

Electronically Filed
Nov 03 2017 10:34 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS

RYAN M. ANDERSON, ESQ.

Nevada Bar No.: 11040

LAUREN CALVERT, ESQ.

Nevada Bar No.: 10534

MORRIS ANDERSON

716 S. Jones Blvd.

Las Vegas, Nevada 89107

Phone: (702) 333-1111

Email: lauren@morrisandersonlaw.com

MICHAEL J. RUSING, ESQ.

Arizona Bar No.: 6617 (*Admitted Pro Hac Vice*)

P. ANDREW STERLING, ESQ.

Nevada Bar No.: 13769

RUSING LOPEZ & LIZARDI, PLLC

6363 North Swan Road, Suite 151

Tucson, Arizona 85718

Phone: (520) 792-4800

Email: asterling@rlaz.com

Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

JACQUELINE FRANKLIN, ASHLEIGH
PARK, LILY SHEPARD, STACIE ALLEN,
MICHAELA DEVINE, SAMANTHA JONES,
KARINA STRELKOVA, DANIELLE LAMAR
individually, and on behalf of Class of similarly
situated individuals,

Plaintiffs,

v.

RUSSELL ROAD FOOD AND BEVERAGE,
LLC, a Nevada limited liability company (d/b/a
CRAZY HORSE III GENTLEMEN'S CLUB)
SN INVESTMENT PROPERTIES, LLC, a
Nevada limited liability company (d/b/a CRAZY
HORSE III GENTLEMEN'S CLUB), DOE
CLUB OWNER, I-X, DOE EMPLOYER, I-X,
ROE CLUB OWNER, I-X, and ROE
EMPLOYER, I-X,

Defendants.

CASE NO.: A-14-709372-C
DEPT. NO.: XXXI

NOTICE OF APPEAL

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DATED this 17th day of October, 2017.

By: /s/ Lauren Calvert
RYAN M. ANDERSON, ESQ.
 Nevada Bar No.: 11040
LAUREN CALVERT, ESQ.
 Nevada Bar No.: 10534
 716 S. Jones Blvd.
 Las Vegas, Nevada 89107

Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of
3 **MORRIS ANDERSON**, and on the 17th day of October, 2017, I served the foregoing ***NOTICE OF***
4 ***APPEAL*** as follows:
5

6 ☒ Electronic Service – By serving a copy thereof through the Court’s electronic
7 service system; and/or

8 ☐ U.S. Mail—By depositing a true copy thereof in the U.S. mail, first class
9 postage prepaid and addressed as listed below; and/or

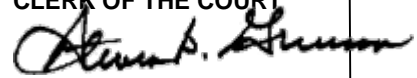
10 ☐ Facsimile—By facsimile transmission pursuant to EDCR 7.26 to the facsimile
11 number(s) shown below and in the confirmation sheet filed herewith. Consent to
12 service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by
13 facsimile transmission is made in writing and sent to the sender via facsimile within
14 24 hours of receipt of this Certificate of Service.

12 Gregory J. Kamer, Esq.
13 KAMER ZUCKER ABBOTT
14 3000 W. Charleston Blvd., Suite 3
15 Las Vegas, Nevada 89102

15 Jeffery A. Bendavid, Esq.
16 MORAN BRANDON BENDAVID MORAN
17 630 S. 4th Street
18 Las Vegas, Nevada 89101

19 *Attorneys for Defendants*

20 /s/ Erickson Finch
21 An employee/agent of **MORRIS ANDERSON**
22
23
24
25
26
27
28



ASTA

RYAN M. ANDERSON, ESQ.

Nevada Bar No.: 11040

LAUREN CALVERT, ESQ.

Nevada Bar No.: 10534

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Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

JACQUELINE FRANKLIN, ASHLEIGH
PARK, LILY SHEPARD, STACIE ALLEN,
MICHAELA DEVINE, SAMANTHA JONES,
KARINA STRELKOVA, DANIELLE LAMAR
individually, and on behalf of Class of similarly
situated individuals,

Plaintiffs,

v.

RUSSELL ROAD FOOD AND BEVERAGE,
LLC, a Nevada limited liability company (d/b/a
CRAZY HORSE III GENTLEMEN'S CLUB),
SN INVESTMENT PROPERTIES, LLC, a
Nevada limited liability company (d/b/a CRAZY
HORSE III GENTLEMEN'S CLUB), DOE
CLUB OWNER, I-X, DOE EMPLOYER, I-X,
ROE CLUB OWNER, I-X, and ROE
EMPLOYER, I-X,

Defendants.

CASE NO.: A-14-709372-C
DEPT. NO.: XXXI

CASE APPEAL STATEMENT

CASE APPEAL STATEMENT

1. Name of Appellant Filing This Case Appeal Statement: Plaintiff Jacqueline Franklin, individually, and on behalf of a class of similarly situated individuals.

2. Judge Issuing the Judgment Appealed From: The Honorable Judge Joanna S. Kishner.

3. Parties to the Proceedings in District Court:

JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD, STACIE ALLEN, MICHAELA DEVINE, SAMANTHA JONES, KARINA STRELKOVA and DANIELLE LAMAR, individually, and on behalf of Class of similarly situated individuals, Plaintiffs; and

RUSSELL ROAD FOOD AND BEVERAGE, LLC, Defendant.

4. Parties Involved in the Appeal:

RUSSELL ROAD FOOD AND BEVERAGE, LLC, Respondent; and

JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD, STACIE ALLEN, MICHAELA DEVINE, KARINA STRELKOVA and DANIELLE LAMAR, individually, and on behalf of a class of similarly situated individuals, Appellants.

5. Counsel and Law Firms Retained on Appeal:

- a) RYAN M. ANDERSON, ESQ.
Nevada Bar No.: 11040
LAUREN CALVERT, ESQ.
Nevada Bar No.: 10534
MORRIS//ANDERSON
716 S. Jones Blvd.
Las Vegas, Nevada 89107
Email: ryan@morrisandersonlaw.com
Email: lauren@morrisandersonlaw.com

MICHAEL J. RUSING, ESQ.
Arizona Bar No.: 6617 (*Admitted Pro Hac Vice*)
P. ANDREW STERLING, ESQ.
Nevada Bar No.: 13769
RUSING LOPEZ & LIZARDI, PLLC
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Email: asterling@rllaz.com
Attorneys for Appellants

b) Gregory J. Kamer, Esq.
Nevada Bar No.: 0270
KAMER ZUCKER ABBOTT
3000 W. Charleston Blvd., Suite 3
Las Vegas, Nevada 89102
Email: gkamer@kzalaw.com

Jeffery A. Bendavid, Esq.
Nevada Bar No.: 6220
MORAN BRANDON BENDAVID MORAN
630 S. 4th Street
Las Vegas, Nevada 89101
Email: j.bendavid@moranlawfirm.com

Attorneys for Respondents

The Order of the District Court granting the *pro hac vice* application of Michael J. Rusing, Esq., is attached hereto as “**Exhibit 1.**”

6. Appellants were represented by retained counsel in the District Court.

7. Appellants were represented by retained counsel on Appeal.

8. Appellants have not been granted leave to proceed in forma pauperis.

9. Date this action was commenced in District Court: November 4, 2014.

10. This matter arises out of a proposed class action by exotic dancers against the owners of Crazy Horse III Gentlemen’s Club, a Las Vegas strip club, for failure to pay a minimum hourly wage, as required by the Minimum Wage Amendment to the Nevada Constitution, and for unjust enrichment.

1 On October 3, 2017, the District Court granted Defendant's Motion for Summary
2 Judgment and denied Plaintiff's Motion for Summary Judgment. On August 23, 2017, the
3 District Court granted Defendant's Motion To Dismiss Plaintiffs' Third Amended Complaint
4 Pursuant To N.R.C.P. 12(B)(1) and N.R.C.P. 12(H)(3); granted Defendant's Motion to Strike
5 Plaintiffs' Renewed Motion For Class Certification; and denied Plaintiffs' Renewed Motion for
6 Class Certification.
7

8 11. This case has not previously been the subject of an appeal to or original writ proceeding
9 in the Supreme Court.

10 12. This Appeal does not involve child custody or visitation.

11 13. This Appeal does involve the possibility of settlement.
12

13 DATED this 17th day of October, 2017.

14 **MORRIS ANDERSON**

15 By: /s/ Lauren Calvert

16 **RYAN M. ANDERSON, ESQ.**

17 Nevada Bar No.: 11040

LAUREN CALVERT, ESQ.

18 Nevada Bar No.: 10534

716 S. Jones Blvd.

19 Las Vegas, Nevada 89107

20 **MICHAEL J. RUSING, ESQ.**

Arizona Bar No.: 6617 (*Admitted Pro Hac Vice*)

21 **P. ANDREW STERLING, ESQ.**

22 Nevada Bar No.: 13769

RUSING LOPEZ & LIZARDI, PLLC

23 6363 North Swan Road, Suite 151

24 Tucson, Arizona 85718

25 *Attorneys for Plaintiffs*
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of
3 **MORRIS ANDERSON**, and on the 17th day of October, 2017, I served the foregoing **CASE**
4 **APPEAL STATEMENT** as follows:
5

6 ☒ Electronic Service – By serving a copy thereof through the Court’s electronic
7 service system; and/or

8 ☐ U.S. Mail—By depositing a true copy thereof in the U.S. mail, first class
9 postage prepaid and addressed as listed below; and/or

10 ☐ Facsimile—By facsimile transmission pursuant to EDCR 7.26 to the facsimile
11 number(s) shown below and in the confirmation sheet filed herewith. Consent to
12 service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by
13 facsimile transmission is made in writing and sent to the sender via facsimile within
14 24 hours of receipt of this Certificate of Service.

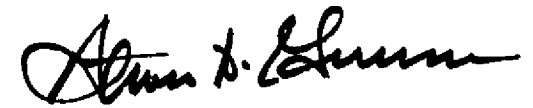
12 Gregory J. Kamer, Esq.
13 KAMER ZUCKER ABBOTT
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15 Las Vegas, Nevada 89102

15 Jeffery A. Bendavid, Esq.
16 MORAN BRANDON BENDAVID MORAN
17 630 S. 4th Street
18 Las Vegas, Nevada 89101

19 *Attorneys for Defendants*

20 /s/ Erickson Finch
21 An employee/agent of **MORRIS ANDERSON**
22
23
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25
26
27
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EXHIBIT “1”



CLERK OF THE COURT

1 **ORDR**

Ryan M. Anderson (NV Bar No. 11040)

2 Daniel R. Price (NV Bar No. 13564)

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6 P. Andrew Sterling (NV Bar No. 13769)

7 Michael J. Rusing (AZ Bar 6617) (*Pending Pro Hac Vice Admission*)

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10 rusinglopez@rllaz.com

Attorneys for Plaintiffs

11 **DISTRICT COURT OF THE STATE OF NEVADA**
12 **IN AND FOR CLARK COUNTY**

13 JACQUELINE FRANKLIN, ASHLEIGH
14 PARK, LILY SHEPARD, STACIE
15 ALLEN, JANE DOE DANCER, I through
16 XI, individually, and on behalf of Class of
17 similarly situated individuals,

Plaintiffs,

18 v.

17 RUSSELL ROAD FOOD AND
18 BEVERAGE, LLC, a Nevada limited
19 liability company (d/b/a CRAZY HORSE
20 III GENTLEMEN'S CLUB) SN
21 INVESTMENT PROPERTIES, LLC, a
22 Nevada limited liability company (d/b/a
23 CRAZY HORSE III GENTLEMEN'S
24 CLUB), DOE CLUB OWNER, I-X, DOE
EMPLOYER, I-X, ROE CLUB OWNER, I-X,
and ROE EMPLOYER, I-X,

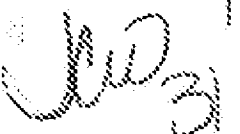
Defendants.

CASE NO.: A-14-709372-C
DEPT. NO.: XXXI

ORDER GRANTING MOTION TO
ASSOCIATE COUNSEL

///

///




1 ORDER GRANTING MOTION TO ASSOCIATE COUNSEL

2 ~~been placed on Department 21's Chambers Calendar~~
3 This matter having ~~come on for hearing~~ on Plaintiff's Motion to Associate Counsel, receiving
4 no objections, and no parties appearing, and the Court having read the pleadings and papers on file
5 herein, and being fully advised in the premises, and good cause appearing therefore,

6 IT IS HEREBY ORDERED that Plaintiff's Motion to Associate Counsel Michael John
7 Rusing is GRANTED.

8 DATED this 11 day of September, 2015.

9
10 
11 DISTRICT COURT JUDGE

12 Submitted by:

13 MORRIS ANDERSON LAW

14 By: 
15 RYAN M. ANDERSON, ESQ.

16 Nevada Bar No. 11040

17 DANIEL R. PRICE, ESQ.

18 Nevada Bar No. 13564

19 716 S. Jones Blvd.

20 Las Vegas, Nevada 89107

21 Attorneys for Plaintiff
22
23
24

DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-709372-C

Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground,
Defendant(s)

§
§
§
§
§

Location: **Department 31**
Judicial Officer: **Kishner, Joanna S.**
Filed on: **11/04/2014**
Cross-Reference Case Number: **A709372**

CASE INFORMATION

Statistical Closures
10/03/2017 Stipulated Judgment

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

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-14-709372-C
Court	Department 31
Date Assigned	11/04/2014
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

Plaintiff

Allen, Stacie

Lead Attorneys

Anderson, Ryan M.
Retained
702-333-1111(W)

Divine, Michaela

Anderson, Ryan M.
Retained
702-333-1111(W)

Franklin, Jaqueline

Anderson, Ryan M.
Retained
702-333-1111(W)

Jones, Samantha
Removed: 06/12/2017
Dismissed

Anderson, Ryan M.
Retained
702-333-1111(W)

Lamar, Danielle

Anderson, Ryan M.
Retained
702-333-1111(W)

Park, Ashleigh

Anderson, Ryan M.
Retained
702-333-1111(W)

Shepard, Lily

Anderson, Ryan M.
Retained
702-333-1111(W)

Stewart, LaShonda
Removed: 01/10/2017
Dismissed

Anderson, Ryan M.
Retained
702-333-1111(W)

Strelkova, Karina

Anderson, Ryan M.
Retained
702-333-1111(W)

Tamayo, Dirubin

Anderson, Ryan M.

DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-709372-C

Removed: 01/10/2017
Dismissed

Retained
702-333-1111(W)

Van Woodsen, Veronica
Removed: 01/10/2017
Dismissed

Anderson, Ryan M.
Retained
702-333-1111(W)

Defendant

Crazy Horse III Gentleman's Club
Removed: 02/19/2015
Inactive

Crazy Horse III Gentleman's Club at The Playground

Kamer, Gregory J.
Retained
7022598640(W)

Russell Road Food and Beverage LLC

Kamer, Gregory J.
Retained
7022598640(W)

SN Investment Properties LLC
Removed: 06/04/2015
Dismissed

SN Investment Properties LLC

Counter Claimant

Russell Road Food and Beverage LLC

Kamer, Gregory J.
Retained
7022598640(W)

**Counter
Defendant**

Allen, Stacie

Anderson, Ryan M.
Retained
702-333-1111(W)

Divine, Michaela

Anderson, Ryan M.
Retained
702-333-1111(W)

Franklin, Jaqueline

Anderson, Ryan M.
Retained
702-333-1111(W)

Jones, Samantha

Anderson, Ryan M.
Retained
702-333-1111(W)

Lamar, Danielle

Anderson, Ryan M.
Retained
702-333-1111(W)

Park, Ashleigh

Anderson, Ryan M.
Retained
702-333-1111(W)

Shepard, Lily

Anderson, Ryan M.
Retained
702-333-1111(W)

Stewart, LaShonda

Anderson, Ryan M.
Retained
702-333-1111(W)

Strelkova, Karina

Anderson, Ryan M.
Retained
702-333-1111(W)

Tamayo, Dirubin

Anderson, Ryan M.
Retained
702-333-1111(W)

CASE SUMMARY










CASE NO. A-14-709372-C

Van Woodsen, Veronica





Anderson, Ryan M.

