

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.)
_____)

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PETITIONERS' REPLY APPENDIX - Volume II

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1 A. Yeah. And, again, we -- there are many
2 aspects of employment law that's not -- that are not
3 within the jurisdiction of Labor Commissioner, as
4 I'm sure you know.

5 Q. Uh-huh. When did you first become
6 familiar with the -- and I apologize for jumping
7 around. It's just your answers answer a lot of my
8 followup questions so I'm going to jump around.

9 When did you first read the 2005 Attorney
10 General opinion?

11 A. It was probably when Commissioner Tanchek
12 first made me aware that there was -- the Bell Trans
13 case was pending.

14 Q. I believe you testified earlier, and I
15 will ask you first to confirm or deny it, which is
16 fine, that you don't know of any malicious conduct
17 by the Defendants in this case; did I get that
18 correct?

19 A. Well, again, I haven't heard any evidence
20 in this case or any reason for that to come to my
21 attention. I mean, my knowledge of this is limited
22 to this deposition.

23 Q. Prior to the deposition, you had
24 conversations with Counsel Botros?

25 A. Yes, I did. I received notice that there

1 was a deposition. I informed him that I no longer
2 lived in Nevada, that I had moved. He asked me if --
3 he asked me if he could take my deposition.

4 I said, of course, I would be happy to. I
5 don't know -- I said, frankly, I don't know what I
6 could offer beyond my Affidavit.

7 And he said, there's additional questions
8 I really want to ask you based upon your experiences
9 with the office.

10 And at that point I said, well, too bad,
11 but go a right ahead and I'll be -- I will -- and
12 then there was a followup as far as some dates of
13 availability, and, again, the first one I mentioned
14 to him was today's date and he said they would be
15 happy with that.

16 **Q. Have you ever had any discussions with**
17 **Mark Gordon, Attorney Mark Gordon?**

18 A. I believe so. I think I dealt with him in
19 transportation matters.

20 **Q. Anything relating to any of the minimum**
21 **wage topics we discussed today?**

22 A. I have no idea. It's --

23 **Q. Sorry. Let me take that back, or let me**
24 **qualify that.**

25 A. Go right ahead.

1 Q. That you recall sitting here today?

2 A. It's possible. Most of the discussions I
3 had with Mark really involved transportation
4 matters. He may have mentioned something. It's
5 even possible that he was the person that asked me
6 to do the Affidavit. But I honestly don't recall.
7 I wish I could recall who it was. I would be very
8 upset with them now.

9 Q. Sitting here today, is it correct -- would
10 it be correct to say that, notwithstanding your
11 response to the last few questions, that you are
12 certain that you never told -- you, yourself never
13 told anyone at Yellow Checker Star that Subsection
14 250 of the statute survived the Nevada Minimum Wage
15 Amendment?

16 MR. BOTROS: Objection as to form, vague,
17 ambiguous and overbroad.

18 You can answer.

19 BY MR. MOAS:

20 Q. Let me withdraw it because it's an
21 important question and I was thinking I could do it
22 in one question what will take ten, but --

23 A. Go ahead.

24 Q. It's correct to say that you don't,
25 sitting here today, you don't recall all of the

1 **discussions you had with Mr. Gordon; correct?**

2 A. Correct.

3 **Q. And do you recall other discussions you**
4 **had with any other officers, managers or directors**
5 **at Yellow Checker Star?**

6 A. I don't recall having any discussions with
7 anybody at Yellow Checker Star. Again, it's my lack
8 of knowledge. I don't know if Mr. Gordon was
9 involved or represented Yellow Checker. If he did,
10 frankly, I don't recall it. But I don't recall
11 having any discussions about anything dealing with
12 employment law with any other representative of that
13 company.

