

IN THE SUPREME COURT OF NEVADA

NEVADA YELLOW CAB)
CORPORATION, NEVADA)
CHECKER CAB CORPORATION, and)
NEVADA STAR CAB)
CORPORATION')
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)

CHRISTOPHER THOMAS, and)
CHRISTOPHER CRAIG,)
Real Parties in Interest.)

Electronically Filed
Oct 10 2017 08:36 a.m.
Elizabeth A. Brown
Sup. Ct. No. Clerk of Supreme Court
Case No.: A-12-661726-C

Dept. No.: XXVIII

**EMERGENCY PETITION
FOR WRIT
OF MANDAMUS
PURSUANT TO
NRAP 27(e)**

**ACTION REQUIRED:
OCTOBER 17, 2017**

MARC C. GORDON, ESQ.
Nevada Bar No. 001866
TAMER B. BOTROS, ESQ.
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NEVADA YELLOW CAB CORPORATION
NEVADA CHECKER CAB CORPORATION
NEVADA STAR CAB CORPORATION

NRAP 27(e) Certificate of Counsel

I, Tamer B. Botros, Esq., declare and state as follows:

1. I am one of the attorneys representing Nevada Yellow Cab Corporation, Nevada Checker Cab Corporation and Nevada Star Cab Corporation (hereinafter “YCS”) in the above-referenced matter.
2. On October 3, 2017, the District Court denied all of Petitioners’ pertinent affirmative defenses.
3. Jury trial is scheduled for February 5, 2018 on the first trial stack and YCS will not be permitted to put on a defense to argue to the jury in defending allegations put forth by Real Parties in Interest involving the largest class action employment law case in the history of the State of Nevada.
4. The contact information of the attorneys is as follows:

Petitioners: Marc C. Gordon, Esq., and Tamer B. Botros, Esq., 5225 W. Post Road, Las Vegas, Nevada 89118 (702) 873-6531.

Real Parties in Interest: Leon Greenberg, Esq., and Dana Sniegocki, Esq., 2965 S. Jones Blvd, Suite E3, Las Vegas, Nevada 89146 (702) 383-6085; and Royi Moas, Esq., Don Springmeyer, Esq., and Bradley Schragger, Esq., 3556 E. Russell Road, 2nd Floor, Las Vegas, Nevada 89120 (702) 341-5200.

1 5. Real Parties in Interest Counsel were made aware of Petitioners'
2 intention for relief from the Honorable Judge Ronald Israel's ruling
3 striking Petitioners' affirmative defenses. Further, undersigned counsel
4 notified Real Parties in Interest Counsel of Petitioner's intent on October
5 6, 2017, that Petitioners would be filing this Petition on an emergency
6 basis and provided a copy of this Petition immediately upon filing with
7 the Court.
8
9

10 DATED this 9th day of October, 2017.
11

12 YELLOW CHECKER STAR
13 TRANSPORTATION CO. LEGAL DEPT.
14

15 /s/ Tamer Botros
16 MARC C. GORDON, ESQ.
17 GENERAL COUNSEL
18 Nevada Bar No. 001866
19 TAMER B. BOTROS, ESQ.
20 SENIOR LITIGATION COUNSEL
21 Nevada Bar No. 012183
22 5225 W. Post Road
23 Las Vegas, Nevada 89118
24 Attorneys for Petitioners
25
26
27
28

1 **IN THE SUPREME COURT OF NEVADA**

2 NEVADA YELLOW CAB)
3 CORPORATION, NEVADA)
4 CHECKER CAB CORPORATION, and)
5 NEVADA STAR CAB)
6 CORPORATION')

6 Petitioners,)

7 vs.)