Retained










702-333-1111(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
11/04/2014	 Complaint Filed By: Counter Defendant Park, Ashleigh <i>Plaintiff's Class Action Complaint for: Failure to Pay Wages, NRS 608.250; Failure to Pay Wages Upon Termination, NRS 608.020 et seq; Conversion; Unjust Enrichment; Declaratory Relief; Attorneys Fees, NRS 608.140; Punitive Damages</i>	
11/04/2014	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Park, Ashleigh <i>Initial Appearance Fee Disclosure</i>	
11/04/2014	Case Opened	
02/19/2015	 Amended Complaint Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' First Amended Class Action Complaint</i>	
02/19/2015	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Franklin, Jaqueline <i>Amended Initial Appearance Fee Disclosure</i>	
03/16/2015	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Initial Appearance Fee Disclosure</i>	
03/16/2015	 Motion to Dismiss Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiffs, Jane Doe Dancer I through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiffs, Jacqueline Franklin, Ashleigh Park, Lily Shepard, Stacie Allen, and Jane Doe Dancer I through XI's First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(f)</i>	
03/30/2015	 Opposition to Motion to Dismiss Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Opposition to Defendant, Russell Road Food and Beverage's Motion to Dismiss Plaintiffs, Jane Doe Dancer I through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiffs, Jacqueline Franklin, Ashleigh Park, Lily Shepard, Stacie Allen, and Jane Doe Dancer, I through XI's First Amended Complaint Pursuant to N.R.C.P. 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to N.R.C.P. 12(f)</i>	
04/02/2015	 Affidavit of Service Filed By: Counter Defendant Franklin, Jaqueline <i>Affidavit of Service</i>	
04/02/2015	 Affidavit of Service Filed By: Counter Defendant Franklin, Jaqueline <i>Affidavit of Service</i>	














DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-709372-C

04/06/2015	 Notice of Hearing Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Continued Hearing on Defendant, Motion to Dismiss Plaintiffs, Jane Doe Dancer 1 Through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiff's, First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(F)</i>
05/01/2015	 Reply to Opposition Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Reply to Plaintiffs' Opposition to Defendant's Motion to Dismiss Plaintiffs, Jane Doe Dancer I through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VIII, and IX-XI and Defendant's Motion to Dismiss Plaintiffs, Jacqueline Franklin, Ashleigh Park, Lily Shepard and Stacie Allen, and Jane Doe Dancer I through XI's First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(f)</i>
05/07/2015	 Motion to Dismiss (9:30 AM) (Judicial Officer: Kishner, Joanna S.) 05/07/2015-05/08/2015, 06/05/2015, 06/12/2015, 06/19/2015, 06/25/2015 <i>Defendant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiffs, Jane Doe Dancer 1 Through XI and/or Motion to Strike Plaintiffs, Jane Doe Dancer II, III, VI, VIII, and IX through XI and Defendant's Motion to Dismiss Plaintiff's, Jacqueline Franklin, Ashleigh Park, Lily Shepard, Stacie Allen, and Jane Doe Dancer I through XI's First Amended Complaint Pursuant to NRCP 12(b)(5) and/or Motion to Strike Plaintiffs' First Cause of Action, Prayer for Exemplary and Punitive Damages, and Prayers for Relief Pursuant to NRCP 12(f)</i>
05/18/2015	 Motion to Amend Complaint Filed By: Counter Defendant Franklin, Jaqueline <i>Motion for Leave to Amend Plaintiffs' First Amended Complaint on Order Shortening Time</i>
05/26/2015	 Opposition Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiff's Motion for Leave to Amend Plaintiff's First Amended Complaint on an Order Shortening Time</i>
05/28/2015	 Notice of Association of Counsel Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Association of Counsel</i>
05/28/2015	 Reply in Support Filed By: Counter Defendant Franklin, Jaqueline <i>Reply in Support of Motion for Leave to Amend First Amended Complaint</i>
05/29/2015	 Supplemental Filed by: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Supplemental Memorandum Re: Limitations Period for Minimum Wage Amendment Claims</i>
05/29/2015	 Memorandum of Points and Authorities Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Supplemental Memorandum of Points and Authorities</i>
06/02/2015	 Motion to Amend Complaint (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Motion for Leave to Amend Plaintiff's First Amended Complaint on Order Shortening Time</i>

DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-709372-C

06/04/2015	 Notice of Dismissal Without Prejudice Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Dismissal of Defendant SN Investment Properties, LLC, Without Prejudice</i>
06/04/2015	Dismissal Pursuant to NRCP 41 (Judicial Officer: Kishner, Joanna S.) Debtors: SN Investment Properties LLC (Defendant) Creditors: Ashleigh Park (Plaintiff), Jaqueline Franklin (Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff) Judgment: 06/04/2015, Docketed: 06/12/2015
06/19/2015	Status Check (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Status Check: Order 6/2/15</i>
06/25/2015	 Order <i>Order Granting in Part and Denying in Part Defendant, Russell Road Food and Beverage. LLC's Motion to Dismiss and Granting Defendant's Motion to Strike Prayer for Exemplary and Punitive Damages</i>
06/26/2015	 Notice of Entry of Order Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Entry of Order</i>
06/29/2015	 Order Denying Motion Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Order Denying Plaintiffs' Motion for Leave to Amend First Amended Complaint on Order Shortening Time</i>
07/21/2015	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Divine, Michaela <i>Plaintiffs' Second Amended Initial Appearance Fee Disclosure</i>
07/21/2015	 Second Amended Complaint Filed By: Counter Defendant Divine, Michaela <i>Plaintiffs' Second Amended Class Action Complaint for: Failure to Pay Wages; Unjust Enrichment; Attorney Fees; Exemplary & Punitive Damages</i>
07/29/2015	 Motion to Associate Counsel Filed By: Counter Defendant Franklin, Jaqueline <i>Motion to Associate Counsel Michael John Rusing Esq.</i>
09/04/2015	 Motion to Associate Counsel (3:00 AM) (Judicial Officer: Kishner, Joanna S.) Events: 07/29/2015 Motion to Associate Counsel <i>Plaintiff's Motion to Associate Counsel (Michael John Rusing, Esq.)</i>
09/16/2015	 Order Admitting to Practice Filed By: Counter Defendant Franklin, Jaqueline <i>Order Granting Motion to Associate Counsel Michael John Rusing Esq.</i>
09/17/2015	 Notice of Entry of Order Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Entry of Order Granting Motion to Associate Counsel</i>
09/18/2015	CANCELED Status Check (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Order</i> <i>Status Check: Order 9/4/15</i>

DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-709372-C












09/23/2015	 Notice of Appearance Party: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Appearance</i>
10/01/2015	 Stipulation and Order Filed by: Counter Defendant Franklin, Jaqueline <i>Stipulation and Order for Leave to Amend Second Amended Complaint</i>
10/02/2015	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Entry of Stipulation and Order for Leave to Amend Second Amended Complaint</i>
10/02/2015	 Third Amended Complaint Filed by: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Third Amended Class Action Complaint</i>
10/19/2015	 Answer to Amended Complaint Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Answer to Plaintiff's Third Amended Class Action Complaint and Counterclaims</i>
11/03/2015	 Answer to Counterclaim Filed By: Counter Defendant Park, Ashleigh <i>Plaintiffs' Answer to Defendant Russell Road's Counterclaim</i>
11/13/2015	 Notice of Early Case Conference Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Early Case Conference</i>
02/19/2016	 Joint Case Conference Report Filed By: Counter Defendant Franklin, Jaqueline <i>Joint Case Conference Report</i>
03/10/2016	 Scheduling Order <i>Scheduling Order</i>
04/25/2016	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Jury Trial , Pre-Trial Conference, Calendar Call, and Status Check</i>
04/27/2016	 Motion for Class Certification Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Motion for Class Certification</i>
05/06/2016	 Receipt of Copy Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Receipt of Copy</i>
05/16/2016	 Opposition to Motion Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiff's Motion for Class Certification</i>
06/01/2016	

DEPARTMENT 31
CASE SUMMARY
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	 Stipulation and Order Filed by: Counter Defendant Franklin, Jaqueline <i>Stipulation and Order to Continue Hearing Date</i>
06/02/2016	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Entry of Stipulation and Order</i>
06/14/2016	CANCELED Motion for Class Certification (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i> <i>Plaintiffs' Motion for Class Certification</i>
06/15/2016	 Stipulation and Order Filed by: Counter Defendant Franklin, Jaqueline <i>Stipulation & Order to Vacate Hearing Date</i>
06/16/2016	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Entry of Stipulation and Order</i>
07/18/2016	 Motion to Compel Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Motion to Compel Discovery Responses from Defendant Russell Road Food and Beverage, LLC</i>
08/04/2016	 Opposition to Motion to Compel Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiff's Motion to Compel Discovery Responses</i>
08/13/2016	 Reply in Support Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Reply in Support of Motion to Compel Discovery Responses of Defendant Russell Road Food and Beverage, LLC</i>
08/19/2016	 Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Discovery Responses from Deft Russell Road Food and Beverage, LLC</i>
09/23/2016	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
09/26/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings Plaintiffs' Motion to Compel Discovery Responses from Defendant Russell Road Food and Beverage, LLC Aug. 19, 2016</i>
10/04/2016	 Receipt of Copy Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Receipt of Copy</i>
10/19/2016	 Notice of Hearing Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Hearing on Plaintiffs' Motion for Class Certification</i>
10/21/2016	 Status Check: Compliance (9:00 AM) (Judicial Officer: Bulla, Bonnie)

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Status Check: Compliance / Discovery

11/14/2016	 Objection to Discovery Commissioners Report and Recommend Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Objection to the Discovery Commissioner's Report and Recommendations</i>
11/30/2016	 Response Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Response to Plaintiffs' Objection to Discovery Commissioner's Report and Recommendation</i>
12/02/2016	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
12/05/2016	 Reply in Support Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Reply in Support of Motion for Class Certification</i>
12/07/2016	 Reply in Support Filed By: Counter Defendant Franklin, Jaqueline <i>Reply in Support of Plaintiffs' Objection to Discovery Commissioner's Report and Recommendations</i>
12/08/2016	 Discovery Commissioners Report and Recommendations Filed By: Counter Defendant Franklin, Jaqueline <i>Discovery Commissioner's Report and Recommendations</i>
12/12/2016	 Motion to Strike Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant Russell Road Food and Beverage, LLC's Motion to Strike New Evidence Raised in Plaintiff's Reply for Their Motion for Class Certification on Order Shortening Time</i>
12/16/2016	 Opposition to Motion Filed By: Counter Defendant Franklin, Jaqueline <i>Opposition to Defendant Russell Road Food and Beverage, LLC's Motion to Strike New Evidence Raised in Plaintiffs' Reply for Their Motion for Class Certification on Order Shortening Time</i>
12/20/2016	 Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Defendant Franklin, Jaqueline <i>Stipulation and Order to Extend Discovery Deadlines and Continue Trial First Request</i>
12/20/2016	 Stipulation and Order Filed by: Defendant Crazy Horse III Gentleman's Club at The Playground <i>Stipulation and Order to Continue Hearing on Plaintiff's Motion for Class Certification and Defendant's Motion to Strike New Evidence Raised in Plaintiff's Motion for Class Certification on Order Shortening Time</i>
12/21/2016	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Entry of Stipulation and Order</i>
12/30/2016	 Amended Order Setting Jury Trial <i>Amended Order Setting Civil Jury Trial, Pre-Trial Conference, Calendar Call, And Status Check</i>











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01/10/2017	Hearing (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Hearing on Plaintiffs' Motion for Class Certification</i>
01/10/2017	Motion to Strike (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Defendant Russell Road Food and Beverage, LLC's Motion to Strike New Evidence Raised in Plaintiff's Reply for Their Motion for Class Certification on Order Shortening Time</i>
01/10/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
01/10/2017	 Stipulation and Order for Dismissal Without Prejudice Filed By: Counter Defendant Franklin, Jaqueline <i>Stipulation and Order for Dismissal of Plaintiffs Dirubin Tamayo, LaShonda Stewart, and Veronica Van Woodsen</i>
01/10/2017	Order of Dismissal Without Prejudice (Judicial Officer: Kishner, Joanna S.) Debtors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant), SN Investment Properties LLC (Defendant) Creditors: Veronica Van Woodsen (Plaintiff), LaShonda Stewart (Plaintiff), Dirubin Tamayo (Plaintiff) Judgment: 01/10/2017, Docketed: 01/19/2017
01/11/2017	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Entry of Stipulation and Order</i>
01/12/2017	 Objection to Discovery Commissioner's Report (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Objection To Discovery Commissioner's Report and Recommendations</i>
01/13/2017	Status Check (3:00 AM) (Judicial Officer: Kishner, Joanna S.) 01/13/2017, 01/20/2017 <i>Status Check: Stipulation / New Hearing Date</i>
01/25/2017	 Stipulation and Order Filed by: Counter Defendant Franklin, Jaqueline <i>Stipulation and Order for Supplemental Briefing Schedule on Plaintiffs' Motion for Class Certification</i>
01/25/2017	 Order Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Proposed Order Affirming Discovery Commissioner's Report and Recommendations</i>
01/26/2017	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Franklin, Jaqueline <i>Notice of Entry of Stipulation and Order</i>
01/26/2017	 Notice of Entry of Order Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Entry of Order</i>
01/31/2017	 Supplemental Brief Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Supplemental Brief in Support of Class Certification Motion</i>
02/14/2017	CANCELED Status Check (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i>

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02/24/2017	 Supplemental Brief Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Supplemental Brief in Support of Denying Plaintiffs' Motion for Class Certification</i>
03/07/2017	 Reply in Support Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Supplemental Reply Brief in Support of Class Certification Motion</i>
03/16/2017	 Motion to Certify Class (10:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Motion for Class Certification</i>
03/16/2017	CANCELED Pre Trial Conference (10:15 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i>
03/24/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Motion for Class Certification -- 3-16-17</i>
04/04/2017	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i>
04/10/2017	 Motion for Summary Judgment Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Motion for Summary Judgment on Defendants Counterclaims</i>
04/11/2017	 Motion for Summary Judgment Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant's Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to NRCP 56</i>
04/12/2017	 Notice of Entry of Order Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Entry of Order Denying Plaintiffs' Motion for Class Certification</i>
04/12/2017	 Order Denying Motion Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Order Denying Plaintiffs' Motion for Class Certification</i>
04/17/2017	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Stipulation and Order</i>
04/27/2017	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiff's Motion for Summary Judgment on Defendant's Counterclaims</i>
04/28/2017	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Opposition to Defendant's Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to N.R.C.P. 56</i>
05/04/2017	 Reply in Support Filed By: Counter Defendant Franklin, Jaqueline <i>Reply in Support of Plaintiffs' Motion for Summary Judgment on Defendants' Counterclaims</i>

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05/19/2017	 Motion to Compel Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories</i>
05/19/2017	 Motion to Compel Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents</i>
05/25/2017	 Reply to Opposition Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food & Beverage, LLC's Reply to Plaintiffs' Opposition to its Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to NRCP 56</i>
05/30/2017	 Certificate of Service Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Certificate of Service</i>
05/30/2017	 Certificate of Service Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Certificate of Service</i>
06/01/2017	Status Check (9:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>STATUS CHECK</i>
06/01/2017	Motion for Summary Judgment (9:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Motion for Summary Judgment on Defendants Counterclaims</i>
06/01/2017	Motion for Summary Judgment (9:30 AM) (Judicial Officer: Kishner, Joanna S.) 06/01/2017, 06/23/2017 <i>Defendant's Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to NRCP 56</i>
06/01/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
06/02/2017	 Motion to Dismiss Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3)</i>
06/05/2017	 Opposition to Motion <i>Plaintiffs Opposition to Defendant/Counterclaimant Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to N.R.C.P. 37(A)(2) as to Requests for the Production of Documents</i>
06/05/2017	 Opposition to Motion Filed By: Counter Defendant Park, Ashleigh <i>Plaintiffs Opposition to Defendant/Counterclaimant Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to N.R.C.P. 37(A)(2) as to Interrogatories</i>
06/07/2017	 Motion for Class Certification Filed By: Counter Defendant Park, Ashleigh