14 **Q. And regardless -- regardless to that**
15 **recollection, during -- it is your testimony today**
16 **that, during your time with the Labor Commissioner,**
17 **you did not give a directive that Section or**
18 **Subsection 250 was still applicable, notwithstanding**
19 **the Nevada Minimum Wage Amendment?**

20 A. No. Again, any comment was exactly using
21 the language I have used probably more than a dozen
22 times today. I was very precise in the language I
23 used.

24 **Q. And that would be -- that consistency**
25 **would be true with any conversations that you may or**

1 may not have had with Yellow Checker Star or its
2 employees?

3 A. It was consistent with any discussion I
4 had with anybody.

5 Q. Okay. That gets me to my -- that gets me
6 to that bottom line.

7 A. Go ahead.

8 Q. Would it be reasonable for -- you
9 testified earlier, you answered questions with
10 regards to reasonable reliance and what would be
11 reasonable reliance from a company.

12 As a followup to those questions, and not
13 that I think that they -- and under the same caveat
14 as what I started these lines of questioning with
15 regard to the relevancy, but needing to make a
16 record --

17 A. Of course.

18 Q. Do you think it would be reasonable for a
19 company to rely on what a staff member told them
20 over a phone call from the Labor Commissioner's
21 office as opposed to requesting a formal advisory
22 opinion?

23 MR. BOTROS: Objection, vague, ambiguous
24 and overbroad.

25 You can answer, Commissioner.

1 **THE WITNESS:** Well, I don't know. You're
2 asking me what I would do versus what a
3 businessperson would do, and it may be two very
4 different things.

5 **BY MR. MOAS:**

6 **Q. Sure.**

7 **A.** I think an attorney may ask very different
8 -- approach it very differently than a small
9 business owner would.

10 **Q. Sure.**

11 **A.** So, again, if you're asking my personal
12 opinion, my personal opinion, unfortunately, based
13 upon me being an attorney for well over 30 years and
14 being involved in quite a bit of litigation, so I
15 don't think my answer would be necessarily the same
16 as most small business owners.

17 **Q. Okay. And you're the only person that's**
18 **in the hot seat, and so based on your experience,**
19 **would your previous testimony change if we lowered**
20 **the standard in terms -- in determining whether or**
21 **not to punish, using counsel's words, an employer,**
22 **if we lowered that standard from malicious conduct**
23 **to simply conscious disregard?**

24 **MR. BOTROS:** Objection, vague, ambiguous
25 and overbroad. Calls for legal conclusion.

1 Also, asks him to speculate on his prior
2 testimony based on lack of foundation, hypothetical.

3 However, you can answer, Commissioner.

4 **THE WITNESS:** Well, again, I think I
5 showed a reluctance to answer that question when it
6 was posed earlier. The reason is, I don't know what
7 evidence there is of any of the malicious conduct or
8 any lower degree of conduct would be.

9 So, again, that's not really something I'm
10 comfortable answering.

11 **BY MR. MOAS:**

12 **Q.** And so would that apply both for a
13 malicious conduct standard or a conscious disregard
14 standard that you wouldn't feel comfortable
15 answering it one way or the other?

16 **MR. BOTROS:** Objection, asked and
17 answered.

18 **THE WITNESS:** Yeah. And again, I don't
19 recall what my earlier answers were.

20 **BY MR. MOAS:**

21 **Q.** I'm not trying to be argumentative.

22 **A.** That's fine.

23 **Q.** I think you were asked earlier whether or
24 not you think YCS has conducted any malicious
25 conduct, and you said, no, I don't know of any and

1 **that they --**

2 A. Well --

3 **Q. -- so my line of questioning goes to that.**

4 A. Again, my answer was I don't know of any
5 evidence I believe that would demonstrate any
6 behavior. But, again, I have not been privy to
7 anything in this lawsuit other than the deposition
8 I'm taking of, you know, taking today, and I believe
9 there may have been some reference to the Supreme
10 Court decision, and I didn't notice anything in that
11 decision that referenced malicious conduct.