8 THE EIGHTH JUDICIAL DISTRICT)
9 COURT of the State of Nevada, in and)
10 For the County of Clark, and THE)
11 HONORABLE RONALD J. ISRAEL)
12 District Judge,)

12 Respondents,)

14 and)

15 CHRISTOPHER THOMAS, and)
16 CHRISTOPHER CRAIG,)
17 Real Parties in Interest.)

Sup. Ct. No. _____
Case No.: A-12-661726-C

Dept. No.: XXVIII

NRAP 26.1 DISCLOSURE

**ACTION REQUIRED:
OCTOBER 17, 2017**

18
19 Pursuant to Nevada Rules of Appellant Procedure 26.1, Petitioners Nevada
20 Yellow Cab Corporation, Nevada Checker Cab Corporation and Nevada Star Cab
21 Corporation through their undersigned counsel of record certifies that the
22 following are persons and entities as described in NRAP 26.1(a) and must be
23 disclosed. These representations are made in order that the judges of this court may
24 evaluate possible disqualification or recusal.

25 **DISCLOSURE:**

26 Nevada Yellow Cab Corporation, Nevada Checker Cab Corporation and
27 Nevada Star Cab Corporations are the parent corporations in this
28

1 proceeding and are not publicly held companies that own 10% or more of
2 the party's stock.

3
4 **DISCLOSURE:**

5 The following are the law firms whose partners or associates have appeared for
6 the party or amicus in the case or are expected to appear in this court.

- 7
8 1. Leon Greenberg, Esq.
9 Dana Sniegocki, Esq.
10 Leon Greenberg Professional Corporation
11 2965 S. Jones Blvd., Ste. E3
12 Las Vegas, NV 89146
(702) 383-6085
Attorneys for Real Parties In Interest
- 13
14 2. Don Springmeyer, Esq.
15 Bradley Schragger, Esq.
16 Royi Moas, Esq.
17 Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
18 3556 E. Russel Road, 2nd Floor
19 Las Vegas, NV 89120
(702) 341-5200
Attorneys for Real Parties In Interest
- 20
21 3. Marc C. Gordon, Esq.
22 Tamer B. Botros, Esq.
23 Yellow Checker Star Transportation
24 5225 W. Post Road
25 Las Vegas, NV 89118
(702) 873-8012

26
27 **DISCLOSURE:**

28 The following are the names, addresses and telephone numbers of each
individual likely

1 to have discoverable information that the disclosing party may use to support its
2 claims or

3 defenses.

- 4 4. Governor David Sandoval
5 Office of the Governor
6 101 N. Carson Street
7 Carson City, NV 89701
8 (775) 684-5670

9 Former Attorney General of the 2005 Attorney General Opinion on the
10 Minimum Wage Amendment and the allegations contained in Plaintiff's
11 Second Amended Complaint.

- 12 5. Labor Commissioner Shannon Chambers
13 Office of the Labor Commissioner
14 1818 E. College Parkway, Ste 102
15 Carson City, NV 89706
16 (775) 684-1890

17 As to the events alleged in Plaintiff's Second Amended Complaint.

- 18 6. Sam Moffitt
19 Union Steward
20 ITPEU
21 3271 S. Highland Dr., Ste. 716
22 Las Vegas, NV 89109
23 (702) 808-3420

24 As to the events alleged in Plaintiff's Second Amended Complaint.

- 25 7. Theatla "Ruthie" Jones, President
26 ITPEU
27 3271 S. Highland Dr., Ste. 716
28 Las Vegas, NV 89109
(702) 808-3420

As to the events alleged in Plaintiff's Second Amended Complaint.

1 8. Jered McDonald
2 Systems Analyst
3 Legislative Counsel Bureau
4 401 S. Carson Street
5 Carson City, NV 89701

6 As to the events alleged in Plaintiff's Second Amended Complaint.

7 9. Keith Sakelhide
8 7220 Painted Shadows Way
9 Las Vegas, NV 89149
10 (702) 396-7893

11 As to the events alleged in Plaintiff's Second Amended Complaint.

12 10. Thoran Towler, CEO
13 Nevada Association of Employers
14 8725 Technology Way, Ste. A
15 Reno, NV 89521
16 (775) 329-4241

17 As to the events alleged in Plaintiff's Second Amended Complaint.

18 11. Christopher Thomas
19 Christopher Craig
20 c/o Leon Greenberg, Esq.
21 2965 S. Jones Blvd., Ste. E3
22 Las Vegas, NV 89146