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Plaintiffs Renewed Motion for Class Certification

06/12/2017	 Stipulation and Order for Dismissal Without Prejudice Filed By: Defendant Crazy Horse III Gentleman's Club at The Playground <i>Stipulation and Order for Dismissal</i>
06/12/2017	Order of Dismissal Without Prejudice (Judicial Officer: Kishner, Joanna S.) Debtors: Samantha Jones (Plaintiff) Creditors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant), SN Investment Properties LLC (Defendant) Judgment: 06/12/2017, Docketed: 06/12/2017
06/12/2017	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Defendant Crazy Horse III Gentleman's Club at The Playground <i>Notice of Entry</i>
06/15/2017	 Reply in Support Filed By: Defendant Crazy Horse III Gentleman's Club at The Playground; Counter Claimant Russell Road Food and Beverage LLC <i>Defendant/Counterclaimant Russell Road Food and Beverage, LLC's Reply in Support of Motion for Order Compelling Discovery Pursuant to N.R.C.P. 37(a)(2) as to Requests for the Production of Documents</i>
06/15/2017	 Reply in Support Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant/Counterclaimant, Russell Road Food and Beverage, LLC's Reply in Support of Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Interrogatories</i>
06/15/2017	 Supplement <i>Plaintiffs' Supplemental Briefing Opposing Defendant's Motion for Summary Judgment Against Plaintiffs Michaela Moore and Stacie Allen Pursuant to N.R.C.P. 56</i>
06/15/2017	 Supplemental Brief Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Supplemental Brief in Support of Granting Motion for Summary Judgment against Plaintiffs Stacie Allen and Michala Moore</i>
06/19/2017	 Appendix Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Appendix of Exhibits to Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56</i>
06/19/2017	 Motion for Summary Judgment <i>Plaintiffs Motion for Summary Judgment on Employee Status</i>
06/19/2017	 Opposition to Motion <i>Plaintiffs' Opposition to Defendant/Counterclaimant Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiffs Complaint Pursuant to N.R.C.P. 12(b)(1) and N.R.C.P. 12(h)(3)</i>
06/19/2017	 Motion for Summary Judgment Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56</i>
06/21/2017	Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories</i>


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06/21/2017	 Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCF 37(a)(2) as to Request for the Production of Documents</i>
06/21/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)
06/23/2017	 Minute Order (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
06/26/2017	 Opposition to Motion Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Opposition to Plaintiffs' Renewed Motion for Class Certification</i>
06/26/2017	 Motion to Strike Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant, Russell Road Food and Beverage, LLC's Motion to Strike Plaintiffs' Renewed Motion for Class Certification and Motions to Strike Plaintiffs' Declarations on an Order Shortening Time</i>
07/03/2017	 Reply in Support Filed By: Counter Defendant Park, Ashleigh <i>Reply in Support of Renewed Motion for Class Certification</i>
07/03/2017	 Opposition to Motion Filed By: Counter Defendant Franklin, Jaqueline <i>Plaintiffs' Opposition to Defendant Russel Road Foosd and Beverage, LLC's Motion to Strike Plaintiffs Renewed Motion for Class Certification and Motion to Strike Plaintiffs Declarations on Order Shortening Time</i>
07/06/2017	 Reply to Opposition Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant/Counterclaimant, Russell Road Food and Beverage, LLC s Reply to Plaintiffs Motion to Dismiss Plaintiffs Complaint Pursuant to N.R.C.P. 12(b)(1) and N.R.C.P. 12(h)(3)</i>
07/06/2017	 Reply to Opposition Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant Russell Road Food and Beverage, LLC s Reply to Plaintiffs Opposition to Motion to Strike Plaintiffs Renewed Motion for Class Certification and Motion to Strike Plaintiffs Declarations on Order Shortening Time</i>
07/06/2017	 Appendix Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Appendix of Exhibits to Defendant's Opposition to Plaintiffs' Motion for Summary Judgment on Employee Status</i>
07/06/2017	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant's Opposition to Plaintiffs' Motion for Summary Judgment on Employee Status</i>
07/07/2017	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Park, Ashleigh; Counter Defendant Franklin, Jaqueline <i>Plaintiffs Opposition to Defendant s Motion for Summary Judgment Against Plaintiffs Pursuant to N.R.C.P. 56</i>

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07/11/2017	Motion to Dismiss (9:30 AM) (Judicial Officer: Saitta, Nancy) <i>Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3)</i>
07/11/2017	Motion for Class Certification (9:30 AM) (Judicial Officer: Saitta, Nancy) <i>Plaintiffs Renewed Motion for Class Certification</i>
07/11/2017	Motion to Strike (9:30 AM) (Judicial Officer: Saitta, Nancy) <i>Defendant, Russell Road Food and Beverage, LLC's Motion to Strike Plaintiffs' Renewed Motion for Class Certification and Motions to Strike Plaintiffs' Declarations on an Order Shortening Time</i>
07/11/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Saitta, Nancy)
08/01/2017	 Stipulation and Order Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Stipulation and Order to Continue Hearing on Plaintiffs' Motion for Summary Judgment and Defendant's Motion for Summary Judgment</i>
08/01/2017	Summary Judgment (Judicial Officer: Kishner, Joanna S.) Debtors: Russell Road Food and Beverage LLC (Counter Claimant) Creditors: Ashleigh Park (Counter Defendant), Jaqueline Franklin (Counter Defendant), Lily Shepard (Counter Defendant), Stacie Allen (Counter Defendant), Michaela Divine (Counter Defendant), Karina Strelkova (Counter Defendant), Danielle Lamar (Counter Defendant) Judgment: 08/01/2017, Docketed: 08/01/2017 Comment: Certain Claim Debtors: Stacie Allen (Plaintiff), Michaela Divine (Plaintiff) Creditors: Russell Road Food and Beverage LLC (Defendant) Judgment: 08/01/2017, Docketed: 08/01/2017 Comment: Certain Claim
08/01/2017	 Findings of Fact, Conclusions of Law and Judgment Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Findings of Fact and Conclusions of Law on Plaintiffs' Motion for Summary Judgment on Defendant's Counterclaims and Defendant's Motion for Summary Judgment Against Plaintiff Stacie Allen and Michaela Moore</i>
08/03/2017	 Pre Trial Conference (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
08/03/2017	 Notice of Entry Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Entry of Findings of Fact and Conclusions of Law on Plaintiffs' Motion for Summary Judgment on Defendant's Counterclaims and Defendants Motion for Summary Judgement Against Plaintiffs Stacie Allen and Michaela Moore</i>
08/04/2017	 Transcript of Proceedings <i>Transcript Re: Defendant/Counterclaimant Russell Road Food and Beverage LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3) Plaintiff's Renewed Motion for Class Certification Defendant/Counterclaimant Russell Road Food and Beverage LLC's Motion to Strike Plaintiff's Renewed Motion for Class Certification and Motion to Strike Plaintiffs' Declarations on Order Shortening Time 7/11/17</i>
08/09/2017	 Reply in Support <i>Plaintiffs' Reply in Support of their Motion for Summary Judgment on Employee Status</i>
08/10/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>

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08/11/2017	 Reply in Support Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant's Reply In Support of its Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56</i>
08/13/2017	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioner's Report and Recommendations</i>
08/14/2017	 Notice of Entry Filed By: Counter Defendant Park, Ashleigh <i>Notice of Entry of Decision and Order</i>
08/17/2017	Motion for Summary Judgment (9:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Plaintiffs' Motion for Summary Judgment on Employee Status</i>
08/17/2017	Motion for Summary Judgment (9:30 AM) (Judicial Officer: Kishner, Joanna S.) <i>Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56</i>
08/17/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
08/23/2017	 Order Granting Motion Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Order Granting Defendant's Motion to Dismiss Plaintiff's Third Amended Complaint; Order Granting Defendant's Motion to Strike Renewed Motion for Class Cert; and Order Denying Renewed Motion for Class Certification</i>
08/23/2017	Order of Dismissal (Judicial Officer: Kishner, Joanna S.) Debtors: Ashleigh Park (Plaintiff), Lily Shepard (Plaintiff), Stacie Allen (Plaintiff), Michaela Divine (Plaintiff), Karina Strelkova (Plaintiff), Danielle Lamar (Plaintiff) Creditors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant), SN Investment Properties LLC (Defendant) Judgment: 08/23/2017, Docketed: 08/31/2017
08/24/2017	 Transcript of Proceedings <i>Transcript - Plaintiffs' Motion for Summary Judgment on Employee Status / Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56 - 8/17/17</i>
08/25/2017	 Notice of Entry of Order Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Entry of Order</i>
08/25/2017	 Memorandum of Costs and Disbursements Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant Russell Road Food and Beverage's Verified Memorandum of Costs</i>
09/14/2017	 Motion for Attorney Fees and Costs Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant Russell Road Food and Beverage, LLC's Motion for Attorney's Fees and Costs Affidavit of Jeffery A. Bendavid Filed Concurrently Herewith</i>
09/26/2017	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Judge</i>
10/02/2017	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Judge</i>

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10/02/2017	 Opposition to Motion <i>Plaintiffs Opposition to Defendant Russell Road Food and Beverage, LLC s Motion for Attorneys Fees and Costs</i>
10/03/2017	Summary Judgment (Judicial Officer: Kishner, Joanna S.) Debtors: Jaqueline Franklin (Plaintiff) Creditors: Crazy Horse III Gentleman's Club at The Playground (Defendant), Russell Road Food and Beverage LLC (Defendant) Judgment: 10/03/2017, Docketed: 10/04/2017
10/03/2017	 Finding of Fact and Conclusions of Law Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Findings of Fact and Conclusions of Law on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment</i>
10/11/2017	 Reply to Opposition Filed by: Counter Claimant Russell Road Food and Beverage LLC <i>Defendant Russell Road Food and Beverage LLC's Reply to Plaintiffs' Opposition to its Motion for Attorneys' Fees and Costs</i>
10/12/2017	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Counter Claimant Russell Road Food and Beverage LLC <i>Notice of Entry of Findings of Fact and Conclusions of Law on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment</i>
10/17/2017	 Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Defendant Russell Road Food and Beverage, LLC's Motion for Attorney's Fees and Costs Affidavit of Jeffery A. Bendavid Filed Concurrently Herewith</i>
10/17/2017	 Notice of Appeal <i>Notice of Appeal</i>
10/17/2017	 Case Appeal Statement <i>Case Appeal Statement</i>
11/09/2017	Status Check (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

DATE

FINANCIAL INFORMATION

Counter Defendant Jones, Samantha	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
Counter Defendant Stewart, LaShonda	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
Counter Defendant Tamayo, Dirubin	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
Counter Defendant Van Woodsen, Veronica	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
Counter Claimant Russell Road Food and Beverage LLC	

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Total Charges	623.00
Total Payments and Credits	623.00
Balance Due as of 10/20/2017	0.00
 Counter Defendant Allen, Stacie	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
 Counter Defendant Divine, Michaela	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
 Counter Defendant Franklin, Jaqueline	
Total Charges	669.50
Total Payments and Credits	669.50
Balance Due as of 10/20/2017	0.00
 Counter Defendant Lamar, Danielle	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
 Counter Defendant Park, Ashleigh	
Total Charges	857.50
Total Payments and Credits	857.50
Balance Due as of 10/20/2017	0.00
 Counter Defendant Shepard, Lily	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
 Counter Defendant Strelkova, Karina	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 10/20/2017	0.00
 Counter Defendant Franklin, Jaqueline	
Appeal Bond Balance as of 10/20/2017	500.00

DISTRICT COURT CIVIL COVER SHEET

A-14-709372-C

XXXI

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Ashleigh Park

Defendant(s) (name/address/phone):

Crazy Horse III Gentleman's Club at the Playground

Attorney (name/address/phone):

Ryan M. Anderson, Esq.

Morris Anderson Law

716 S. Jones Blvd., Las Vegas, NV 89107

702-333-1111

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
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	<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	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input checked="" type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
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 <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 <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		Other Civil Filing
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 <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

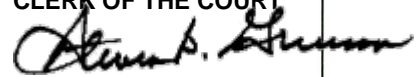
Business Court filings should be filed using the Business Court civil coversheet.

11/4/14 /s/ Ryan M. Anderson

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **FFCL**
2 **JEFFERY A. BENDAVID, ESQ.**
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4 **STEPHANIE J. SMITH, ESQ.**
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15 *Attorneys for Defendant/Counterclaimant*

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

15 JACQUELINE FRANKLIN,
16 ASHLEIGH PARK, LILY SHEPARD,
17 STACIE ALLEN, MICHAELA DIVINE,
18 VERONICA VAN WOODSEN,
19 SAMANTHA JONES, KARINA
20 STRELKOVA, LASHONDA,
21 STEWART, DANIELLE LAMAR, and
22 DIRUBIN TAMAYO, individually, and
23 on behalf of a class of similarly
24 situated individuals,

21 Plaintiffs,

22 vs.

23 RUSSELL ROAD FOOD AND
24 BEVERAGE, LLC, a Nevada limited
25 Liability company (d/b/a CRAZY DOE
26 CLUB OWNER, I-X, ROE
27 EMPLOYER, I-X,

26 Defendants.

27 AND RELATED COUNTERCLAIMS
28

Case No.: A-14-709372-C
Dept. No.: 31

**[PROPOSED] FINDINGS OF FACT
AND CONCLUSIONS OF LAW ON
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

AND

**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

☐ Voluntary Dismissal
☐ Involuntary Dismissal
☐ Stipulated Dismissal
☐ Motion to Dismiss by Deft(s)

☒ Summary Judgment
☐ Stipulated Judgment
☐ Default Judgment
☐ Judgment of Arbitration



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1 Plaintiff, JACQUELINE FRANKLIN'S Motion for Summary Judgment on
2 Employee Status with LAUREN CALVERT, ESQ. of MORRIS//ANDERSON, appearing
3 on behalf of Plaintiff, and Defendant, RUSSELL ROAD FOOD AND BEVERAGE LLC
4 d/b/a CRAZY HORSE GENTLEMEN'S CLUB ("Defendant" and/or "Crazy Horse III")
5 Motion for Summary Judgment pursuant to NRCP 56, with JEFFERY A. BENDAVID,
6 ESQ. and STEPHANIE J. SMITH, ESQ. of MORAN BRANDON BENDAVID MORAN,
7 appearing for Defendant, having both come on for hearing and on August 17, 2017, at 9:30
8 a.m. in Department 31 of the above-titled Court, with the Honorable Judge Joanna Kishner
9 presiding.
10
11

12 PROCEDURAL HISTORY

13 The Parties' Motions for Summary Judgment were both filed on June 19, 2017, at
14 which time there were five remaining named Plaintiffs who still had a claim for allegedly
15 unpaid wages and unjust enrichment, and two remaining named Plaintiffs that had only,
16 unjust enrichment claims. The Parties filed their respective Oppositions, also addressing the
17 five remaining Plaintiffs. Subsequently, on July 11, 2017, Defendant's Motion to Dismiss all
18 Plaintiffs pursuant to lack of subject matter jurisdiction came on for hearing and was granted
19 with respect to all Plaintiffs, except for Jacqueline Franklin. Accordingly, the Reply Briefs
20 of the Parties dealt specifically with Jacqueline Franklin. At the time for hearing on the
21 Parties' respective motions for summary judgment, the Court determined it was considering
22 each Party's motion with respect to the employment status of Jacqueline Franklin.
23
24

25 As such, the Court having considered the pleadings, papers, and supplements thereto,
26 and the arguments of counsel, and good cause appearing makes the following findings of
27 fact and conclusions of law, and orders as follows:
28



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FINDINGS OF FACT

1
2 1. Plaintiff Franklin ("Plaintiff" and/or "Plaintiff Franklin") was an exotic
3 dancer/performer who performed at Defendant's venue.