12 I believe that was my answer. If it
13 wasn't, maybe -- I hope I clarified it a little bit.

14 **Q. Yeah, I think that clarifies it.**

15 A. Okay.

16 **Q. When employers or employees had a dispute**
17 **that was brought to your attention during your term**
18 **at the Labor Commissioner's office, would an**
19 **employer's ignorance of the minimum wage be an**
20 **excuse that they could use with your office?**

21 A. No, of course not.

22 **Q. If an employer came to you, and I'm posing**
23 **a hypothetical, and says, well, I thought the**
24 **minimum wage was \$4 an hour, would that make a**
25 **difference as to how much they would be required to**

1 **pay?**

2 A. No. They -- employers are required to pay
3 the minimum wage. Any claim filed with us, we made
4 the employee whole with regard to -- they were
5 entitled to all wages due.

6 And, again, regardless of what the -- what
7 the belief of the employer was, they had to -- the
8 employees had to be paid a minimum wage of either
9 \$7.25 or \$8.25 an hour depending on the tier. We
10 never accepted a lower amount than what they were
11 due by law.

12 **Q. But what if the employer had really and**
13 **truly believed that the minimum wage was \$4 an hour?**

14 A. I don't believe really and truly believing
15 something changes the law. It's the statute -- it's
16 a requirement and the law to pay the minimum wage.

17 **Q. And did you intend for your testimony with**
18 **regards to whether or not there is strict liability**
19 **to change in any way the response that you just gave**
20 **me?**

21 A. Well, with regard to -- what do you mean
22 by strict liability? If you mean by strict
23 liability that they are responsible for paying the
24 minimum wage, that's a requirement, and of course
25 they are responsible for paying any and all wages

1 due.

2 Q. So if an employer thought it was \$5 an
3 hour and it was really \$6 an hour and that employee
4 was owed \$1, regardless to what the employer
5 believed; is that correct?

6 MR. BOTROS: Objection, misstates
7 testimony and also incomplete hypothetical and does
8 not reference the actual NRS 608.250 exemptions.

9 You can answer.

10 THE WITNESS: If an employee is due the
11 minimum wage, that's what the employee is due. And
12 that is what the order issued by our office would
13 reflect.

14 BY MR. MOAS:

15 Q. Okay. And I understand, I'm not here --
16 I'm not trying to trick you. I -- and it will be a
17 discussion later with the Court in terms of some of
18 the issues and how they were posed to you.

19 A. Sure.

20 Q. In terms of the record. Did you, in
21 participating -- in preparing for your deposition,
22 did you notify the Labor Commissioner's office that
23 you were appearing for a deposition?

24 A. No, I didn't.

25 Q. Are you here in any official capacity on

1 behalf of the state?

2 A. No, I'm not.

3 Q. And were you advised by Defendant's
4 counsel that there was previously a subpoena to the
5 Labor Commissioner's office?

6 A. No, I wasn't.

7 Q. Have you been advised that the discovery
8 Commissioner quashed the subpoena to the Labor
9 Commissioner's office?

10 A. No, I wasn't.

11 Q. And did you choose -- excuse me, did you
12 have the opportunity to -- I'm sorry, I'm mixing my
13 words here. Give me one second.

14 I apologize, my screen just froze. Give me
15 one second. I think I just have two or three
16 questions and I'm done.

17 During your time at the Labor
18 Commissioner's office, were you aware of any
19 companies within the Subsection 250 exemption that
20 simply chose to pay the Nevada minimum wage?

21 A. I believe there were some that did, but,
22 again, I wasn't directly involved in those
23 negotiations or discussions or those claims.

24 Q. Would paying -- would paying those --
25 would paying the minimum wage have alleviated --

1 **sorry, let me take that back.**

2 **Would it be correct to say that employers**
3 **were not required to choose one way or the other**
4 **whether or not the Nevada minimum wage applied to**
5 **them?**

6 **MR. BOTROS:** Objection, vague, ambiguous
7 and overbroad and confuses the issue with the vast
8 complexities that Commissioner Sakelhide testified
9 to, but you can answer.

