maintain a class action under NRCP 23(a). Therefore, COURT ORDERED, Plaintiff's Motion is DENIED. Counsel for Defendant is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of R. Calder Huntington, Esq. (Holland & Hart LLP).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 13, 2016

A-15-714136-C	Michael Sargeant, Plaintiff(s) vs. Henderson Taxi, Defendant(s)
---------------	---

January 13, 2016	3:00 AM	Motion	Plaintiff's Motion for Partial Reconsideration or, Alternatively, for Entry of Final Judgment
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff's Motion for Partial Reconsideration or, Alternatively, for Entry of Final Judgment came before this Court on the January 13, 2016, Chamber Calendar. A District Court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or if the prior decision was clearly erroneous. *Masonry & Tile Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737 (1976); *Moore v. City of Las Vegas*, 92 Nev. 402, 404 (1976). The COURT FINDS Plaintiff has not met the standard for reconsideration nor has this Court made a mistake of fact or law. Therefore, COURT ORDERED Plaintiff's Motion for Partial Reconsideration or Alternatively for Entry of Final Judgment is DENIED. Counsel for Defendant is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order shall set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Anthony L. Hall,

Esq., (Holland & Hart LLP).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 13, 2016

A-15-714136-C	Michael Sargeant, Plaintiff(s) vs. Henderson Taxi, Defendant(s)
---------------	---

January 13, 2016	8:30 AM	Motion for Summary Judgment	Defendant's Motion for Summary Judgment
-------------------------	----------------	--	--

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Hall, Anthony L.	Attorney
	Huntington, Robert Calder	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Also Present: Mark Trafton, Esq., a Representative for Henderson Taxi

This is the time set for hearing on Defendant's Motion for Summary Judgment. The Court has reviewed the Defendant's Motion for Summary Judgment and the Plaintiff's Opposition to Defendant's Motion for Summary Judgment. Arguments by Mr. Hall and Mr. Greenberg.

Accord and Satisfaction applies in this case, therefore, COURT ORDERED, Motion for Summary Judgment is GRANTED. Mr. Hall to prepare the Findings of Fact and Conclusions of Law approved as to form and content by Mr. Greenberg.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

March 30, 2016

A-15-714136-C	Michael Sargeant, Plaintiff(s) vs. Henderson Taxi, Defendant(s)
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March 30, 2016	3:00 AM	Motion	Plaintiff's Motion to Deny Costs and/or Retax Costs
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff's Motion to Deny Costs and/or Retax Costs came before this Court on the March 30, 2016, Chamber Calendar.

"The party in whose favor judgment is rendered, and who claims costs, must file with the clerk, and serve a copy upon the adverse party, within five (5) days after the entry of judgment, or such further time as the court or judge may grant, a memorandum of the items of the costs in the action or proceeding, which memorandum must be verified by the oath of the party, or the party's attorney or agent, or by the clerk of the party's attorney, stating that to the best of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred in the action or proceeding." NRS 18.110(1). Additionally, a court may then award "[a]ny other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research." NRS 18.005(17).

The COURT FINDS that Plaintiff sought relief that had value in excess of \$2,500 and Defendant is, therefore, entitled to an award of costs. NRS 18.020(3). The COURT FURTHER FINDS that Defendant's (1) \$493.00 in filing fees are proper; (2) \$32.75 in travel and parking costs were reasonable

and necessary, absent the flight to attend the early case conference; (3) \$1,328.50 in computerized services for legal research were reasonable and necessary; and (4) \$162.50 in messenger and runner costs were reasonable and necessary. NRS 18.005(1), (17). Therefore, COURT ORDERED Plaintiff's Motion to Deny Costs and/or Retax Costs is DENIED and Defendant is entitled to costs in the amount of \$2,016.75 Counsel for Defendant is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Michael L. Hall, Esq., (Holland & Hart, LLP).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters**COURT MINUTES****May 04, 2016**

A-15-714136-C Michael Sargeant, Plaintiff(s)
 vs.
 Henderson Taxi, Defendant(s)

May 04, 2016	3:00 AM	Motion for Attorney Fees	Defendant Henderson Taxi's Motion for Attorneys' Fees
---------------------	----------------	---------------------------------	--

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Defendant Henderson Taxi's Motion for Attorneys' Fees came before this Court on the May 4, 2016, Chamber Calendar. Defendant requests attorneys' fees for either the time (a) after Henderson Taxi filed its Opposition to Plaintiff's Motion to Certify in the amount of \$47,739.50; or (b) after this Court issued its October 8, 2015 Order holding that Plaintiff and the punitive class had no viable claim in the amount of \$26,715.