4 2. Plaintiff Jacqueline Franklin possesses a social security number.

5
6 3. Plaintiff Franklin possessed a valid Nevada State business license during the time
7 she performed at Crazy Horse III, and had a Sheriff's card during the time she performed at
8 Crazy Horse III.

9 4. Plaintiff Franklin understood that having a Sheriff's card and Nevada State Business
10 License was a legal requirement for exotic dancers in Clark County, Nevada.

11
12 5. Plaintiff Franklin conceded that Defendant did not specifically instruct Plaintiff
13 Franklin on how to dance, or what style of dance she could perform, aside from the confines
14 of legal requirements, which Plaintiff was aware of, and agreed upon guidelines regarding
15 removing clothing since she was performing in an adult topless venue, as an exotic dancer.
16 Plaintiff Franklin further testified that she did whatever was comfortable for her while she
17 was performing on stage.

18
19 6. Plaintiff Franklin could perform lap dances how she wanted as long as her dancing
20 followed any legal requirements.

21 7. Plaintiff Franklin could choose her outfits and look, including any signature
22 accessories, as long as it also comported with legal requirements for exotic dancers, and
23 Plaintiff knew these requirements from performing as an exotic dancer at other venues.
24 Plaintiff Franklin testified that she already had many outfits from dancing at other venues
25 previously, and nobody at Crazy Horse III ever asked her or told her she should change
26 outfits. Plaintiff Franklin was in complete control of what she chose to wear at all times.



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1 8. Plaintiff Franklin was never required to wear any special costumes or accessories by
2 Defendant, and chose all of her own outfits and accessories, and chose her own stage name.

3 9. Plaintiff Franklin could consume alcohol while performing at Crazy Horse III, if she
4 chose to do so, or entirely refrain from drinking, which she did.

5 10. Defendant did not require Plaintiff Franklin to perform a certain number of lap
6 dances, or a quota of dances, and there was no minimum amount of VIP time she had to sell
7 to patrons. In fact, she could choose to never enter into the VIP areas and perform only floor
8 lap dances, or only perform for guests willing to purchase VIP time, such a choice was
9 entirely up to her.
10

11 11. A dancer could choose to pay a fee to remain off stage. Plaintiff Franklin had
12 complete control over whether she chose to pay a fee to avoid dancing on the stage. Plaintiff
13 Franklin also chose whether she performed at Crazy Horse III during times when there was a
14 higher, lower, or no house fee at all to utilize the club.
15

16 12. Plaintiff Franklin could choose to approach any number of patrons she chose while at
17 Crazy Horse III, and could decide how long she wanted to talk to a patron, if at all. In fact,
18 Plaintiff Franklin could choose to never talk to, or perform for, any patron while in
19 Defendant's venue, at her sole discretion.
20

21 13. Plaintiff Franklin never reported any amount of money she earned to anyone at
22 Crazy Horse III, and had no quota of money she had to earn set by Crazy Horse III.

23 14. Crazy Horse III did not keep track of cash payments from patrons to Plaintiff
24 Franklin.
25

26 15. Defendant did not require Plaintiff Franklin to sell bottles of alcohol to patrons aside
27
28



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1 from Crazy Horse III having certain VIP room beverage minimums, which patrons paid to
2 utilize VIP rooms.

3 16. Plaintiff Franklin completely controlled her own schedule and performances, and she
4 could choose whether or not she performed at Crazy Horse III on any given day, week,
5 month, or year, and was never required to perform any minimum or maximum number of
6 days, certain days or hours, or any specific time of day at Crazy Horse III. Plaintiff Franklin
7 had complete control of her schedule, and could modify it at any time, including when she
8 was at Defendant's venue. In fact, Plaintiff Franklin could choose to perform zero days, one
9 day or every day in a week or month.

11 17. Plaintiff Franklin could choose when to start performing at any time of day she
12 chose, per her agreement with Defendant, and did go in to perform at a wide variety of times
13 ranging between 7:45 p.m. and 1:06 a.m.

15 18. Plaintiff Franklin could choose to stay for any number of hours she desired, and
16 would stay for a varying amount of hours ranging from 1.07 hours to 12.33 hours, on the
17 days she chose to perform.

19 19. Plaintiff Franklin could leave Crazy Horse III whenever she chose to stop
20 performing, and despite her testimony that she was required to stay on Crazy Horse III's
21 premises a minimum of five (5) hours. She in fact performed for less than five hours
22 approximately eighteen (18) different times.

23 20. Plaintiff Franklin did not pay any fees or fines to leave prior to performing for any
24 length of time, and was never assessed any fines by Defendant.

25 21. Plaintiff Franklin did not have to pay out any mandatory tips to any of Defendant's
26 agents or employees.
27
28



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1 22. Plaintiff Jacqueline Franklin had a regular customer at one point in time, and would
2 choose to attend promotional events to save on paying house fees.

3 23. Plaintiff Franklin had no exclusivity to perform at Defendant's venue, and was
4 free to perform at any other venue, or engage in any kind of business relationship she chose,
5 whenever she chose to do so.
6

7 24. Plaintiff Franklin could take breaks whenever she chose, and did not have to report
8 or otherwise keep track of when she was taking a break or the length of those breaks, or
9 when she was finished with a break. Her breaks could be an hour or multiple hours if she
10 chose.
11

12 25. Plaintiff Franklin could use or cell phone or hang out in the dressing room area of the
13 Club for as long or as frequently as she wanted, should she choose to do so, unless she chose
14 not to pay the fee to forego dancing on stage.

15 26. Plaintiff Franklin was free to hire employees to assist her business of being
16 an exotic dancer, such as a hair stylist, dancing instructor, makeup artist, etc., and, although
17 she did not do so, whether or not she chose to do so was all within her discretion.
18

19 27. Plaintiff Franklin provided her own supplies, such as outfits and cosmetics, and it
20 was not necessary that she purchase all new outfits and supplies specifically for performing
21 at Defendant's venue.

22 28. Plaintiff Franklin negotiated directly with patrons of Crazy Horse III for payment for
23 lap dances, and/or for dancing in the VIP area of Crazy Horse III and would collect any cash
24 payments directly from customers.
25

26 29. Patrons who came in to Crazy Horse III had the option to purchase "dance dollars"
27
28



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1 from Defendant, which could be used to pay for dances from exotic dancers in Defendant's
2 club, including Plaintiff Franklin. However, any dancer, including Plaintiff Franklin could
3 refuse to be paid in "dance dollars."

4
5 30. Plaintiff Franklin made substantial and numerous capital investments prior to
6 performing at Crazy Horse III, including breast augmentation, facial injections, and veneers
7 on her teeth in order to enhance her appearance for exotic dancing. She also made capital
8 investments in outfits, cosmetics, hair, shoes, and accessories.

9
10 31. Plaintiff Franklin, as an exotic dancer, could have written off business expenses,
11 including but not necessarily limited to, house fees, clothing, accessories, hair, makeup,
12 nails, shoes, pouches for money, and food and alcohol, and vehicle mileage, although she
13 did not do so, since she testified that she did not file any tax returns

14 CONCLUSIONS OF LAW

15 1. NRS 608.0155 is applicable and appropriate to utilize in analyzing whether Plaintiff
16 Franklin was a presumptive independent contractor while she performed at Defendant's
17 venue.

18
19 2. The Court concluded that the Parties' respective motions for summary judgment
20 would be applicable to the only remaining Plaintiff, Jacqueline Franklin, as all other
21 Plaintiffs have been dismissed.

22 3. The Court concluded based on the Parties' respective motions for summary
23 judgment, that whether Plaintiff Franklin was or was not an employee of Defendant is an
24 issue of law, appropriate for determination by the Court.

25
26 4. There is no presumption, provided by statute or otherwise, that Plaintiff Franklin was
27 an employee.
28



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1 5. The purpose of NRS 608.0155, as expressed by the Nevada legislature has been to
2 create a retroactive definition of an independent contractor, whereas NRS 608 lacked such a
3 definition. Under NRS 608.0155, persons are “conclusively presumed to be an independent
4 contractor” if they meet certain criteria listed therein.

5
6 6. A party may not “create” a genuine issue of material fact simply by making general
7 allegations and conclusions. See *Wood v. Safeway*, 121 Nev. 724, 731, 121 P.3d 1026, 1030
8 (2005). Rather the Nevada Supreme Court declared, “[t]he nonmoving party must, by
9 affidavit or otherwise, set forth facts demonstrating the existence of a genuine issue for trial
10 or have summary judgment entered against him. The nonmoving party is not entitled to
11 build a case on the gossamer threads of whimsy, speculation, and conjecture.” *Id.* at 732.
12 Accordingly, Plaintiff Franklin failed to set forth any triable genuine issues of material fact
13 to preclude summary judgment in favor of Defendant, as a matter of law
14

15 7. NRS 608.0155(1)(a) provides that a person must possess a social security number. It
16 is an undisputed material fact that Plaintiff Franklin has admitted to having, and possessed, a
17 social security number, and thereby met the criterion set forth in NRS 608.0155(1)(a), as a
18 matter of law.
19

20 8. NRS 608.0155(1)(b) requires presumptive independent contractors to hold “any
21 necessary state business registration or local business license and to maintain any necessary
22 occupational license, insurance or bonding...” It is an undisputed material fact that Plaintiff
23 Franklin, per her agreement with Defendant, and per her own understanding, was required to
24 abide by all applicable laws of the State of Nevada and County of Clark, and in fact did so
25 by having a Nevada State Business License and Sheriff’s card, which she testified were
26



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1 necessary for all exotic dancers performing at gentlemen's clubs in Clark County, Nevada,
2 thereby satisfying the criterion set forth in NRS 608.0155(1)(b).

3 9. NRS 608.0155(1)(c), requires a person to satisfy three of the five following
4 criteria:

5 (1) Notwithstanding the exercise of any control necessary to comply with any
6 statutory, regulatory or contractual obligations, the person has control and
7 discretion over the means and manner of the performance of any work and the
8 result of the work, rather than the means or manner by which the work is
9 performed, is the primary element bargained for by the principal in the contract.

10 (2) Except for an agreement with the principal relating to the completion
11 schedule, range of work hours or, if the work contracted for is entertainment, the
12 time such entertainment is to be presented, the person has control over the time
13 the work is performed.

14 (3) The person is not required to work exclusively for one principal unless:

15 (I) A law, regulation or ordinance prohibits the person from providing
16 services to more than one principal; or

17 (II) The person has entered into a written contract to provide services to
18 only one principal for a limited period.

19 (4) The person is free to hire employees to assist with the work.

20 (5) The person contributes a substantial investment of capital in the business of
21 the person, including, without limitation, the:

22 (I) Purchase or lease of ordinary tools, material and equipment regardless
23 of source;

24 (II) Obtaining of a license or other permission from the principal to access
25 any work space of the principal to perform the work for which the
26 person was engaged; and

27 (III) Lease of any work space from the principal required to perform the
28 work for which the person was engaged.

Based on the foregoing Findings of Fact, the Court concludes that Plaintiff Franklin
satisfied at least three (3) of the five (5) remaining criteria as set forth in NRS
608.0155(c)(1-5), thereby presumptively making her an independent contractor.

10. Based on the foregoing Findings of Fact, and the testimony of Plaintiff Franklin the
Court concludes that Plaintiff Franklin in fact satisfied all five of the criteria set forth in
NRS 608.0155(c)(1-5).

11. NRS 608.0155(1)(c)(1) provides, in pertinent part, that, "[N]otwithstanding the



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1 exercise of any control necessary to comply with any control necessary to comply with any
2 statutory, regulatory or contractual obligations, the person has control and discretion over
3 the means and manner of the performance of any work and the result of the work, rather
4 than the means or manner by which the work is performed...”

5
6 12. Plaintiff Franklin’s own testimony concludes her being an independent contractor.
7 The Court found testimony that Plaintiff Franklin had to follow some guidelines, not to be a
8 material fact which would preclude summary judgment. For example, could have paid a fee
9 to avoid dancing on stage entirely thereby avoiding taking her clothes off pursuant to certain
10 guidelines, akin to other independent contractors agreeing to provide certain services but not
11 others or having to do things in a certain order, and as such, this type of discretion lies in
12 favor of her being an independent contractor, in accordance with NRS 608.0155(1)(c)(1).
13

14 13. Additionally, it is an undisputed material fact that Plaintiff Franklin had complete
15 control and discretion over the means and manner of the performance of her work and the
16 result of her work, as the undisputed material facts and Findings of Fact, are that Defendant
17 did not instruct her on how to dance, Plaintiff Franklin could perform as many lap dances as
18 she wanted or perform none if she chose, Plaintiff Franklin had the option of paying a fee to
19 avoid performing on stage, Plaintiff Franklin could approach any number of patrons she
20 chose and talk to them for as long as she chose. Additionally, it is undisputed material fact
21 that Defendant did not keep track of cash payments to Plaintiff Franklin, did not require
22 Plaintiff Franklin to tip any of its employees or agents, and did not otherwise require
23 Plaintiff Franklin to sell alcohol or VIP time, or require Plaintiff Franklin to otherwise
24 market it. It is an undisputed material fact that Plaintiff Jacqueline Franklin had a regular
25 customer at one point in time, and would choose to attend promotional events to save on
26
27
28



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1 paying house fees. Plaintiff Franklin could also take breaks whenever she chose for however
2 long she chose to do so, and did not report those breaks to anyone. Furthermore, Defendant
3 did not fine Plaintiff Franklin, Plaintiff Franklin was free to refuse to be paid in “dance
4 dollars”, and Plaintiff Franklin could choose her outfits and accessories, as well as her stage
5 name. As such, Plaintiff Franklin satisfies the criterion set forth in NRS 608.0155(1)(c)(1).
6

7 14. NRS 608.0155(1)(c)(2) provides that, “[E]xcept for an agreement with the principal
8 relating to the completion schedule, range of work hours or, if the work contracted for is
9 entertainment, the time such entertainment is to be presented, the person has control over
10 the time the work is performed.”
11

12 15. It is an undisputed material fact that Plaintiff could choose whether or not she
13 performed at Crazy Horse III on any given day or week, and/or at any given time, and could
14 and did choose a wide variety of days, weeks, hours and times to perform and/or cease
15 performing on any given day, and Plaintiff Franklin had complete control, at all times, to
16 modify her own schedule, as she saw fit, and thereby, satisfies the criterion set forth by NRS
17 608.0155(1)(c)(2), as a matter of law.
18

19 16. NRS 608.0155(1)(c)(3) provides in pertinent part, “[T]he person is not required to
20 work exclusively for one principal unless...” Here, it is an undisputed material fact that
21 Plaintiff Franklin was not required to perform exclusively at Defendant’s venue, as there
22 was a non-exclusivity clause in the Agreement she had with Defendant, and she testified to
23 that she was not required to perform exclusively at Defendant’s venue, therefore she
24 satisfies the criterion set forth by NRS 608.0155(1)(c)(3), as a matter of law.
25

26 17. The fact that Plaintiff Franklin’s testimony indicated that she individually chose to
27
28



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1 usually perform only at Crazy Horse III gentlemen's club is not a factor in determining
2 whether she satisfies the criterion set forth by NRS 608.0155(1)(c)(3), as she testified that it
3 was her choice.