10 **THE WITNESS:** Would you rephrase that?
11 I'm not sure I understood.

12 **BY MR. MOAS:**

13 **Q. It was poorly worded. It was up to an**
14 **employer to choose what pay rate to pay an employee;**
15 **is that correct?**

16 **A.** It was up to an employer --

17 **MR. BOTROS:** Objection, vague, ambiguous
18 and overbroad. You can answer.

19 **THE WITNESS:** Well, I, again, I'm not
20 sure what your question is. The --

21 **BY MR. MOAS:**

22 **Q. I guess the bottom line is what I'm trying**
23 **to get at.**

24 **A.** Go right ahead.

25 **Q. Employers didn't have to choose between**

1 paying the minimum -- complying with the minimum
2 wage and being under Section 250; they could have
3 avoided this entire dispute by simply paying the
4 minimum wage?

5 MR. BOTROS: Objection, vague, ambiguous
6 and overbroad and lacks foundation.

7 You can answer.

8 THE WITNESS: Well, again, 250 either
9 applied or didn't apply. Again, that wasn't
10 resolved until the Supreme Court Order was issued as
11 to whether those would be retained.

12 There are quite a few other aspects that
13 could determine what an employer was obligated to
14 pay or not pay an employee. There were times the
15 minimum wage applied. There were the two-tiered
16 system where an employer could choose to offer or
17 choose not to offer the employee health insurance,
18 which would change what the wages are due.

19 There are provisions under Section 16 and
20 also under 16, Section 16 with regard to contracts
21 with employees that were -- negotiated contracts
22 with employees that were through, basically, a union
23 or non-union.

24 So, again, those things could change what
25 an employee was required to pay. They could choose

1 to opt into or opt out of that.

2 **BY MR. MOAS:**

3 **Q. Okay. At the end of the day, employers**
4 **were not required to treat themselves as exempt or**
5 **not under Section -- Subsection 250; is that**
6 **correct?**

7 **MR. BOTROS:** Objection, lacks foundation,
8 misstates the testimony, vague and ambiguous and
9 overbroad. You can go ahead and answer.

10 **THE WITNESS:** Again, rephrase the
11 question again.

12 **BY MR. MOAS:**

13 **Q. Sure. Employers were not required to**
14 **claim an exemption under Section 250 that you were**
15 **aware of?**

16 **A. No. It was basically -- it was, if a wage**
17 **claim was filed, they could claim that they fell**
18 **under one of the exemptions.**

19 **Q. I understand.**

20 **A. Yeah.**

21 **Q. So --**

22 **A. But either they did or they didn't.**

23 **Q. Okay. With regard to taxicab drivers, if**
24 **an employee was discharged, would the Labor**
25 **Commissioner during your time there have a directive**

1 that they would need to be paid the compensation
2 immediately when they were fired?

3 A. Yeah, there is --

4 Q. I'm going to kind of other rules, and
5 there's a reason for that.

6 MR. BOTROS: Just to let you know,
7 counsel, I'm going to object to this line of
8 questioning, the reason being we have a Court Order
9 that any claims under 608.040 have been dismissed
10 with prejudice regarding that claim that you're
11 asking.

12 BY MR. MOAS:

13 Q. Okay. Go ahead.

14 A. Okay. Yeah. There are provisions with
15 regard to payment of wages upon termination.

16 Q. Okay. And those apply to, under your
17 recollection, those apply to taxicab drivers as
18 well; correct?

19 A. They would apply to anybody. The question
20 goes to doing an assessment as to what they are
21 owed, if they would have been subject to 250.

22 MR. MOAS: Let's go ahead and now go to
23 Exhibit No. 12.

24 (Deposition Exhibit No. 12 was marked for
25 identification.)