23 As to the events alleged in Plaintiff's Second Amended Complaint

24 /s/ Tamer Botros

25 Attorney of record for Petitioners:
26 NEVADA YELLOW CAB CORPORATION
27 NEVADA CHECKER CAB CORPORATION
28 NEVADA STAR CAB CORPORATION

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1 **ROUTING STATEMENT-RETENTION IN THE SUPREME COURT**

2
3 This case is presumptively retained for the Supreme Court to “hear and
4 decide” because it raises “as a principal issue a question of first impression
5 involving the ... Nevada constitution” and because the case raises “as a principal
6 issue a question of statewide public importance.” NRAP 17(a)(13)-(14). This case
7 presents the question whether Article 15, Section 16 of the 2006 Nevada
8 Constitutional Minimum Wage Amendment (MWA) imposes strict liability and
9 punitive damages on employers and families in the State of Nevada, thereby
10 preventing employers and families from defending claims made under the MWA.
11 The district court struck Petitioners’ affirmative defenses and trial is scheduled for
12 February 5, 2018. That decision, and the ultimate questions presented, raise issues
13 of importance to the people of Nevada, particularly employers and families who
14 legitimately relied on previous exemptions under NRS 608.250(2) and will now be
15 facing a multitude of class action lawsuit trials based on the Thomas vs. Nevada
16 Yellow Cab Corporation, 130 Nev., Adv. Op. 52 (2014) decision rendered on June
17 26, 2014 by this Honorable Court.

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1 **VERIFICATION PURSUANT TO NRAP 21(a)(5)**

2 STATE OF NEVADA)

3) ss:

4 COUNTY OF CLARK)

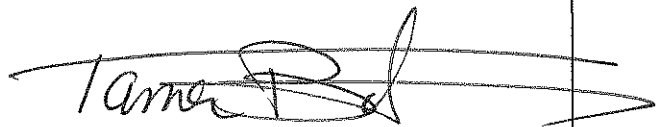
5
6 I, Tamer B. Botros, Esq., being first duly sworn, depose and says:

7
8 1. I am an attorney, duly licensed to practice law in the State of
9 Nevada, and I am one of the attorneys for Petitioners. The facts set
10 forth in this affidavit are known to me personally, or are based upon
11 my information and belief, and if called to do so, I would
12 competently testify under oath regarding the same.

13
14
15 2. I hereby certify that pursuant to NRAP 21(a)(5), this is a petition for
16 an extraordinary writ and hereby verify the facts stated therein are
17 within the knowledge of the Petitioners' attorney.
18

19 I declare under penalty of perjury under the laws of the State of Nevada that
20 the above information is true and correct.

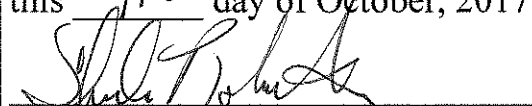
21
22 DATED this 9th October, 2017.



TAMER B. BOTROS, ESQ.

23
24
25 SUBSCRIBED AND SWORN to before me

26 this 9th day of October, 2017.

27 
28 NOTARY PUBLIC



I.

RELIEF REQUESTED BY PETITIONERS

An Order directing District Court Judge Ronald J. Israel to rule that the Thomas vs. Nevada Yellow Cab Corporation, 130 Nev., Adv. Op. 52 (2014) decision rendered on June 26, 2014 by this Honorable Court does not impose strict liability on Petitioners and allowing Petitioners to argue and present their pertinent affirmative defenses at the February 5, 2018 jury trial.

II.

ISSUE PRESENTED

Does the Thomas vs. Nevada Yellow Cab Corporation, 130 Nev., Adv. Op. 52 (2014) decision rendered by this Honorable Court on June 26, 2014 impose automatic strict liability and punitive damages on employers and families in the State of Nevada based on the 2006 Constitutional Minimum Wage Amendment (MWA) Article 15, Section 16, thereby preventing employers and families from defending claims made under the MWA?

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III.