4 18. NRS 608.0155(1)(c)(4), provides that, "[T]he person is free to hire employees to
5 assist with the work." Based on the undisputed material facts, and Plaintiff Franklin's own
6 testimony, she was free to hire employees to assist her business of being an exotic dancer,
7 such as a hair stylist, dancing instructor, makeup artist, etc., although she did not do so, and
8 whether or not she chose to do so was entirely within her discretion. Therefore, Plaintiff
9 meets the criterion set forth by NRS 608.0155(1)(c)(4), as a matter of law.
10

11 19. Whether or not Plaintiff Franklin actually chose to hire any employees to assist her
12 business is not a factor in assessing whether she satisfies NRS 608.0155(1)(c)(4).
13

14 20. NRS 608.0155(1)(c)(5), requires a person to contribute a "substantial investment of
15 capital in the business of the person..." including the "[P]urchase or lease of ordinary tools,
16 material and equipment regardless of source" and "[L]ease of any work space from the
17 principal required to perform the work for which the person was engaged."
18

19 21. It is an undisputed material fact that Plaintiff Franklin had made a substantial
20 investment of capital in being an exotic dancer, based on her own testimony regarding
21 paying for veneers, facial injections, and breast implants, along with other items such as,
22 outfits and cosmetics, and business fees, prior to performing at Defendant's venue, along
23 with paying house fees at Defendant's venue, and therefore Plaintiff satisfies the criterion
24 set forth in NRS 608.0155(1)(c)(5), as a matter of law.
25

26 22. The fact that Plaintiff Franklin's investment of capital in her body as part of the
27
28



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1 “tools of the trade” for exotic dancing, including breast augmentation and veneers, was
2 made prior to her performing at Defendant’s venue was not a factor in determining whether
3 she met the criterion set forth in NRS 608.0155(1)(c)(5). Plaintiff Franklin clearly
4 substantially invested in being an exotic dancer, and there is no statutory requirement that an
5 independent contractor must invest substantial capital prior to commencing any business
6 with each new principal.
7

8 23. Plaintiff Franklin’s substantial investment of capital to aid in her effectiveness at
9 earning money as an exotic dancer, and continue as an exotic dancer, if she chooses to do so,
10 further satisfies NRS 608.0155(1)(c)(5), as a matter of law.
11

12 24. There is no genuine issue of material fact that Plaintiff Franklin satisfied all of the
13 requisite criteria delineated under NRS 608.0155 to be presumed an independent contractor,
14 and as a matter of law, the Court concludes that Plaintiff Franklin is an independent
15 contractor.
16

17 25. Since Plaintiff is, as a matter of law, an independent contractor, she cannot assert a
18 claim for unpaid wages pursuant to NEV. CONST., Art. XV § 16 (A), as it only applies to
19 wage requirements on “employers” and “employees.”
20

21 26. Based on Plaintiff Franklin’s status as an independent contractor, her
22 claim for Unjust Enrichment fails, as a matter of law, as it was premised on her being an
23 employee.
24

25 27. Plaintiff Franklin failed to set forth or raise any genuine issues of material fact
26 which would preclude granting summary judgment in favor of Defendant, as a matter of
27 law.
28

28 28. Based on the above Findings of Fact, no material issues of fact remain in dispute



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1 due to the statutory construction and the pleadings, and therefore summary judgment in
2 favor of Defendant is appropriate, as a matter of law.

3 29. Based upon the Court's Findings of Fact, and analysis of those facts in light of NRS
4 608.0155, Plaintiff's Motion for Summary Judgment on Employee Status, must be denied,
5 as a matter of law.
6

7 **IT IS THEREFORE HEREBY ORDERED** that Defendant's Motion for Summary
8 Judgment is GRANTED in its entirety.

9 **IT IS THEREFORE FURTHER ORDERED** that Plaintiff's Motion for Summary
10 Judgment on Employee Status is DENIED with Prejudice.
11

12 DATED this 19 day of September, 2017.
13

14  JOANNA S. KISHNER
15 HONORABLE JOANNA S. KISHNER
16 DISTRICT COURT JUDGE, DEPT. XXXI

17 Respectfully Submitted by:
18 **MORAN BRANDON BENDAVID MORAN**

Approved as to form:
MORRIS//ANDERSON

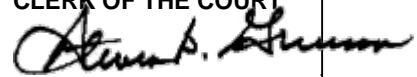
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20 /s/ Jeffery A. Bendavid, Esq.
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13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 JACQUELINE FRANKLIN, ASHLEIGH
16 PARK, LILY SHEPARD, STACIE
17 ALLEN, MICHAELA DIVINE,
18 VERONICA VAN WOODSEN,
19 SAMANTHA JONES, KARINA
20 STRELKOVA, LASHONDA,
21 STEWART, DANIELLE LAMAR, and
22 DIRUBIN TAMAYO, individually, and
23 on behalf of a class of similarly
24 situated individuals,

25 Plaintiffs,

26 vs.

27 RUSSELL ROAD FOOD AND
28 BEVERAGE, LLC, a Nevada limited
Liability company (d/b/a CRAZY DOE
CLUB OWNER, I-X, ROE EMPLOYER,
I-X,

Defendants.

Case No.: A-14-709372-C

Dept. No.: 31

**NOTICE OF ENTRY OF
FINDINGS OF FACT AND
CONCLUSIONS OF LAW ON
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT and
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

AND RELATED COUNTERCLAIMS



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1 Please take notice that the FINDINGS OF FACT AND CONCLUSIONS OF LAW
2 ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT and PLAINTIFF'S
3 MOTION FOR SUMMARY JUDGMENT was entered in the above entitled case by the
4 Honorable Joanna S. Kishner on the 3rd day of October, 2017.
5

6 A TRUE AND CORRECT COPY of the Order is attached hereto.

7 DATED this 12th day of October, 2017.

8 **MORAN BRANDON BENDAVID MORAN**

9
10 /s/ Jeffery A. Bendavid

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17 /s/ Gregory J. Kamer

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14 **CLARK COUNTY, NEVADA**

15 JACQUELINE FRANKLIN,
16 ASHLEIGH PARK, LILY SHEPARD,
17 STACIE ALLEN, MICHAELA DIVINE,
18 VERONICA VAN WOODSEN,
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20 STRELKOVA, LASHONDA,
21 STEWART, DANIELLE LAMAR, and
22 DIRUBIN TAMAYO, individually, and
23 on behalf of a class of similarly
24 situated individuals,

25 Plaintiffs,

26 vs.

27 RUSSELL ROAD FOOD AND
28 BEVERAGE, LLC, a Nevada limited
Liability company (d/b/a CRAZY DOE
CLUB OWNER, I-X, ROE
EMPLOYER, I-X,

Defendants.

AND RELATED COUNTERCLAIMS

Case No.: A-14-709372-C

Dept. No.: 31

**[PROPOSED] FINDINGS OF FACT
AND CONCLUSIONS OF LAW ON
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

AND

**PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration



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1 Plaintiff, JACQUELINE FRANKLIN'S Motion for Summary Judgment on
2 Employee Status with LAUREN CALVERT, ESQ. of MORRIS//ANDERSON, appearing
3 on behalf of Plaintiff, and Defendant, RUSSELL ROAD FOOD AND BEVERAGE LLC
4 d/b/a CRAZY HORSE GENTLEMEN'S CLUB ("Defendant" and/or "Crazy Horse III")
5 Motion for Summary Judgment pursuant to NRCP 56, with JEFFERY A. BENDAVID,
6 ESQ. and STEPHANIE J. SMITH, ESQ. of MORAN BRANDON BENDAVID MORAN,
7 appearing for Defendant, having both come on for hearing and on August 17, 2017, at 9:30
8 a.m. in Department 31 of the above-titled Court, with the Honorable Judge Joanna Kishner
9 presiding.
10
11

12 PROCEDURAL HISTORY

13 The Parties' Motions for Summary Judgment were both filed on June 19, 2017, at
14 which time there were five remaining named Plaintiffs who still had a claim for allegedly
15 unpaid wages and unjust enrichment, and two remaining named Plaintiffs that had only,
16 unjust enrichment claims. The Parties filed their respective Oppositions, also addressing the
17 five remaining Plaintiffs. Subsequently, on July 11, 2017, Defendant's Motion to Dismiss all
18 Plaintiffs pursuant to lack of subject matter jurisdiction came on for hearing and was granted
19 with respect to all Plaintiffs, except for Jacqueline Franklin. Accordingly, the Reply Briefs
20 of the Parties dealt specifically with Jacqueline Franklin. At the time for hearing on the
21 Parties' respective motions for summary judgment, the Court determined it was considering
22 each Party's motion with respect to the employment status of Jacqueline Franklin.
23
24

25 As such, the Court having considered the pleadings, papers, and supplements thereto,
26 and the arguments of counsel, and good cause appearing makes the following findings of
27 fact and conclusions of law, and orders as follows:
28



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1 FINDINGS OF FACT

2 1. Plaintiff Franklin ("Plaintiff" and/or "Plaintiff Franklin") was an exotic
3 dancer/performer who performed at Defendant's venue.

4 2. Plaintiff Jacqueline Franklin possesses a social security number.

5 3. Plaintiff Franklin possessed a valid Nevada State business license during the time
6 she performed at Crazy Horse III, and had a Sheriff's card during the time she performed at
7 Crazy Horse III.
8

9 4. Plaintiff Franklin understood that having a Sheriff's card and Nevada State Business
10 License was a legal requirement for exotic dancers in Clark County, Nevada.
11

12 5. Plaintiff Franklin conceded that Defendant did not specifically instruct Plaintiff
13 Franklin on how to dance, or what style of dance she could perform, aside from the confines
14 of legal requirements, which Plaintiff was aware of, and agreed upon guidelines regarding
15 removing clothing since she was performing in an adult topless venue, as an exotic dancer.
16 Plaintiff Franklin further testified that she did whatever was comfortable for her while she
17 was performing on stage.
18

19 6. Plaintiff Franklin could perform lap dances how she wanted as long as her dancing
20 followed any legal requirements.

21 7. Plaintiff Franklin could choose her outfits and look, including any signature
22 accessories, as long as it also comported with legal requirements for exotic dancers, and
23 Plaintiff knew these requirements from performing as an exotic dancer at other venues.
24 Plaintiff Franklin testified that she already had many outfits from dancing at other venues
25 previously, and nobody at Crazy Horse III ever asked her or told her she should change
26 outfits. Plaintiff Franklin was in complete control of what she chose to wear at all times.
27
28



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1 8. Plaintiff Franklin was never required to wear any special costumes or accessories by
2 Defendant, and chose all of her own outfits and accessories, and chose her own stage name.

3 9. Plaintiff Franklin could consume alcohol while performing at Crazy Horse III, if she
4 chose to do so, or entirely refrain from drinking, which she did.

5 10. Defendant did not require Plaintiff Franklin to perform a certain number of lap
6 dances, or a quota of dances, and there was no minimum amount of VIP time she had to sell
7 to patrons. In fact, she could choose to never enter into the VIP areas and perform only floor
8 lap dances, or only perform for guests willing to purchase VIP time, such a choice was
9 entirely up to her.
10

11 11. A dancer could choose to pay a fee to remain off stage. Plaintiff Franklin had
12 complete control over whether she chose to pay a fee to avoid dancing on the stage. Plaintiff
13 Franklin also chose whether she performed at Crazy Horse III during times when there was a
14 higher, lower, or no house fee at all to utilize the club.
15

16 12. Plaintiff Franklin could choose to approach any number of patrons she chose while at
17 Crazy Horse III, and could decide how long she wanted to talk to a patron, if at all. In fact,
18 Plaintiff Franklin could choose to never talk to, or perform for, any patron while in
19 Defendant's venue, at her sole discretion.
20

21 13. Plaintiff Franklin never reported any amount of money she earned to anyone at
22 Crazy Horse III, and had no quota of money she had to earn set by Crazy Horse III.

23 14. Crazy Horse III did not keep track of cash payments from patrons to Plaintiff
24 Franklin.
25

26 15. Defendant did not require Plaintiff Franklin to sell bottles of alcohol to patrons aside
27
28



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1 from Crazy Horse III having certain VIP room beverage minimums, which patrons paid to
2 utilize VIP rooms.

3 16. Plaintiff Franklin completely controlled her own schedule and performances, and she
4 could choose whether or not she performed at Crazy Horse III on any given day, week,
5 month, or year, and was never required to perform any minimum or maximum number of
6 days, certain days or hours, or any specific time of day at Crazy Horse III. Plaintiff Franklin
7 had complete control of her schedule, and could modify it at any time, including when she
8 was at Defendant's venue. In fact, Plaintiff Franklin could choose to perform zero days, one
9 day or every day in a week or month.
10

11 17. Plaintiff Franklin could choose when to start performing at any time of day she
12 chose, per her agreement with Defendant, and did go in to perform at a wide variety of times
13 ranging between 7:45 p.m. and 1:06 a.m.
14

15 18. Plaintiff Franklin could choose to stay for any number of hours she desired, and
16 would stay for a varying amount of hours ranging from 1.07 hours to 12.33 hours, on the
17 days she chose to perform.
18

19 19. Plaintiff Franklin could leave Crazy Horse III whenever she chose to stop
20 performing, and despite her testimony that she was required to stay on Crazy Horse III's
21 premises a minimum of five (5) hours. She in fact performed for less than five hours
22 approximately eighteen (18) different times.
23

24 20. Plaintiff Franklin did not pay any fees or fines to leave prior to performing for any
25 length of time, and was never assessed any fines by Defendant.

26 21. Plaintiff Franklin did not have to pay out any mandatory tips to any of Defendant's
27 agents or employees.
28



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1 22. Plaintiff Jacqueline Franklin had a regular customer at one point in time, and would
2 choose to attend promotional events to save on paying house fees.

3 23. Plaintiff Franklin had no exclusivity to perform at Defendant's venue, and was
4 free to perform at any other venue, or engage in any kind of business relationship she chose,
5 whenever she chose to do so.
6

7 24. Plaintiff Franklin could take breaks whenever she chose, and did not have to report
8 or otherwise keep track of when she was taking a break or the length of those breaks, or
9 when she was finished with a break. Her breaks could be an hour or multiple hours if she
10 chose.
11

12 25. Plaintiff Franklin could use or cell phone or hang out in the dressing room area of the
13 Club for as long or as frequently as she wanted, should she choose to do so, unless she chose
14 not to pay the fee to forego dancing on stage.

15 26. Plaintiff Franklin was free to hire employees to assist her business of being
16 an exotic dancer, such as a hair stylist, dancing instructor, makeup artist, etc., and, although
17 she did not do so, whether or not she chose to do so was all within her discretion.
18

19 27. Plaintiff Franklin provided her own supplies, such as outfits and cosmetics, and it
20 was not necessary that she purchase all new outfits and supplies specifically for performing
21 at Defendant's venue.

22 28. Plaintiff Franklin negotiated directly with patrons of Crazy Horse III for payment for
23 lap dances, and/or for dancing in the VIP area of Crazy Horse III and would collect any cash
24 payments directly from customers.
25

26 29. Patrons who came in to Crazy Horse III had the option to purchase "dance dollars"
27
28



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1 from Defendant, which could be used to pay for dances from exotic dancers in Defendant's
2 club, including Plaintiff Franklin. However, any dancer, including Plaintiff Franklin could
3 refuse to be paid in "dance dollars."