1 BY MR. MOAS:

2 Q. Let me just make a record. You have -- do
3 you have it in front of you?

4 A. I have it in front of me. I don't have a
5 magnifying glass, though. This is beyond tiny
6 print.

7 Q. We E-mailed it, too, so that it would come
8 across as clearly as possible, but this is how it
9 was produced.

10 A. It's clear, but the font is -- if you're
11 as old as I am, you would have trouble, too.

12 Q. Fair enough. So let me make a record
13 first. I will make the representation that this
14 came from our files. It was produced at a minimum
15 by the Defendants in, I believe, the third
16 supplement of Bates No. 1547, 1548 is what it's been
17 named.

18 It is two documents -- two pages, sorry --
19 put together as one exhibit and titled Rules to Be
20 Observed By Employers. The first one has a revised
21 date of 7/1/2010. The second one has a revised date
22 on the bottom left of 11/7/2011. And these were
23 rules to be observed by employers (sic) that were
24 provided to employers.

25 Did I correctly characterize what those

1 **documents are?**

2 A. Is that accurate, Rules to Be Observed By
3 Employers, that's what the caption is on top?

4 **Q. Got it. And are you familiar with this**
5 **document?**

6 A. No, I'm not.

7 **Q. I'm sorry?**

8 A. No. This is the first time I have seen
9 it.

10 **Q. Well, then.**

11 **MR. BOTROS:** What are you going to plan on
12 doing, counsel, because he's clearly testified this
13 is the first time he has seen it, so I don't know.

14 **BY MR. MOAS:**

15 **Q. I'm sorry, I thought I asked you, will you**
16 **take a look at the first page including the 13 items**
17 **there?**

18 A. Okay. I'm not being difficult, but I --
19 the print is really too small for me to read.

20 **Q. Okay. Let's go one by one.**

21 A. Go right ahead.

22 **Q. The first item says, discharge of**
23 **employee. Whenever an employer discharges an**
24 **employee, the wages and compensation earned and**
25 **unpaid at the time of such discharge shall become**

1 due and payable immediately.

2 Did you have any reason to believe during
3 your time with the Labor Commissioner that that
4 general rule was inapplicable to taxicab companies?

5 MR. BOTROS: Objection, asked and
6 answered.

7 THE WITNESS: No, no reason to believe
8 that.

9 BY MR. MOAS:

10 Q. Okay. The second one, quitting employees.
11 Whenever an employee resigns or quits his
12 employment, the wages and compensation earned and
13 unpaid at the time of his resignation or quitting
14 must be paid no later than the day on which he would
15 have regularly been paid or seven days after he
16 resigns or quits, whichever is earlier.

17 Do you see that?

18 A. Yes, I do.

19 Q. Same question, any reason to believe that
20 didn't apply to taxicab companies?

21 A. No reason.

22 Q. Will you take a look at No. 3, and same
23 question; if you like, I can read it out loud.

24 A. I honestly can't read it.

25 Q. Okay. An employer shall not employ an

1 employee for a continuous period of eight hours
2 without permitting the employee to have a meal break
3 for at least a half an hour. No period of less than
4 30 minutes interrupts a continuous period of work.

5 Do you see that?

6 A. Yes, I do.

7 Q. Any reason not to believe that that did
8 not apply to taxicab companies?

9 A. I don't recall. Not that I'm aware of.

10 Q. Okay.

11 A. These are general provisions. There are
12 provisions that are, basically, type of employment-
13 specific that may deviate one way or the other from
14 the requirements.

15 Q. I'm going to take you to the middle of No.
16 7.

17 A. Okay.

18 Q. And this kind of gets us to where we need
19 to be. And it says, the above provisions -- it
20 says, No. 7 has two provisions. The first one says,
21 an employer shall pay one and a half times an
22 employee's regular wage rate whenever an employee
23 whose wage rate is less than one and a half times
24 the minimum rate prescribed pursuant to the
25 Constitution of the State of Nevada, semicolon, A,

1 works more than 40 hours in any scheduled work week.