STATEMENT OF FACTS

1. On September 20, 2017, Real Parties in Interest filed their Motion on an Order Shortening Time to Strike Petitioners' Affirmative Defenses. See Petitioners' Appendix **PA001-0081**.
2. On September 25, 2017, Petitioners filed their Opposition to the Motion to Strike Affirmative Defenses. See Petitioners' Appendix **PA0082-0104**.
3. On September 26, 2017, Real Parties in Interest filed a Reply. See Petitioners' Appendix **PA0105-0111**.
4. On October 3, 2017, the Honorable Judge Ronald J. Israel granted Real Parties in Interest Motion and struck Petitioners' affirmative defenses. See Petitioners' Appendix **PA0112-0119**.
5. Jury trial is currently scheduled on the first stack on February 5, 2018.
6. Petitioners have hearings on three (3) pending motions on October 24, 2017: Motion to Decertify Class Action, Motion to Dismiss Punitive Damages and Motion that 2 Year Statute of Limitations Apply pursuant to Perry vs. Terrible Herbst, 132 Nev., Advance Opinion 75 (October 27, 2016).

1 7. Deposition of Real Party in Interest Mr. Thomas is scheduled on October 9,
2 2017 and deposition of Real Party in Interest Mr. Craig is scheduled on
3 October 20, 2017.
4

5 8. Deposition of Nevada Labor Commissioner, Shannon Chambers is
6 scheduled on October 25, 2017 in Carson City, Nevada. However, the
7 Attorney General's Office has filed a Motion on October 4, 2017 on an
8 Order Shortening Time seeking Protective Order and to quash the subpoena
9 to the Labor Commissioner which is scheduled to be heard in front of the
10 Clark County Discovery Commissioner on October 18, 2017 at 9:30 a.m.
11 See Petitioners' Appendix **PA0120-0153**.
12
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15 9. Petitioners are in the process of scheduling the depositions of Governor
16 Brian Sandoval, who in 2005 was the Attorney General of Nevada and
17 drafted an Attorney General opinion that is referenced in the Complaint and
18 forms the basis of this class action matter.
19

20 10. Real Parties' in Interest allegations are that Petitioners' violation of the
21 MWA involved "malicious and/or dishonest and/or oppressive conduct"
22 warranting punitive damages.
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25 11. Real Parties in Interest also allege that Petitioners failed to seek "judicial
26 declaration of their obligation" and engaged in an "an intentional scheme to
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1 maliciously, oppressively and dishonestly deprive its taxi driver employees
2 of the hourly minimum wage.”

3
4 **IV.**

5 **STATEMENT OF REASONING FOR THE ISSUANCE OF A WRIT**

6 A Writ of Mandamus is available “to compel the performance of an act that
7 the law requires as a duty resulting from an ‘office, trust or station’ or to control an
8 arbitrary or capricious exercise of discretion.” Int'l Game Tech., Inc. v. Second
9 Judicial Dist. Court, 124 Nev. 193, 197, 179P.3d 556, 558 (2008); NRS 34.160.

10
11
12 There is no adequate and speedy remedy at law available. Petitioners are facing
13 the certainty of proceeding to jury trial on February 5, 2018 without any
14 affirmative defenses they can argue and present to the jury because the Honorable
15 Judge Ronald Israel struck Petitioners’ affirmative defenses, thereby preventing
16 Petitioners from putting on a defense and effectively and conclusively violated
17 Petitioners’ Fifth and Fourteenth Amendments due process rights under the United
18 States Constitution. This is an important issue of law with enormous statewide
19 impact requiring a ruling and because an appeal from the final judgment would not
20 constitute an adequate and speedy legal remedy since the jury trial starts on
21 February 5, 2018. Given the urgent need for resolution, Petitioners respectfully
22 request that this Honorable Court entertain the merits of the Petition on an
23 expedited basis.
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1 **A. Thomas vs. Nevada Yellow Cab Does Not Impose Strict Liability and**
2 **Punitive Damages on Nevada Employers**