4 30. Plaintiff Franklin made substantial and numerous capital investments prior to
5 performing at Crazy Horse III, including breast augmentation, facial injections, and veneers
6 on her teeth in order to enhance her appearance for exotic dancing. She also made capital
7 investments in outfits, cosmetics, hair, shoes, and accessories.
8

9 31. Plaintiff Franklin, as an exotic dancer, could have written off business expenses,
10 including but not necessarily limited to, house fees, clothing, accessories, hair, makeup,
11 nails, shoes, pouches for money, and food and alcohol, and vehicle mileage, although she
12 did not do so, since she testified that she did not file any tax returns
13

14 CONCLUSIONS OF LAW

15 1. NRS 608.0155 is applicable and appropriate to utilize in analyzing whether Plaintiff
16 Franklin was a presumptive independent contractor while she performed at Defendant's
17 venue.
18

19 2. The Court concluded that the Parties' respective motions for summary judgment
20 would be applicable to the only remaining Plaintiff, Jacqueline Franklin, as all other
21 Plaintiffs have been dismissed.

22 3. The Court concluded based on the Parties' respective motions for summary
23 judgment, that whether Plaintiff Franklin was or was not an employee of Defendant is an
24 issue of law, appropriate for determination by the Court.
25

26 4. There is no presumption, provided by statute or otherwise, that Plaintiff Franklin was
27 an employee.
28



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1 5. The purpose of NRS 608.0155, as expressed by the Nevada legislature has been to
2 create a retroactive definition of an independent contractor, whereas NRS 608 lacked such a
3 definition. Under NRS 608.0155, persons are “conclusively presumed to be an independent
4 contractor” if they meet certain criteria listed therein.

5
6 6. A party may not “create” a genuine issue of material fact simply by making general
7 allegations and conclusions. See *Wood v. Safeway*, 121 Nev. 724, 731, 121 P.3d 1026, 1030
8 (2005). Rather the Nevada Supreme Court declared, “[t]he nonmoving party must, by
9 affidavit or otherwise, set forth facts demonstrating the existence of a genuine issue for trial
10 or have summary judgment entered against him. The nonmoving party is not entitled to
11 build a case on the gossamer threads of whimsy, speculation, and conjecture.” *Id.* at 732.
12 Accordingly, Plaintiff Franklin failed to set forth any triable genuine issues of material fact
13 to preclude summary judgment in favor of Defendant, as a matter of law
14

15 7. NRS 608.0155(1)(a) provides that a person must possess a social security number. It
16 is an undisputed material fact that Plaintiff Franklin has admitted to having, and possessed, a
17 social security number, and thereby met the criterion set forth in NRS 608.0155(1)(a), as a
18 matter of law.
19

20 8. NRS 608.0155(1)(b) requires presumptive independent contractors to hold “any
21 necessary state business registration or local business license and to maintain any necessary
22 occupational license, insurance or bonding...” It is an undisputed material fact that Plaintiff
23 Franklin, per her agreement with Defendant, and per her own understanding, was required to
24 abide by all applicable laws of the State of Nevada and County of Clark, and in fact did so
25 by having a Nevada State Business License and Sheriff’s card, which she testified were
26



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1 necessary for all exotic dancers performing at gentlemen's clubs in Clark County, Nevada,
2 thereby satisfying the criterion set forth in NRS 608.0155(1)(b).

3 9. NRS 608.0155(1)(c), requires a person to satisfy three of the five following
4 criteria:

5 (1) Notwithstanding the exercise of any control necessary to comply with any
6 statutory, regulatory or contractual obligations, the person has control and
7 discretion over the means and manner of the performance of any work and the
8 result of the work, rather than the means or manner by which the work is
9 performed, is the primary element bargained for by the principal in the contract.

10 (2) Except for an agreement with the principal relating to the completion
11 schedule, range of work hours or, if the work contracted for is entertainment, the
12 time such entertainment is to be presented, the person has control over the time
13 the work is performed.

14 (3) The person is not required to work exclusively for one principal unless:

15 (I) A law, regulation or ordinance prohibits the person from providing
16 services to more than one principal; or

17 (II) The person has entered into a written contract to provide services to
18 only one principal for a limited period.

19 (4) The person is free to hire employees to assist with the work.

20 (5) The person contributes a substantial investment of capital in the business of
21 the person, including, without limitation, the:

22 (I) Purchase or lease of ordinary tools, material and equipment regardless
23 of source;

24 (II) Obtaining of a license or other permission from the principal to access
25 any work space of the principal to perform the work for which the
26 person was engaged; and

27 (III) Lease of any work space from the principal required to perform the
28 work for which the person was engaged.

Based on the foregoing Findings of Fact, the Court concludes that Plaintiff Franklin
satisfied at least three (3) of the five (5) remaining criteria as set forth in NRS
608.0155(c)(1-5), thereby presumptively making her an independent contractor.

10. Based on the foregoing Findings of Fact, and the testimony of Plaintiff Franklin the
Court concludes that Plaintiff Franklin in fact satisfied all five of the criteria set forth in
NRS 608.0155(c)(1-5).

11. NRS 608.0155(1)(c)(1) provides, in pertinent part, that, "[N]otwithstanding the



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1 exercise of any control necessary to comply with any control necessary to comply with any
2 statutory, regulatory or contractual obligations, the person has control and discretion over
3 the means and manner of the performance of any work and the result of the work, rather
4 than the means or manner by which the work is performed..."

5
6 12. Plaintiff Franklin's own testimony concludes her being an independent contractor.
7 The Court found testimony that Plaintiff Franklin had to follow some guidelines, not to be a
8 material fact which would preclude summary judgment. For example, could have paid a fee
9 to avoid dancing on stage entirely thereby avoiding taking her clothes off pursuant to certain
10 guidelines, akin to other independent contractors agreeing to provide certain services but not
11 others or having to do things in a certain order, and as such, this type of discretion lies in
12 favor of her being an independent contractor, in accordance with NRS 608.0155(1)(c)(1).
13

14 13. Additionally, it is an undisputed material fact that Plaintiff Franklin had complete
15 control and discretion over the means and manner of the performance of her work and the
16 result of her work, as the undisputed material facts and Findings of Fact, are that Defendant
17 did not instruct her on how to dance, Plaintiff Franklin could perform as many lap dances as
18 she wanted or perform none if she chose, Plaintiff Franklin had the option of paying a fee to
19 avoid performing on stage, Plaintiff Franklin could approach any number of patrons she
20 chose and talk to them for as long as she chose. Additionally, it is undisputed material fact
21 that Defendant did not keep track of cash payments to Plaintiff Franklin, did not require
22 Plaintiff Franklin to tip any of its employees or agents, and did not otherwise require
23 Plaintiff Franklin to sell alcohol or VIP time, or require Plaintiff Franklin to otherwise
24 market it. It is an undisputed material fact that Plaintiff Jacqueline Franklin had a regular
25 customer at one point in time, and would choose to attend promotional events to save on
26
27
28



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1 paying house fees. Plaintiff Franklin could also take breaks whenever she chose for however
2 long she chose to do so, and did not report those breaks to anyone. Furthermore, Defendant
3 did not fine Plaintiff Franklin, Plaintiff Franklin was free to refuse to be paid in "dance
4 dollars", and Plaintiff Franklin could choose her outfits and accessories, as well as her stage
5 name. As such, Plaintiff Franklin satisfies the criterion set forth in NRS 608.0155(1)(c)(1).
6

7 14. NRS 608.0155(1)(c)(2) provides that, "[E]xcept for an agreement with the principal
8 relating to the completion schedule, range of work hours or, if the work contracted for is
9 entertainment, the time such entertainment is to be presented, the person has control over
10 the time the work is performed."
11

12 15. It is an undisputed material fact that Plaintiff could choose whether or not she
13 performed at Crazy Horse III on any given day or week, and/or at any given time, and could
14 and did choose a wide variety of days, weeks, hours and times to perform and/or cease
15 performing on any given day, and Plaintiff Franklin had complete control, at all times, to
16 modify her own schedule, as she saw fit, and thereby, satisfies the criterion set forth by NRS
17 608.0155(1)(c)(2), as a matter of law.
18

19 16. NRS 608.0155(1)(c)(3) provides in pertinent part, "[T]he person is not required to
20 work exclusively for one principal unless..." Here, it is an undisputed material fact that
21 Plaintiff Franklin was not required to perform exclusively at Defendant's venue, as there
22 was a non-exclusivity clause in the Agreement she had with Defendant, and she testified to
23 that she was not required to perform exclusively at Defendant's venue, therefore she
24 satisfies the criterion set forth by NRS 608.0155(1)(c)(3), as a matter of law.
25

26 17. The fact that Plaintiff Franklin's testimony indicated that she individually chose to
27
28



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1 usually perform only at Crazy Horse III gentlemen's club is not a factor in determining
2 whether she satisfies the criterion set forth by NRS 608.0155(1)(c)(3), as she testified that it
3 was her choice.

4 18. NRS 608.0155(1)(c)(4), provides that, "[T]he person is free to hire employees to
5 assist with the work." Based on the undisputed material facts, and Plaintiff Franklin's own
6 testimony, she was free to hire employees to assist her business of being an exotic dancer,
7 such as a hair stylist, dancing instructor, makeup artist, etc., although she did not do so, and
8 whether or not she chose to do so was entirely within her discretion. Therefore, Plaintiff
9 meets the criterion set forth by NRS 608.0155(1)(c)(4), as a matter of law.
10

11 19. Whether or not Plaintiff Franklin actually chose to hire any employees to assist her
12 business is not a factor in assessing whether she satisfies NRS 608.0155(1)(c)(4).
13

14 20. NRS 608.0155(1)(c)(5), requires a person to contribute a "substantial investment of
15 capital in the business of the person..." including the "[P]urchase or lease of ordinary tools,
16 material and equipment regardless of source" and "[L]ease of any work space from the
17 principal required to perform the work for which the person was engaged."
18

19 21. It is an undisputed material fact that Plaintiff Franklin had made a substantial
20 investment of capital in being an exotic dancer, based on her own testimony regarding
21 paying for veneers, facial injections, and breast implants, along with other items such as,
22 outfits and cosmetics, and business fees, prior to performing at Defendant's venue, along
23 with paying house fees at Defendant's venue, and therefore Plaintiff satisfies the criterion
24 set forth in NRS 608.0155(1)(c)(5), as a matter of law.
25

26 22. The fact that Plaintiff Franklin's investment of capital in her body as part of the
27
28



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1 “tools of the trade” for exotic dancing, including breast augmentation and veneers, was
2 made prior to her performing at Defendant’s venue was not a factor in determining whether
3 she met the criterion set forth in NRS 608.0155(1)(c)(5). Plaintiff Franklin clearly
4 substantially invested in being an exotic dancer, and there is no statutory requirement that an
5 independent contractor must invest substantial capital prior to commencing any business
6 with each new principal.
7

8 23. Plaintiff Franklin’s substantial investment of capital to aid in her effectiveness at
9 earning money as an exotic dancer, and continue as an exotic dancer, if she chooses to do so,
10 further satisfies NRS 608.0155(1)(c)(5), as a matter of law.
11

12 24. There is no genuine issue of material fact that Plaintiff Franklin satisfied all of the
13 requisite criteria delineated under NRS 608.0155 to be presumed an independent contractor,
14 and as a matter of law, the Court concludes that Plaintiff Franklin is an independent
15 contractor.
16

17 25. Since Plaintiff is, as a matter of law, an independent contractor, she cannot assert a
18 claim for unpaid wages pursuant to NEV. CONST., Art. XV § 16 (A), as it only applies to
19 wage requirements on “employers” and “employees.”
20

21 26. Based on Plaintiff Franklin’s status as an independent contractor, her
22 claim for Unjust Enrichment fails, as a matter of law, as it was premised on her being an
23 employee.
24

25 27. Plaintiff Franklin failed to set forth or raise any genuine issues of material fact
26 which would preclude granting summary judgment in favor of Defendant, as a matter of
27 law.
28

28 28. Based on the above Findings of Fact, no material issues of fact remain in dispute



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BENDAVID MORAN
ATTORNEYS AT LAW

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1 due to the statutory construction and the pleadings, and therefore summary judgment in
2 favor of Defendant is appropriate, as a matter of law.

3 29. Based upon the Court's Findings of Fact, and analysis of those facts in light of NRS
4 608.0155, Plaintiff's Motion for Summary Judgment on Employee Status, must be denied,
5 as a matter of law.
6

7 **IT IS THEREFORE HEREBY ORDERED** that Defendant's Motion for Summary
8 Judgment is GRANTED in its entirety.

9 **IT IS THEREFORE FURTHER ORDERED** that Plaintiff's Motion for Summary
10 Judgment on Employee Status is DENIED with Prejudice.
11

12 DATED this 19 day of September, 2017.
13

14  JOANNA S. KISHNER
15 HONORABLE JOANNA S. KISHNER
16 DISTRICT COURT JUDGE, DEPT. XXXI

17 Respectfully Submitted by:
18 MORAN BRANDON BENDAVID MORAN
19

Approved as to form:
MORRIS//ANDERSON

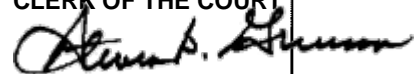
20 /s/ Jeffery A. Bendavid, Esq.
21 **JEFFERY A. BENDAVID, ESQ.**
22 Nevada Bar No. 6220
23 **STEPHANIE J. SMITH, ESQ.**
24 Nevada Bar No. 11280
630 South Fourth Street
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Attorneys for Defendant

RYAN M. ANDERSON, ESQ.
Nevada Bar No. 11040
LAUREN CALVERT, ESQ.
Nevada Bar No. 10534
716 South Jones Blvd.
Las Vegas, NV 89107
Attorneys for Plaintiffs



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1 **ORDR**

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11 Nevada Bar No. 0270

12 **KAITLIN H. ZIEGLER, ESQ.**

13 Nevada Bar No. 013625

14 **KAMER ZUCKER ABBOTT**

15 3000 W. Charleston Blvd., #3

16 Las Vegas, Nevada 89102

17 (702) 259-8640

18 *Attorneys for Defendant/Counterclaimant*

19 **DISTRICT COURT**
20 **CLARK COUNTY, NEVADA**

21 JACQUELINE FRANKLIN,
22 ASHLEIGH PARK, LILY SHEPARD,
23 STACIE ALLEN, MICHAELA DIVINE,
24 VERONICA VAN WOODSEN,
25 SAMANTHA JONES, KARINA
26 STRELKOVA, LASHONDA,
27 STEWART, DANIELLE LAMAR, and
28 DIRUBIN TAMAYO, individually, and
on behalf of a class of similarly
situated individuals,

Plaintiffs,

vs.

RUSSELL ROAD FOOD AND
BEVERAGE, LLC, a Nevada limited
Liability company (d/b/a CRAZY DOE
CLUB OWNER, I-X, ROE
EMPLOYER, I-X,

Defendants.