2 A. Okay.

3 Q. Or B, works more than eight hours in any
4 workday, unless by mutual agreement the employee
5 works a scheduled ten hours per day for four
6 calendar days within a scheduled week of work.

7 Do you recall, generally, this type of
8 rule?

9 A. I recall generally that type of rule.
10 There are, as you probably know, there are
11 exceptions to that rule.

12 Q. Sure. The second paragraph says, an
13 employer -- I'm sorry, with regard to the rule that
14 I just mentioned, or the two items, the A and B that
15 we just mentioned, was there a shorthand way which
16 you would refer to that in the past?

17 A. These are the daily and weekly overtime
18 requirements.

19 Q. Okay.

20 A. Is that what --

21 Q. And -- okay. The second paragraph says,
22 an employer shall pay one and a half times an
23 employee's regular wage rate whenever an employee
24 whose wage rate is one and a half times or more than
25 the minimum rate prescribed pursuant to the

1 Constitution works more than 40 hours in any
2 scheduled week of work?

3 A. Yes.

4 Q. Do you see that second paragraph there in
5 7?

6 A. Yes, I do.

7 Q. So what we have here, and correct me if
8 I'm wrong, are two provisions, one which says there
9 is a daily and weekly overtime, and the second that
10 says that if an employee is making a certain amount,
11 then it's only a weekly calculation.

12 Does that summarize it?

13 A. It's a simple way of looking at it, yeah.

14 Q. Yeah. It's really the following provision
15 that is what I have a question about. And the
16 following provision says, the above provisions do
17 not apply to, and then colon, and then it goes all
18 the way down to, let's say, letter J, drivers of
19 taxicabs or limousines.

20 A. Yes.

21 Q. I will make the representation that it's
22 been previously said in this case that that
23 paragraph there was applicable to all of the rules
24 that were provided to employers in this document.
25 Would you read that the same way?

1 A. Okay. Would you rephrase that again? If
2 that provision was applicable to --

3 Q. That this paragraph -- this qualifying
4 paragraph that says, the above provisions do not
5 apply to, and then relevant for our case, drivers of
6 taxicabs?

7 A. Yes.

8 Q. That it applies to all of the above rules
9 as opposed to just the daily and weekly overtime
10 requirements?

11 A. Go ahead.

12 Q. And so my question to you is whether or
13 not that would be consistent with the directive that
14 you discussed earlier?

15 A. I, frankly, believe it's apples and
16 oranges.

17 Q. Okay. How so?

18 A. Well, the question -- you're asking
19 whether or not -- the question is different whether
20 or not 250 survived, as to whether or not exceptions
21 to the daily and weekly overtime apply. I really
22 view those as two separate issues.

23 Q. Okay. Item No. 5 on this list says,
24 effective July 1, 2010, each employer shall pay a
25 wage to employee of not less than \$7.25 an hour if

1 the employee provides health benefits, or \$8.25 per
2 hour if the employee does not provide benefits.

3 Setting aside the caveat that you provided
4 -- that you gave us on the difference between
5 provided and offer, setting that aside, you
6 recognize that this Section 5 speaks to the Nevada
7 Minimum Wage Amendment and the two-tier system we
8 have been discussing; correct?

9 A. That's correct.

10 Q. And that goes then back to the question
11 with regards to the caveat in Section 7, and whether
12 or not it would be consistent with the directive
13 provided to read this caveat to apply only to
14 Section 7 or to Section 1 through 7?

15 MR. BOTROS: Objection, vague, ambiguous,
16 overbroad and asked and answered. You can go ahead
17 and answer.

18 THE WITNESS: Again, I'll give the same
19 answer I gave before.

20 BY MR. MOAS:

21 Q. I'm sorry, and that is?

22 A. There are aspects of this that are --
23 aren't related to the decision issued in Lucas. I
24 don't know if that has been, again, addressed as to
25 whether or not those overtime exceptions or

1 exemptions went away with the Constitutional
2 amendment or not.