3 In this case, on June 26, 2014, this Honorable Court decided the
4 *Thomas* case and recognized in its decision, that at the time, there were two (2)
5 conflicting laws regarding the same subject matter, namely NRS 608.250(2) and
6 the 2006 Constitutional MWA. The Court also recognized that employers were put
7 in the most impossible and unenviable position in choosing between which legal
8 provision to follow, on the same exact subject matter. Following passage of the
9 Nevada MWA in 2006, the statutory exemption for taxicab and limousine drivers
10 remained. There was no express or implied repeal at that time and in the years
11 following. In addition, the Nevada Labor Commissioner comported with NRS
12 608.250(2). Up until June 26, 2014, NRS 608.250(2) was the law that employers
13 and families were following and it was reasonable to do so. Therefore, this
14 Honorable Court decided, that from June 26, 2014 it would make clear to
15 employers, employees and families in the State of Nevada what the current law on
16 minimum wage would be moving forward. The decision is clear and speaks for
17 itself.
18

19 There is nothing in the *Thomas* decision nor in the MWA either directly or
20 indirectly, that supports the proposition of imposing automatic strict liability on
21 employers and families without being afforded the opportunity to defend these
22 allegations at a jury trial and for the trier of fact to ultimately make the decision as
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1 to liability regarding employers and families. The Honorable Judge Ronald Israel
2 has effectively and conclusively taken this case from the direct province of the jury
3 and ruled that Petitioners will not be permitted to offer the jury any pertinent
4 affirmative defenses to the alleged claims by Real Parties in Interest, despite the
5 fact that affirmative defenses were properly and timely plead with full knowledge
6 of Real Parties In Interest.
7

8
9 The implications of finding that the Thomas decision and MWA impose
10 automatic strict liability and punitive damages on Nevada employers and families
11 are enormous and profound, and will likely cause the dissolution and
12 extinguishment of the entire taxicab and limousine industry in the State of Nevada.
13 Furthermore, it is will highly likely open the door to a multitude of class action
14 lawsuits, especially considering the list of exemptions under NRS 608.250(2) that
15 were completely eliminated by the Thomas decision which included casual
16 babysitters, domestic service employees, outside salespersons, agricultural
17 employees, persons with severe disabilities and limousine and taxicab drivers.
18 Each of these categories now pose a cluster of enormous potential class action
19 lawsuits that, should the Honorable Judge Israel's ruling be affirmed, will result in
20 the likely bankruptcy of families who hired casual babysitters and domestic service
21 workers, businesses who hired outside sales personnel, farms who employed
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1 agricultural workers and charitable organizations who employed workers with
2 severe disabilities.

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4 **B. Petitioners Are Entitled To Defend Allegations At Trial Under Due**
5 **Process Clause of Fifth and Fourteenth Amendments to the United**
6 **States Constitution**

7
8 Petitioners are entitled to defend these allegations at trial and to explain to
9 the jury the circumstances and facts that existed on the issue of NRS 608.250(2)
10 and how it operated with the enactment of MWA and how there was pervasive
11 confusion at the Office of Labor Commissioner on what to inform employers and
12 families and on the method and procedure to enforce both laws, which ultimately
13 lead this Honorable Court to rule the way it did in *Thomas*. In this case, NRS
14 608.250(2) was the law that employers and families were following until the
15 *Thomas* decision. Following passage of the MWA in 2006, the statutory exemption
16 for taxicab and limousine drivers remained on the books and effective (NRS
17 608.250(2)). There was no express or implied repeal at that time and in the years
18 following. In 2009, Federal Judge Clive Jones was the first jurist to weigh in on
19 the question of “implied repeal,” interpreting Nevada law in the *Lucas v. Bell*
20 *Trans*, 2009 WL 2424557 (D. Nev. 2009) case. His decision against “implied
21 repeal,” although not binding on this Honorable Court, was nonetheless the only
22 statement of competent judicial authority on the Nevada law question, and
23 remained so until *Thomas* and it was legitimate and reasonable for Petitioners,
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1 including the entire taxicab and limousine industry and families to have relied on
2 the Lucas decision. All during those years from 2006 until June 26, 2014,
3 employers, employees and families followed the law as interpreted by Judge Jones,
4 and were reasonable in doing so, since this Honorable Court had not spoken
5 otherwise. In addition, the Nevada Labor Commissioner comported with that state
6 of affairs, and continued to recognize NRS 608.250(2) exemptions. Petitioners
7 will be taking the deposition of the Labor Commissioner, Shannon Chambers on
8 October 25, 2017. It is Real Parties' in Interest position that the Office of Labor
9 Commissioner no longer exists and Petitioners should be strictly liable and
10 subjected to punitive damages for relying and following the guidelines of the
11 Office of Labor Commissioner.