AND RELATED COUNTERCLAIMS

Case No.: A-14-709372-C

Dept. No.: 31

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS PLAINTIFFS
ASHLEIGH PARK, DANIELLE
LAMAR, LILY SHEPARD, KARINA
STRELKOVA, STACIE ALLEN, AND
MICHAELA DEVINE AKA MOORE
THIRD AMENDED COMPLAINT
PURSUANT TO N.R.C.P. 12(b)(1) AND
N.R.C.P. 12(h)(3)**

**ORDER GRANTING DEFENDANT'S
MOTION TO STRIKE PLAINTIFFS'
RENEWED MOTION FOR CLASS
CERTIFICATION**

**ORDER DENYING PLAINTIFFS'
RENEWED MOTION FOR CLASS
CERTIFICATION**



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1 Plaintiffs, JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD,
2 STACIE ALLEN, MICHAELA DEVINE, KARINA STREKLOVA, AND DANIELLE
3 LAMAR'S, individually and on behalf of all persons similarly situated (the "Plaintiffs")
4 RENEWED MOTION FOR CLASS CERTIFICATION, with LAUREN CALVERT, ESQ.
5 of MORRIS//ANDERSON, appearing on behalf of Plaintiffs, and Defendant, RUSSELL
6 ROAD FOOD AND BEVERAGE LLC'S ("Defendant") MOTION TO DISMISS
7 PLAINTIFFS' THIRD AMENDED COMPLAINT PURSUANT TO N.R.C.P. 12(b)(1)
8 AND N.R.C.P. 12(h)(3) and Defendant's MOTION TO STRIKE PLAINTIFFS'
9 RENEWED MOTION FOR CLASS CERTIFICATION, with JEFFERY A. BENDAVID,
10 ESQ. and STEPHANIE J. SMITH, ESQ. of MORAN BRANDON BENDAVID MORAN,
11 appearing for Defendant, came on for hearing and on July 11, 2017, in Department 31 of the
12 above-titled Court, with the Honorable Senior Judge Nancy M. Saitta presiding. The Court
13 having considered the pleadings, papers, and supplements thereto and filed herein, the
14 arguments of counsel, and good cause appearing finds and orders as follows:

15
16
17
18 **THE COURT FINDS** that Defendant's Motion to Dismiss Plaintiffs' Third
19 Amended Complaint pursuant to N.R.C.P. 12(b)(1) AND N.R.C.P. 12(h)(3), is GRANTED
20 as to Plaintiffs, Ashleigh Park, Danielle Lamar, Lily Shepard, Karina Strelkova, Stacie
21 Allen, and Michaela Devine aka Moore, based on the arguments set forth in Defendant's
22 Motion to Dismiss. Defendant's Motion to Dismiss Plaintiffs' Third Amended Complaint
23 pursuant to N.R.C.P. 12(b)(1) AND N.R.C.P. 12(h)(3), is Denied with respect to Plaintiff,
24 Jacqueline Franklin, only.
25
26
27
28



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THE COURT FURTHER FINDS that Plaintiffs' Renewed Motion for Class Certification is DENIED, on the bases set forth in Defendant's Opposition to Plaintiffs' Renewed Motion for Class Certification.

HONORABLE JOANNA S. KISHNER
DISTRICT COURT JUDGE, DEPT. XXXI

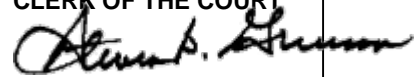
MORRIS//ANDERSON

Attorneys for Plaintiffs



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1 **NEO**

2 **JEFFERY A. BENDAVID, ESQ.**

3 Nevada Bar No. 6220

4 **STEPHANIE J. SMITH, ESQ.**

5 Nevada Bar No. 11280

6 **MORAN BRANDON BENDAVID MORAN**

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9 (702) 384-8424

10 **GREGORY J. KAMER, ESQ.**

11 Nevada Bar No. 0270

12 **KAITLIN H. ZIEGLER, ESQ.**

13 Nevada Bar No. 013625

14 **KAMER ZUCKER ABBOTT**

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16 Las Vegas, Nevada 89102

17 (702) 259-8640

18 *Attorneys for Defendant/Counterclaimant*

19 **DISTRICT COURT**
20 **CLARK COUNTY, NEVADA**

21 JACQUELINE FRANKLIN, ASHLEIGH
22 PARK, LILY SHEPARD, STACIE
23 ALLEN, MICHAELA DIVINE,
24 VERONICA VAN WOODSEN,
25 SAMANTHA JONES, KARINA
26 STRELKOVA, LASHONDA,
27 STEWART, DANIELLE LAMAR, and
28 DIRUBIN TAMAYO, individually, and
on behalf of a class of similarly
situated individuals,

Plaintiffs,

vs.

RUSSELL ROAD FOOD AND
BEVERAGE, LLC, a Nevada limited
Liability company (d/b/a CRAZY DOE
CLUB OWNER, I-X, ROE EMPLOYER,
I-X,

Defendants.

Case No.: A-14-709372-C

Dept. No.: 31

NOTICE OF ENTRY OF ORDER

AND RELATED COUNTERCLAIMS



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1 **NOTICE OF ENTRY OF ORDER**

2 Please take notice that an ORDER GRANTING DEFENDANT'S MOTION TO
3 DISMISS PLAINTIFFS ASHLEIGH PARK, DANIELLE LAMAR, LILY SHEPARD,
4 KARINA STRELKOVA, STACIE ALLEN, AND MICHAELA DEVINE AKA MOORE
5 THIRD AMENDED COMPLAINT PURSUANT TO N.R.C.P. 12(b)(1) AND N.R.C.P.
6 12(h)(3); ORDER GRANTING DEFENDANT'S MOTION TO STRIKE PLAINTIFFS'
7 RENEWED MOTION FOR CLASS CERTIFICATION; ORDER DENYING
8 PLAINTIFFS' RENEWED MOTION FOR CLASS CERTIFICATION was entered in the
9 above entitled case by the Honorable Joanna S. Kishner on the 23rd day of August, 2017.
10

11 A TRUE AND CORRECT COPY of the Order is attached hereto.

12 DATED this 25th day of August, 2017.

13
14 **MORAN BRANDON BENDAVID MORAN**

15
16 /s/ Jeffery A. Bendavid

17 **JEFFERY A. BENDAVID, ESQ.**

18 Nevada Bar No. 6220

19 **STEPHANIE J. SMITH, ESQ.**

20 630 South 4th Street

21 Las Vegas, Nevada 89101

22
23 **KAMER ZUCKER ABBOTT**

24 /s/ Gregory J. Kamer

25 **GREGORY J. KAMER, ESQ.**

26 Nevada Bar No. 0270

27 **KAITLIN H. ZIEGLER, ESQ.**

28 Nevada Bar No. 013625

3000 W. Charleston Blvd., #3

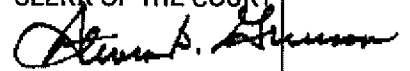
Las Vegas, Nevada 89102

Attorneys for Defendant



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1 **ORDR**

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3 Nevada Bar No. 6220

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16 Las Vegas, Nevada 89102

17 (702) 259-8640

18 *Attorneys for Defendant/Counterclaimant*

19 **DISTRICT COURT**
20 **CLARK COUNTY, NEVADA**

21 JACQUELINE FRANKLIN,
22 ASHLEIGH PARK, LILY SHEPARD,
23 STACIE ALLEN, MICHAELA DIVINE,
24 VERONICA VAN WOODSEN,
25 SAMANTHA JONES, KARINA
26 STRELKOVA, LASHONDA,
27 STEWART, DANIELLE LAMAR, and
28 DIRUBIN TAMAYO, individually, and
on behalf of a class of similarly
situated individuals,

Plaintiffs,

vs.

RUSSELL ROAD FOOD AND
BEVERAGE, LLC, a Nevada limited
Liability company (d/b/a CRAZY DOE
CLUB OWNER, I-X, ROE
EMPLOYER, I-X,

Defendants.

AND RELATED COUNTERCLAIMS

Case No.: A-14-709372-C

Dept. No.: 31

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS PLAINTIFFS
ASHLEIGH PARK, DANIELLE
LAMAR, LILY SHEPARD, KARINA
STRELKOVA, STACIE ALLEN, AND
MICHAELA DEVINE AKA MOORE
THIRD AMENDED COMPLAINT
PURSUANT TO N.R.C.P. 12(b)(1) AND
N.R.C.P. 12(h)(3)**

**ORDER GRANTING DEFENDANT'S
MOTION TO STRIKE PLAINTIFFS'
RENEWED MOTION FOR CLASS
CERTIFICATION**

**ORDER DENYING PLAINTIFFS'
RENEWED MOTION FOR CLASS
CERTIFICATION**



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1 Plaintiffs, JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD,
2 STACIE ALLEN, MICHAELA DEVINE, KARINA STREKLOVA, AND DANIELLE
3 LAMAR'S, individually and on behalf of all persons similarly situated (the "Plaintiffs")
4 RENEWED MOTION FOR CLASS CERTIFICATION, with LAUREN CALVERT, ESQ.
5 of MORRIS//ANDERSON, appearing on behalf of Plaintiffs, and Defendant, RUSSELL
6 ROAD FOOD AND BEVERAGE LLC'S ("Defendant") MOTION TO DISMISS
7 PLAINTIFFS' THIRD AMENDED COMPLAINT PURSUANT TO N.R.C.P. 12(b)(1)
8 AND N.R.C.P. 12(h)(3) and Defendant's MOTION TO STRIKE PLAINTIFFS'
9 RENEWED MOTION FOR CLASS CERTIFICATION, with JEFFERY A. BENDAVID,
10 ESQ. and STEPHANIE J. SMITH, ESQ. of MORAN BRANDON BENDAVID MORAN,
11 appearing for Defendant, came on for hearing and on July 11, 2017, in Department 31 of the
12 above-titled Court, with the Honorable Senior Judge Nancy M. Saitta presiding. The Court
13 having considered the pleadings, papers, and supplements thereto and filed herein, the
14 arguments of counsel, and good cause appearing finds and orders as follows:

15
16
17 **THE COURT FINDS** that Defendant's Motion to Dismiss Plaintiffs' Third
18 Amended Complaint pursuant to N.R.C.P. 12(b)(1) AND N.R.C.P. 12(h)(3), is GRANTED
19 as to Plaintiffs, Ashleigh Park, Danielle Lamar, Lily Shepard, Karina Strelkova, Stacie
20 Allen, and Michaela Devine aka Moore, based on the arguments set forth in Defendant's
21 Motion to Dismiss. Defendant's Motion to Dismiss Plaintiffs' Third Amended Complaint
22 pursuant to N.R.C.P. 12(b)(1) AND N.R.C.P. 12(h)(3), is Denied with respect to Plaintiff,
23 Jacqueline Franklin, only.
24
25
26
27
28



MORAN BRANDON
BENDAUID MORAN
ATTORNEYS AT LAW

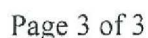
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THE COURT FURTHER FINDS that Plaintiffs' Renewed Motion for Class Certification is DENIED, on the bases set forth in Defendant's Opposition to Plaintiffs' Renewed Motion for Class Certification.

HONORABLE JOANNA S. KISHNER
DISTRICT COURT JUDGE, DEPT. XXXI

MORRIS//ANDERSON

Attorneys for Plaintiffs



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

May 07, 2015

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

May 07, 2015 9:30 AM Motion to Dismiss

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Anderson, Ryan M. Attorney
Bendavid, Jeffery A. Attorney
Kamer, Gregory J. Attorney

JOURNAL ENTRIES

- DEFENDANT, RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO DISMISS PLAINTIFFS, JANE DOE DANCER 1 THROUGH XI AND/OR MOTION TO STRIKE PLAINTIFFS, JANE DOE DANCER II, III, VI, VIII AND IX THROUGH XI AND DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S JACQUELINE FRANKLIN, ASHLEIGH PARK, LILY SHEPARD, STACIE ALLEN, AND JANE DOE DANCER I THROUGH XI'S FIRST AMENDED COMPLAINT PURSUANT TO NRCP 12(B)(5) AND/OR MOTION TO STRIKE PLAINTIFFS' FIRST CAUSE OF ACTION, PRAYER FOR EXEMPLARY AND PUNITIVE DAMAGES, AND PRAYERS FOR RELIEF PURSUANT TO NRCP 12(F)

Court provided its inclination. Arguments by counsel. All counsel agree that additional argument is needed. COURT ORDERED, matter CONTINUED. Court offered tomorrow (5/8/15) at 10:00 am or Monday (5/11/15) at 2:00 pm. Counsel to contact Chambers, in writing, with agreed upon date by 4:00 pm today.

CONTINUED TO: (DATE TO BE DETERMINED)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

June 02, 2015

A-14-709372-C	Ashleigh Park, Plaintiff(s)
	vs.
	Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

June 02, 2015	9:00 AM	Motion to Amend Complaint
----------------------	----------------	--------------------------------------

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Anderson, Ryan M.	Attorney
	Bendavid, Jeffery A.	Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court finds Defendant's motion to dismiss still pending, therefore procedurally, COURT ORDERED, Plaintiffs' Motion for Leave to Amend Plaintiff's First Amended Complaint is DENIED. Defense counsel to prepare the Order, circulating to Plaintiffs' counsel for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

6/19/15 STATUS CHECK: ORDER (CHAMBERS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

June 25, 2015

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

June 25, 2015 3:00 AM Motion to Dismiss

HEARD BY: Kishner, Joanna S.

COURTROOM:

COURT CLERK: Andrea Natali

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- See Decision and Order filed June, 25th 2015.

CLERK'S NOTE: A copy of the foregoing minute order was distributed to the parties via electronic mail (6/25/15 amn).

- See Decision and Order filed June, 25th 2015.

CLERK'S NOTE: A copy of the foregoing minute order was distributed to the parties via electronic mail (6/25/15 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

September 04, 2015

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

September 04, 2015	3:00 AM	Motion to Associate Counsel
---------------------------	----------------	--

HEARD BY: Kishner, Joanna S.

COURTROOM:

COURT CLERK: Sandra Harrell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On July 29, 2015, a Motion to Associate Counsel, Michael John Rusin, Esq., was filed by Plaintiffs. The matter was subsequently placed on Department XXXI's Chamber Calendar. As no opposition has been filed, the Court finds that the motion is appropriately GRANTED pursuant to EDCR 2.20, and on the merits.

Plaintiffs' counsel is directed to prepare the Order, and submit it to chambers within 10 days pursuant to EDCR 7.21. A status check is hereby set on Department XXXI's Chamber Calendar for Friday, September 18, 2015 regarding submission of the proposed Order. If the Court receives the Order prior to that date, the status check will be vacated. If the Order is not received, the Court will order an in person status check, where personal appearances by counsel will be mandatory.

9/18/15 STATUS CHECK: ORDER (CHAMBERS)

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Ryan Anderson, Esq. and Gregory Kamer, Esq. \sjh 9-4-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

August 19, 2016

A-14-709372-C	Ashleigh Park, Plaintiff(s) vs. Crazy Horse III Gentleman's Club at The Playground, Defendant(s)
---------------	--

August 19, 2016	9:00 AM	Motion to Compel	Plaintiffs' Motion to Compel Discovery Responses from Deft Russell Road Food and Beverage, LLC
------------------------	----------------	-------------------------	---

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:	Bendavid, Jeffery A.	Attorney
	Bretell, Jacqueline	Attorney
	Price, Daniel R.	Attorney

JOURNAL ENTRIES

- Jeffrey Bendavid, Esquire, for Russell Road Food and Beverage LLC.

Colloquy re: unjust enrichment; discovery going back two years before Complaint was filed up to the present is warranted. No class certification yet per Mr. Price. Commissioner advised counsel if the client has records that go back four years, preserve them. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; Request to Produce 1 - reasonably respond as discussed in Open Court; Interrogatory 1 - answer and verify; specifics of transfer of ownership document are PROTECTED with the exception of a paragraph related to assumption of risk or liability, that part of document must be turned over.

Colloquy re: Interrogatories 17 (and RTP 2) through 35. COMMISSIONER RECOMMENDED, RFP 1 and Interrogatory 1 - go back four years related to ownership. MATTER TRAILED AND RECALLED. COMMISSIONER RECOMMENDED, Interrogatory 17 and RTP 2 - further response is PROTECTED (marking materials); set forth a better foundation; RTP 4, 13, and 15 - counsel agreed to produce in Excel format if possible; for in/out clock system, Mr. Bendavid will produce in Excel format if possible; Interrogatory 10 - counsel agreed Deft will produce the list from November 4, 2012 to present (active / inactive status, address, date of hire / date of departure, otherwise, in care of counsel's firm), work schedule is PROTECTED; take a deposition of employee or Manager; however, work schedules for Dancers in class must be produced.

COMMISSIONER RECOMMENDED, supplement Request for Admissions 1, 2, 3, and Ms. Bretell will bring another Motion if necessary; within 30 days of initial expert disclosure supplement contention Interrogatories and related RTP; counsel agreed production due by 9/2/16; no fees and costs, but counsel may renew request later based on compliance; Status Check SET in 60 days. Commissioner is available by conference call.