3 So, again, I lack, you know, the
4 historical knowledge to know whether that has been
5 addressed or not addressed.

6 Q. I understand. Okay. The final thing is
7 you provided your name and address, and I know
8 counsel has your -- the rest of your contact
9 information.

10 Would you mind providing a telephone
11 number --

12 A. Sure.

13 Q. -- where you can be reached at?

14 A. Actually, I don't even know what my tele -
15 - I have to turn my cell phone on. The easiest way
16 to reach me is E-mail, and that's my first initial
17 and last name @yahoo.com.

18 Q. I'm sorry, did you say yahoo.com?

19 A. Ksakelhide@yahoo.com. That's probably the
20 best way to reach me.

21 MR. MOAS: That's all I have. I appreciate
22 your patience.

23 MR. BOTROS: Thank you, counsel.

24 EXAMINATION

25 BY MR. BOTROS:

1 Q. Just one question, Commissioner Sakelhide,
2 before we end this. In all of your 30 plus years
3 experience in the legal field as attorney, in terms
4 of Commissioner, in terms of law, have you ever been
5 involved in a situation similar to this ever in the
6 entirety of your career where there are two laws on
7 the books and you are waiting for a court of
8 competent jurisdiction to render a ruling because
9 there are divergent views and uncertainty as to the
10 law, as best as you can remember?

11 A. Not that I can recall, not in areas I have
12 practiced in.

13 Q. Would that be something that, if you had
14 been involved prior to this issue, you would have
15 remembered because of the complexities of the case?

16 A. Most likely.

17 MR. BOTROS: I have no further questions
18 for you, Commissioner Sakelhide.

19 MR. MOAS: I'm sorry, one quick followup
20 because you opened the door, counselor.

21 THE WITNESS: Go ahead.

22 EXAMINATION

23 BY MR. MOAS:

24 Q. Given all the issues in this case that
25 were just discussed in terms of complexity, would

1 that change in any way the amount owed to the
2 employee under the Nevada Minimum Wage Amendment?

3 MR. BOTROS: Objection, calls for
4 speculation and legal conclusion and expert opinions
5 regarding amounts.

6 However, you can go ahead and answer,
7 Commissioner.

8 THE WITNESS: The amounts due, again, the
9 employees are entitled to be paid the minimum wage
10 or whatever wage is applicable in Nevada for any
11 hours worked, whether that be the minimum wage or
12 something else.

13 Again, that changes if, for example, if
14 there is a Collective Bargaining Agreement that very
15 often -- or I have seen some Collective Bargaining
16 Agreements where the employees are, quite frankly,
17 paid less than the minimum wage.

18 So, again, there are exceptions to the
19 rule.

20 MR. MOAS: Okay. That's all I have.

21 MR. BOTROS: No further questions,
22 Commissioner Sakelhide. Thank you.

23 THE VIDEOGRAPHER: This is the end of the
24 deposition of Keith Sakelhide. The court reporter
25 will now take the orders for the transcript.

1 **MR. BOTROS:** Yes, absolutely, Madame
2 Court Reporter. I would like it expedited. I would
3 like E-Trans, if you provide that, please, as well
4 as a hard copy to be delivered to my office pursuant
5 to my business card.

6 **MR. MOAS:** Counsel, do you want a rough,
7 too? Are you going to get a rough transcript, too?

8 **MR. BOTROS:** No. I'm asking for it to be
9 expedited. I need the expedited complete, not
10 rough, this deposition testimony.

11 **THE REPORTER:** Do you want a copy, Mr.
12 Moas?

13 **MR. MOAS:** Yeah, we'll take a copy. No
14 need to expedite it for us. We'll let Tamer pay for
15 that.