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15
16 The Thomas decision made it clear that the exemptions under NRS
17 608.250(2) no longer apply. NRS 608.250(2) contained exemptions in effect since
18 1965, which employers and families hiring casual babysitters and domestic service
19 workers, reasonably and legitimately relied upon. The intent of the Thomas
20 decision was **not to punish** Petitioners including other employers and families who
21 reasonably and legitimately relied upon NRS 608.250(2). Rather, the intent of
22 Thomas was to make one conclusive opinion on minimum wage law and to clarify
23 the law in Nevada.
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1 The Nevada Department of Business and Industry which oversees the
2 Nevada Office of Labor Commissioner, agrees that there were uncertainties in the
3 law as it related to NRS 608.250(2) and MWA. The trier of fact must be informed
4 of these uncertainties and all the relevant facts which formulates the basis of
5 Petitioners' defense to the alleged claims. However, the Attorney General's Office
6 is hindering Petitioners' due process rights by filing a flimsy Motion for Protective
7 Order in an attempt to shield the current Labor Commissioner and prior Labor
8 Commissioners from testifying and revealing the truth about the mass confusion
9 and uncertainty about the law that plagued that office and how it was unable to
10 provide any meaningful answers to employers and families seeking clarification on
11 Nevada law. After the *Thomas* decision was rendered, the publication, The
12 Business Advocate, contained an article titled, "A Minimum Wage Guide for
13 Nevada Employers," where it stated:

19 While the constitutional amendment **did not directly conflict** with the
20 exemptions outlined in NRS 608.250, its passage created some
21 **uncertainty**. It was this **uncertainty** that the Nevada Supreme Court
22 addressed this past summer in *Thomas v. Nevada Yellow Cab*, 130
23 Nev. Adv. Op. 52 (2014). In its opinion, the Nevada Supreme Court
24 found that exemptions outlined in the Nevada Constitution supersede
25 the exemptions previously provided for in NRS 608.250. The only
26 individuals who are exempt from the payment of minimum wage,
27 according to the Nevada Supreme Court, are those specifically
28 outlined in the constitutional amendment.

27 What does this decision mean for Nevada's employers? It means that
28 **employers who have previously relied on the exemptions outlined
in NRS 608.250** will be mandated to pay minimum wage to

1 individuals not specifically exempted in the Nevada Constitution. See
2 Page 7 of “A Minimum Wage Guide for Nevada Employers,” Winter
3 2014 as Petitioners’ Appendix **PA-0154-0161**.

4 In the article, the department that oversees the Office of Labor Commissioner,
5 clearly admitted and publicly announced that employers and families reasonably
6 and legitimately relied on the exemptions under NRS 608.250(2) prior to the
7 Thomas decision and that there existed uncertainty as to Nevada law. Petitioners
8 were among those employers who reasonably and legitimately relied on the
9 exemptions prior to the Thomas decision, and thus should not be punished and
10 have strict liability be imposed on them without the opportunity to defend the
11 allegations and put on a defense at the jury trial. The jury must be presented with
12 this evidence as well as the testimony of the Labor Commissioners in defending
13 these claims. Judge Israel’s ruling violates Petitioners’ basic due process right
14 guaranteed under the Fifth and Fourteenth Amendments of the United States
15 Constitution. The Attorney General’s Office is hindering Petitioners’ search for the
16 truth by seeking to quash the subpoena and prevent any Labor Commissioner,
17 either current or former, from testifying under oath and is attempting to hide
18 behind “executive privilege,” when it possesses specific information that will
19 prove to the jury that Petitioners followed the law as instructed by the Labor
20 Commissioner and hence are not liable to Real Parties in Interest. The Attorney
21 General’s Office is perhaps concerned that the Office of Labor Commissioner may