Ms. Bretell to prepare the Report and Recommendations, and Mr. Bendavid to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Bretell to appear at status check hearing to report on the Report and Recommendations.

9/23/16 11:00 a.m. Status Check: Compliance

10/21/16 9:00 a.m. Status Check: Compliance / Sanctions

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

October 21, 2016

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

October 21, 2016 9:00 AM Status Check: Compliance

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffery A. Attorney

JOURNAL ENTRIES

- Lauren Calvert, Esquire, for Pltfs.

The Report and Recommendation from the August 19, 2016 hearing was recently submitted, and Ms. Calvert received the discovery.

COMMISSIONER RECOMMENDED, matter CONTINUED; Ms. Calvert to prepare the Report and Recommendations from the August 19, 2016 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Calvert to appear at status check hearing to report on the Report and Recommendations from the August 19, 2016 hearing.

12/2/16 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

January 10, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

January 10, 2017 9:00 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffery A. Attorney
CALVERT, LAUREN Attorney
Rusing, Michael J., ESQ Attorney
Smith, Stephanie J. Attorney
Sterling, P. Andrew Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION FOR CLASS CERTIFICATION...DEFENDANT RUSSELL ROAD FOOD AND BEVERAGE, LLC'S MOTION TO STRIKE NEW EVIDENCE RAISED IN PLAINTIFF'S REPLY FOR THEIR MOTION FOR CLASS CERTIFICATION ON ORDER SHORTENING TIME

Arguments by counsel. Court notes clarification needed, suggests supplemental briefing on the standard the Court needs to take into account with regard to the claims, present day, the most updated information, fact and law. Counsel to work out a stipulation, briefing schedule and a new requested hearing date including how much time will be needed for the hearing. Counsel to provide stipulation by the end of the week. COURT ORDERED, matter SET for Status Check regarding receipt of stipulation and resetting of hearing.

CONTINUED TO: DATE TO BE DETERMINED

1/13/17 STATUS CHECK: STIPULATION / NEW HEARING DATE (CHAMBERS)

PRINT DATE: 10/20/2017

Page 10 of 24

Minutes Date: May 07, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

January 12, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**January 12, 2017 9:00 AM Objection to Discovery
Commissioner's Report**

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffery A. Attorney
CALVERT, LAUREN Attorney
Smith, Stephanie J. Attorney

JOURNAL ENTRIES

**- PLAINTIFFS' OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND
RECOMMENDATIONS**

Arguments by counsel. Court stated its findings, and ORDERED, Discovery Commissioner's Report and Recommendations are AFFIRMED. Defense counsel to prepare the Order, circulating to Plaintiffs' counsel for approval as to form and content in accordance with EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

March 16, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

March 16, 2017 10:00 AM Motion to Certify Class

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffery A. Attorney
CALVERT, LAUREN Attorney
Rusing, Michael J., ESQ Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court stated its findings, and ORDERED, Plaintiffs' Motion for Class Certification is DENIED WITHOUT PREJUDICE. Mr. Bendavid to prepare the Order, circulating to all counsel for approval as to form and content in accordance with EDCR 7.21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort**COURT MINUTES****June 01, 2017**

A-14-709372-C Ashleigh Park, Plaintiff(s)
 vs.
 Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

June 01, 2017 9:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Kory Schlitz**RECORDER:** Sandra Harrell**REPORTER:****PARTIES**

PRESENT:	Bendavid, Jeffrey A.	Attorney
	CALVERT, LAUREN	Attorney
	Smith, Stephanie J.	Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS COUNTERCLAIMS...
 DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS MICHAELA
 MOORE AND STACIE ALLEN PURSUANT TO NRCP 56... STATUS CHECK...

Court stated its detailed inclination. Ms. Calvert argued in support of the Plaintiff's Motion for Summary Judgment, stating if the dancers are deemed as employees then you cannot take back tips and the unjust enrichment claim falls apart. Mr. Bendavid argued against Plaintiff's Motion for Summary Judgment, stating Plaintiff is trying to argue a Federal Law where you can't sue an employee for conversion as a retaliatory action, and stated the dancers were independent contractors. COURT ORDERED, Plaintiff's Motion for Summary Judgment GRANTED IN PART; GRANTED with regards to Brach of the Implied Covenant of Good Faith and Fair Dealing, the Conversion claim, ; DENIED WITHOUT PREJUDICE with regards to the Breach of Contract Offset claim, and as to the Unjust Enrichment claim, and regards to the Declaratory Judgment claim.

Arguments by counsel regarding Defendant's Motion for Summary Judgment. Upon Court's inquiry, Ms. Calvert and Mr. Bendavid confirmed the Court's request for supplemental briefing regard if the Court has jurisdiction over Allen and Moore in light of the status of the Minimum Wage claim. Court

directed parties if they wish to submit supplemental briefing to provide it to the Court on or before June 15, 2017 by 5:00 p.m. COURT FURTHER ORDERED Defendant's Motion for Summary Judgment CONTINUED to Chambers. Upon Court's inquiry, Ms. Calvert stated her clients are open to a settlement conference. Mr. Bendavid stated he would need to speak with his clients, and may be open to it.

6/23/17 DECISION RE: DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFF'S MICHELA MOORE AND STACIE ALLEN PURSUANT TO NRCP 56 (CHAMBERS CALENDAR)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

June 21, 2017

A-14-709372-C	Ashleigh Park, Plaintiff(s)
	vs.
	Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

June 21, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	CALVERT, LAUREN	Attorney
	Smith, Stephanie J.	Attorney

JOURNAL ENTRIES

- Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories .. Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents

Commissioner inquired why two Motions were submitted each with 30 Pages, and no compliance with 2.40. In the future, do not engage in this type of Motion work. COMMISSIONER RECOMMENDED, Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37 (a)(2) as to Interrogatories is GRANTED IN PART; Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion for Order Compelling Discovery Pursuant to NRCP 37(a)(2) as to Request for the Production of Documents is GRANTED IN PART;

Interrogatory 2 is modified and Pltf must answer during the entire time they worked at Crazy Horse; Interrogatory 3 - Pltf answered, no further response.

COMMISSIONER RECOMMENDED, Interrogatory 10 - Pltf will look back and supplement, or give best estimate; Interrogatory 8 is PROTECTED; Interrogatory 12 - Pltf will identify amount they think are due and owing (even conceptually); Commissioner suggested counsel need to approach Judge Kishner about the Trial date as discussed; Interrogatory 16 - supplement to the extent it has not been supplemented or best estimate; Ms. Calvert discussed disclosures of other sources of income from other similar Gentlemen's Clubs may have a Protective Order. Commissioner suggested providing a Key, and hold it until the Court orders it disclosed. Ms. Calvert agreed.

COMMISSIONER RECOMMENDED, keep businesses confidential until otherwise ordered by the District Court Judge; best estimate is acceptable if Pltf does not have tax returns; Objections are DEFERRED to the District Court Judge at the time of trial; SUPPLEMENT Interrogatories from Pltf to Deft no later than 7-21-17; Request to Produce 6 is PROTECTED; RTP 9 - no further response; Request 1 and 3 - no further responses; RTP 4 - same type of suggestion from Commissioner, and redact documents, prepare a privilege log, and there must be a Court Order in place to reference; must produce attached W-2 or 1099 for the relevant timeframe, but REDACT social security number and personal identifying information; RTP 8 - unless something Commissioner is not aware of, it was already produced; RTP 2 is PROTECTED; RTP 11 - supplement with redactions, but use the key; RTP 16 - produce as discussed; SUPPLEMENT RTP from Pltf to Deft no later than 7-21-17; no fees or costs. If counsel still have concerns about confidentiality, Commissioner will address issues separately.

Initial discovery was served one year ago and should have been brought to Commissioner's attention much sooner. Ms. Calvert to prepare the Report and Recommendations, and Ms. Smith to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

June 23, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

June 23, 2017

3:00 AM

Minute Order

HEARD BY: Kishner, Joanna S.

COURTROOM:

COURT CLERK: Katrina Hernandez

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- This matter came on for hearing on June 10, 2017 on - PLAINTIFFS MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS COUNTERCLAIMS. DEFENDANT S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS MICHAELA MOORE AND STACIE ALLEN PURSUANT TO NRCP 56... STATUS CHECK

At the hearing the Court Granted in part and DENIED in part Plaintiffs Motion for Summary Judgment and addressed the Status Check as set forth in the record of that hearing and as summarized in the minutes. The Court deferred ruling on Defendant s Motion for Summary Judgment to allow the parties to provide supplemental briefing on the issue of the Court s jurisdiction in light of the facts presented. Supplemental briefing was due by June 15th and both parties provided supplemental briefs.

Based on the record in this case including the oral argument of counsel and the supplemental briefs, the Court finds that there are material issues of fact as to what damages the Plaintiffs could assert in the case and that Nevada Supreme Court precedent as cited in the supplemental briefs provides that the Court cannot as a matter of law make the determination requested by Defendant. Accordingly, the Court finds that at present, given the disputed facts and the allegations set forth in the record, Defendant s Motion for Summary Judgment as to Plaintiffs Moore and Allen is DENIED without

prejudice.

This Decision sets forth the Court's intended disposition on the subject but anticipates further Order of the Court to make such disposition effective as an Order or Judgment. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and argument.

Plaintiff's Counsel to prepare the Order(s) on both its Motion for Summary Judgment and the instant Motion and submit it/them to Chambers for consideration within ten (10) days in accordance with EDCR 7.21.

****CLERK'S NOTE:** Minute Order e-served./kh 6-23-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

July 11, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

July 11, 2017 9:30 AM All Pending Motions

HEARD BY: Saitta, Nancy **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Shelly Landwehr

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffrey A. Attorney
CALVERT, LAUREN Attorney
Smith, Stephanie J. Attorney

JOURNAL ENTRIES

- As to Defendant/ Counterclaimant, Russell Road Food and Beverage, LLC's Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(1) and NRCP 12(h)(3), Mr. Bendavid stated this case was previously denied class certification and there was 2 months remaining of discovery, which is now closed. Mr. Bendavid argued plaintiffs, individually, do not meet the \$10,000.00 requirement and argued the statue with respect to the third parties. Additional arguments by Mr. Bendavid with respect to superseding complaints and stated plaintiffs are combining their claim on plaintiff with Count 2 for jurisdictional purposes.

Ms. Calvert stated these arguments were previously presented and that motion was denied. Arguments regarding the damages and \$10,000.00 threshold. Ms. Calvert stated plaintiffs did not have the calculations at the time the brief was prepared. Additionally, Ms. Calvert argued there is on plaintiff which meets the threshold and additionally argued Plaintiff Ashleigh Parks wage claim and unjust enrichment exceed \$13,000.00.

Court inquired as to the legal basis for combining the two claims to get plaintiff to the jurisdictional amount. Further arguments by counsel. COURT FOUND Plaintiffs Franklin and Strelkova s damages

each exceed \$10,000.00 and ORDERED, motion GRANTED WITHOUT PREJUDICE.

As to Plaintiffs Renewed Motion for Class Certification, COURT ORDERED, DENIED.

As to Defendant, Russell Road Food and Beverage, LLC's Motion to Strike Plaintiffs' Renewed Motion for Class Certification and Motions to Strike Plaintiffs' Declarations on an Order Shortening Time, GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

August 03, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

August 03, 2017 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffrey A. Attorney
CALVERT, LAUREN Attorney

JOURNAL ENTRIES

- Counsel estimate 2 days for trial. Colloquy. COURT ORDERED, matter SET for Trial. Pretrial Memorandum DUE 9/19/17.

9/26/17 9:00 AM CALENDAR CALL

10/2/17 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

August 17, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

August 17, 2017 9:30 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffrey A. Attorney
CALVERT, LAUREN Attorney
Smith, Stephanie J. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFFS PURSUANT TO NRCP 56...PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON EMPLOYEE STATUS

After the Court's consideration of the papers submitted by counsel in connection with this matter, and, having heard the oral arguments presented by both Ms. Calvert and Mr. Bendavid, COURT FINDS the standards have been met for independent contractor status under 608.0155, that there are no undisputed material facts, and ORDERED, Defendant's Motion for Summary Judgment Against Plaintiffs Pursuant to NRCP 56 is GRANTED; and Plaintiffs' Motion for Summary Judgment on Employee Status is DENIED. Mr. Bendavid to prepare a detailed Findings of Fact and Conclusions of Law pursuant to EDCR 7.21 within 30 days. COURT FURTHER ORDERED, Calendar Call and Trial Date VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Employment Tort

COURT MINUTES

October 17, 2017

A-14-709372-C Ashleigh Park, Plaintiff(s)
vs.
Crazy Horse III Gentleman's Club at The Playground, Defendant(s)

**October 17, 2017 9:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Natalie Ortega

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Bendavid, Jeffrey A. Attorney
CALVERT, LAUREN Attorney
Smith, Stephanie J. Attorney

JOURNAL ENTRIES

- COURT stated its inclination. Mr. Bendavid indicated Defense would submit a supplement brief regarding the costs. Ms. Calvert concurred. COURT ORDERED, Defendant Russell Road Food and Beverage, LLC's Motion for Attorney's Fees and Costs DENIED IN PART as to the Attorney's Fees on the two alternative motions, FURTHER ORDERED, ruling DEFERRED as to Costs. COURT ADDITIONALLY ORDERED, matter SET for Chambers regarding supplemental brief; Defendant's Supplement Brief due by Oct 24, 2017. Plaintiff's Response due by November 1, 2017, and Defendant's Reply due by November 6, 2017.

11/9/17 SUPPLEMENT BRIEF (CHAMBERS)



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

RYAN M. ANDERSON, ESQ.
716 S. JONES BLVD.
LAS VEGAS, NV 89107

DATE: October 20, 2017
CASE: A-14-709372-C

RE CASE: JACQUELINE FRANKLIN; ASHLEIGH PARK; LILY SHEPARD; STACIE ALLEN;
MICHAELA DIVINE; KARINA STRELKOVA; DANIELLE LAMAR vs. RUSSELL ROAD FOOD
AND BEVERAGE, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB; SN INVESTMENT
PROPERTIES, LLC dba CRAZY HORSE III GENTLEMEN'S CLUB

NOTICE OF APPEAL FILED: October 17, 2017

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] FINDINGS OF FACT AND CONCLUSIONS OF LAW ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; ORDER GRANTING DEFENDANT'S MOTION TO DISMISS PLAINTIFFS ASHLEIGH PARK, DANIELLE LAMAR, LILY SHEPARD, KARINA STRELKOVA, STACIE ALLEN, AND MICHAELA DEVINE AKA MOORE THIRD AMENDED COMPLAINT PURSUANT TO N.R.C.P. 12(B)(1) AND N.R.C.P. 12 (H)(3), ORDER GRANTING DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' RENEWED MOTION FOR CLASS CERTIFICATION, ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR CLASS CERTIFICATION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JACQUELINE FRANKLIN; ASHLEIGH
PARK; LILY SHEPARD; STACIE ALLEN;
MICHAELA DIVINE; KARINA
STRELKOVA; DANIELLE LAMAR,

Plaintiff(s),

vs.

RUSSELL ROAD FOOD AND BEVERAGE,
LLC dba CRAZY HORSE III GENTLEMEN'S
CLUB; SN INVESTMENT PROPERTIES, LLC
dba CRAZY HORSE III GENTLEMEN'S
CLUB,

Defendant(s),

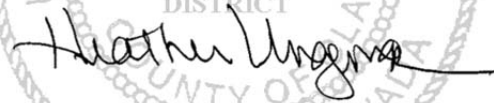
Case No: A-14-709372-C

Dept No: XXXI

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 20 day of October 2017.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular official seal of the United States District Court for the District of Nevada.

Heather Ungermann, Deputy Clerk
A-14-709372-C