16 **MR. BOTROS:** I just want to be very clear
17 for the record, we are not paying for Mr. Moas'
18 deposition transcript. I want to be very clear. I
19 know he's joking, but that's okay, with his light-
20 hearted sense of humor at the end, which is fine,
21 but I want to be very clear we are not going to be
22 paying for Mr. Moas' deposition transcript.
23 However, we will pay the correct and absolute amount
24 with respect to an expedited of the complete
25 deposition transcript.

1 **THE VIDEOGRAPHER:** For the record, the
2 scheduling attorney, Mr. Tamer Botros, is getting
3 the video of today's deposition included in his
4 appearance fee.

5 The -- to the non-scheduling attorney, Mr.
6 Royi Moas, would you like to order a copy of today's
7 video deposition?

8 **MR. MOAS:** No, no need at this time.
9 Thank you, though.

10 **THE VIDEOGRAPHER:** All right. The time is
11 now 3:21 p.m., Eastern Standard Time, and we are off
12 the record.

13 **(At 3:21 p.m., the deposition was**
14 **concluded. Signature was waived.)**

1 CERTIFICATE OF VIDEOGRAPHER

2
3 I the undersigned, Kory Holtzman, am a videographer
4 on behalf of NAEGELI DEPOSITION AND TRIAL. I do
5 hereby certify that I have accurately made the video
6 recording of the deposition of Keith Sakelhide, in the
7 captioned matter on November 15, 2017, taken
8 at the location of Springhill Suites Boardroom, Pittsburg,
9 Pennsylvania 15212, consisting of 1 DVD(s).

10
11 No alterations, additions or deletions were made
12 thereto.

13
14 I further certify that I am not related to any of the
15 parties in the action and have no financial interest in
16 outcome of this matter.

17
18
19 /S/ Kory Holtzman

20 Videographer
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1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF ALLEGHENY)

SS

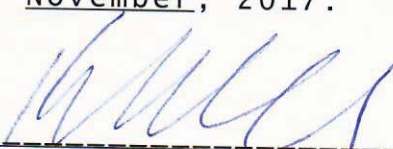
3 CERTIFICATE

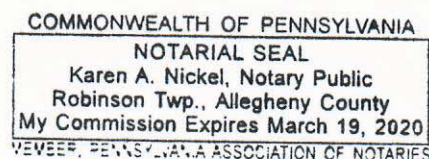
4 I, Karen A. Nickel, a notary public in and
5 for the Commonwealth of Pennsylvania, do hereby
6 certify that the witness, KEITH SAKELHIDE, was
7 by me first duly sworn to testify the truth,
8 the whole truth, and nothing but the truth;
9 that the foregoing deposition was taken at the
time and place stated herein; and that the said
deposition was recorded stenographically by me
and then reduced to typewriting under my
direction, and constitutes a true record of the
testimony given by said witness.

10 I further certify that the inspection,
11 reading and signing of said deposition were
12 waived by counsel for the respective parties
and by the witness.

13 I further certify that I am not a
14 relative, employee or attorney of any of the
15 parties, or a relative or employee of either
counsel, and that I am in no way interested
directly or indirectly in this action.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my seal of office this 19th
18 day of November, 2017.

19 
20 _____
21 Karen A. Nickel, Notary Public
22 Registered Professional Reporter
23 Certified Realtime Reporter



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Keith Sakelhide

1 DECLARATION

2 Deposition of: Keith Sakelhide Date: 11/15/17

3 Regarding: Thomas v Nevada Yellow Cab

4 Reporter: Nickel

5 _____

6
7 I declare under penalty of perjury the following to
8 be true:9
10 I have read the transcript and the same is true and
11 accurate save and except for any corrections as made
12 by me on the Correction Page herein.13
14 Signed at _____,
15 on the _____ day of _____, 2017.16
17
18
19
20
21
22 Signature _____

23 Keith Sakelhide

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