1 be culpable and held civilly liable for the confusion and uncertainty that existed in
2 2006 and its inability to inform Nevada employers and families accurately and
3 confidently on Nevada law, when as the office tasked to enforce Nevada labor
4 laws, it was duty bound to provide Nevada employers and families with accurate
5 information on the current minimum wage law that existed in 2006 after the
6 passage of the MWA.
7

8
9 The Thomas decision was not rendered to punish Petitioners including other
10 employers and families who reasonably and legitimately relied upon NRS
11 608.250(2). Imposition of automatic strict liability without having the opportunity
12 to inform the jury about Petitioners' defenses to claims of punitive damages, would
13 effectively extinguish the entire taxicab and limousine industry in the State of
14 Nevada. If members of the taxicab and limousine industry are forced to proceed to
15 trial without being afforded any defenses on an erroneous reading of Thomas and
16 MWA, that it imposes strict liability on employers, it would be a violation of due
17 process under the Fifth and Fourteenth Amendments of the United States
18 Constitution. It would also be a violation of due process to permit the Attorney
19 General's Office to shield the current and former Labor Commissioners from
20 testifying about key issues of fact that will highly likely provide an absolute
21 defense to Petitioners in the upcoming February 5, 2018 jury trial.
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V.

CONCLUSION

Based on the foregoing points and authorities, Petitioners urgently and respectfully request that this Honorable Court grant the Emergency Petition For Writ of Mandamus.

DATED this 9th day of October, 2017.

YELLOW CHECKER STAR
TRANSPORTATION CO. LEGAL DEPT.

/s/ Tamer Botros
MARC C. GORDON, ESQ.
GENERAL COUNSEL
Nevada Bar No. 001866
TAMER B. BOTROS, ESQ.
SENIOR LITIGATION COUNSEL
Nevada Bar No. 012183
5225 W. Post Road
Las Vegas, Nevada 89118
Attorneys for Petitioners

1 **Certificate of Compliance with N.R.A.P Rule 28.2**

2
3 I hereby certify that this Petition complies with the formatting requirements
4 of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style
5 requirements of NRAP 32(a)(6) because this brief has been prepared in a
6
7 proportionally spaced type face using 14 point Times New Roman typeface in
8 Microsoft Word 2016.

9
10 I further certify that this Petition complies with the page-or type volume
11 limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by
12 NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or
13
14 more and contains 3,828 words.

15
16 Finally, I hereby certify that I have read this Petition, and to the best of my
17 knowledge, information, and belief, it is not frivolous or interposed for any
18 improper purpose. I further certify that this Petition complies with all applicable
19 Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires
20 every assertion in the brief regarding matters in the record to be supported by a
21 reference to the page and volume number, if any, of the transcript or appendix
22
23 where the matter relied on is to be found.
24

25 ///

26 ///

1 I understand that I may be subject to sanctions in the event that the accompanying
2 Petition is not in conformity with the requirements of the Nevada Rules of
3 Appellate Procedure.
4

5 DATED this 9th day of October, 2017.

6 YELLOW CHECKER STAR
7 TRANSPORTATION CO. LEGAL DEPT.

8 /s/ Tamer Botros
9 MARC C. GORDON, ESQ.
10 GENERAL COUNSEL
11 Nevada Bar No. 001866
12 TAMER B. BOTROS, ESQ.
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1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies that on October 9th, 2017, service of the
3 foregoing, **PETITION FOR WRIT OF MANDAMUS** and **PETITIONERS’**
4 **APPENDIX** was made by depositing same in the U.S. mail, first class postage,
5 prepaid, addressed as follows:
6

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25 For **Yellow Checker Star**
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