"[A]ttorney's fees are not recoverable absent a statute, rule or contractual provision to the contrary." Rowland v. Lepire, 99 Nev. 308, 315, 662 P.2d 1332, 1336 (1983). NRS 18.010 provides that attorneys' fees should be awarded to a prevailing party when the court finds that the claim was "brought or maintained without reasonable ground or to harass the prevailing party." Furthermore, "it is the intent of the Legislature that the court award attorneys' fees pursuant to [NRS 18.010(b)] . . . in all appropriate situations to punish and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public." NRS 18.010(2)(b). When awarding attorney's fees, the court may consider the following

factors: (1) the qualities of the advocate; (2) the character of the work to be done; (3) the work actually performed by the advocate; and (4) the result. *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Explicit findings for each factor are not required, but the court must demonstrate that it considered the required factors and the award must be supported by substantial evidence. *Logan v. Abe*, 131 Nev. Adv. Op. 31, 350 P.3d 1139 (2015).

The COURT FINDS that on or about July 8, 2015, Henderson Taxi produced correspondence with the Union of the Union settlement that extinguished any claim by Plaintiff. Shortly thereafter in Defendant's Opposition to Plaintiff's Motion to Certify Class, Defendant fully explained how Defendant had settled Mr. Sergeant's claim. In its October 8, 2015 Order, this Court found that the agreement between Henderson Taxi and the Union "acted as a complete accord and satisfaction of the grievance and any claims to minimum wage Henderson Taxi's cab drivers may have had." Plaintiff subsequently filed a Motion for Partial Reconsideration or Alternatively for Entry of Final Judgment on October 30, 2015, which this Court denied, and Defendant filed a Motion for Summary Judgment on November 11, 2015, which Plaintiff opposed and this Court granted. Plaintiff's Motion for Partial Reconsideration or Alternatively for Entry of Final Judgment sought certification of unpled class and judgment for an unpled and unsupported claim. Plaintiff's Opposition to Defendant's Motion for Summary Judgment similarly sought to relitigate the accord and satisfaction of the grievance and settlement with Henderson Taxi and the Union. For these reasons, Plaintiff's claim was maintained without reasonable ground.

The COURT ALSO FINDS that Henderson Taxi's attorneys' fees are reasonable and justified under *Brunzell*. First, Holland & Hart LLP possesses extensive experience in commercial, labor, and employment litigation and provided a high quality of work for Defendant. Second, Plaintiff brought the lawsuit as a putative class action and raised contractual issues and other issues under the Nevada Constitution. Third, the work performed by Holland & Hart LLP for Defendant and Holland & Hart LLP's hourly rates were reasonable. Lastly, Defendant was ultimately successful defending this matter. Therefore, COURT ORDERED Motion for Attorneys' Fees is GRANTED. Defendant is entitled to attorney's fees for the time after this Court issued its October 8, 2015, Order holding that Plaintiff and the punitive class had no viable claim in the amount of \$26,715. Plaintiff's claim became frivolous at this time. Defendant is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Anthony Hall, Esq., (Holland & Hart, LLP).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 24, 2016

A-15-714136-C Michael Sargeant, Plaintiff(s)
vs.
Henderson Taxi, Defendant(s)

August 24, 2016 8:30 AM Motion to Stay

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Louisa Garcia

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Huntington, Robert Calder Attorney

JOURNAL ENTRIES

- Mr. Greenberg argued in support of motion stating the status quo was not going to be suspended by granting the stay; Mr. Sargeant was judgment proof and had no assets that could be used to satisfy the judgment. Counsel stated he was making a motion here before going to the Supreme Court. Court advised it was alleged by Henderson Taxi that the Court has hostility or bias against counsel or his client. Court advised counsel he may file a Motion to Recuse the Court. Mr. Greenberg stated the dispute was based upon prior decisions made by the record; it was before the Supreme Court and he would like to proceed with today's proceedings. Mr. Huntington stated there were five specific factors whether or not to stay execution and none of those apply in this case. Mr. Huntington stated he believed there was at least one asset which they could execute on, noting they have a right at this time to execute on chosen action. COURT ADVISED pursuant to Nelson v. Heer, the elements have not been met; therefore, COURT ORDERED, Motion DENIED. Mr. Huntington to prepare Order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

LEON GREENBERG, ESQ.
2965 SOUTH JONES BLVD - SUITE E3
LAS VEGAS, NV 89146

DATE: October 14, 2016
CASE: A-15-714136-C

RE CASE: MICHAEL SARGEANT vs. HENDERSON TAXI

NOTICE OF APPEAL FILED: OCTOBER 12, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; PROPOSED ORDER DENYING PLAINTIFF'S MOTION TO STAY JUDGMENT ENFORCEMENT PENDING APPEAL; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO STAY JUDGMENT ENFORCEMENT PENDING APPEAL; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MICHAEL SARGEANT,

Plaintiff(s),

vs.

HENDERSON TAXI,

Defendant(s),

Case No: A-15-714136-C

Dept No: XVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 14 day of October 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk