

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 A CAB, LLC; AND CREIGHTON J
3 NADY,

 Appellants,

4 vs.

5 MICHAEL MURRAY; AND MICHAEL
6 RENO, INDIVIDUALLY AND ON
7 BEHALF OF ALL OTHERS SIMILARLY
8 SITUATED,

 Respondents.

Electronically Filed
Dec 17 2018 09:21 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court Case No.: 77050

District Court Case No.: A669926

9 **EMERGENCY MOTION UNDER NRAP 27(e) FOR STAY**

10 The Appellants request a ruling on this Motion for Stay pursuant to NRAP 8(a)(2)
11 by **December 21, 2018**. Appellants seek appellate relief; and relief is needed in less than
12 14 days to avoid irreparable and devastating harm, including but not limited to: the forced
13 shut-down of an operating taxi cab business in Las Vegas, Nevada employing over 200
14 persons who will now be unexpectedly without a job for the holiday season; the taking
15 of property and assets of third parties not involved in this litigation; and the pending
16 incarceration of the business owner in debtor's prison, for his inability to pay a Special
17 Master's invoice and a judgment in excess of one million dollars. These are drastic
18 events which are occurring at an unprecedented pace licensed by the District Court, which
19 will clearly kill the business before Appellants have an opportunity to be heard before the
20 appellate court.

21 Currently, Appellants' hands are tied in a twofold manner, and thus must beseech
22 relief from the appellate court. First, numerous post-judgment orders which would allow
23 Appellants to seek appellate relief have not been signed nor entered by the District Court.
24 Thus, Appellant cannot seek relief without an order. These orders include a critical one
25 addressing whether the District Court even had subject matter jurisdiction over this
26 matter. Appellants assert that the District Court clearly and unequivocally does not have
27 subject matter jurisdiction over this case at all, as each claim falls far below the minimum
28 amount required for establishing subject matter jurisdiction; and this matter is properly

1 before the Justice Court. Appellants intend to seek an immediate writ on this issue, but
2 the Order has not been entered by the District Court; and thus Appellant cannot proceed.
3 This issue will be detailed below in the discussion as to Appellants' likelihood of success
4 in appeal.

5 Secondly, Appellants' hands are tied due to the procedural requirements of
6 assignment to the Supreme Court Settlement program; the conference is set on January
7 17, 2018. While the program stays the briefings and the appeal belonging to the
8 Appellants, the program has not stayed the actions of the Respondents. Respondents are
9 moving at full speed in collections of a "judgment" which in all likelihood will be
10 deemed void. If the district court lacks subject matter jurisdiction, the judgment is
11 rendered void. *State Indus. Ins. System v. Sleeper*, 100 Nev. 267, 269, 679 P.2d 1273,
12 1274 (1984).

13 While Appellants intend to participate in the Court mandated settlement
14 conference, the reality is that with the aggressive collection activities which the District
15 Court is facilitating, the Appellant will be out of business by the time of the conference.
16 Respondents are unaffected as they are seizing funds, assets, and properties as quickly
17 as possible before the appeal of the issues can be entertained by this Court. The District
18 Court has denied Appellants' request to stay proceedings and collection activities; and
19 has instead allowed 12 writs of executions against all bank accounts including those
20 belonging to other corporate series not part of this litigation (**Ex. 1**, writs of garnishment);
21 has made a de facto piercing of the corporate structure without any evidentiary or due
22 process hearing; has signed a restraining order pertaining to the automobiles registered
23 to the taxicab business threatening to sell them at auction (**Ex. 2**, temporary restraining
24 order). Most recently, this past Thursday, December 13, 2018, the District Court has now
25 appointed a second Special Master to take over the bank accounts of the company as well
26 as those of multiple third party corporate series which are unrelated to this litigation. The
27 District Court has ordered an additional \$20,000 to be funded by Appellants immediately
28 with the goal that the Special Master will transition to a Receiver to take over operation

1 of the taxicab company – an idea which is prohibited by the State of Nevada Taxicab
2 Authority and the Nevada Transportation Authority. NRS 706.8827. This statute
3 provides that a person “shall not engage in the taxicab business” unless the person “holds
4 a certificate of public convenience and necessity.” Here, there is no receiver who holds
5 this certificate, thus essentially forcing a shut down of the company.

6 Moreover, there is a significant hardship to the public if the taxi service provided
7 by Appellants is interrupted. Hundreds, if no thousands, of people each day will be
8 denied transportation because Appellant is not able to provide service. Of note is that
9 New Year’s Eve is the busiest time in serving the visitors to the city. Appellants’ license
10 was provided on the basis that it would provide transportation services to underserved
11 areas of the Valley. By shutting A Cab down, those individuals will be deprived of
12 transportation.

13 Currently, the District Court has found civil contempt arising from Appellants’
14 inability to pay the first Special Master it appointed; and has indicated its inclination to
15 incarcerate the business owner if he cannot pay the bill exceeding \$86,000 promptly (no
16 Order is available for attachment). At the same time in expecting Appellants to produce
17 money from thin air, the District Court has authorized Respondents to garnish any and
18 all funds in the bank accounts, and to move forward in seizing the vehicles belonging to
19 the taxicab business – vehicles being the obvious source of revenue for a taxicab
20 business.

21 The money already garnished by the Respondents exceeds \$233,000, over a quarter
22 of a million dollars. This money includes not only funds owned by third parties not
23 involved in this litigation, but also funds which were collected on behalf of the State as
24 required by all taxicabs, and the payroll funds of employees not part of this litigation at
25 all. This is the equivalent of allowing the garnishment of an attorney trust account which
26 holds funds which do not belong to the attorney, but to clients and others. Of the funds
27 taken \$47,088.60 belongs to the State of Nevada for the 3% Passenger Tax collected on
28 behalf of the State. Another \$30,822.00 belongs to Clark County Department of

1 Aviation. The Taxicab Authority mandates collection of these taxes daily, but the
2 payment is made to the State quarterly; therefore Appellants hold these funds in trust or
3 escrow for the State. Although brought to its attention, the District Court has authorized
4 the release of these funds directly to the Respondents.

5 **I. Background**

6 The underlying action—the *Murray* case—is a class action suit against Appellant A
7 Cab, LLC for its alleged failure to pay its employees a sufficient wage to satisfy the
8 Minimum Wage Act of the Nevada Constitution ("MWA"). Nevada Constitution,
9 Article 15, Section 16. J. Creighton Nady is the principal of A Cab, LLC, and A Cab has
10 been sued in two separate actions based on the claim that A Cab did not pay its drivers
11 a minimum wage pursuant to the MWA. This case is before Judge Kenneth Cory. The
12 other matter is *Dubric v. A Cab*, District Court Case No. A-15-721063-C, before Judge
13 Kathleen Delaney. The *Dubric* matter proceeded through significant discovery, and on
14 October 5, 2016, the parties in *Dubric* participated in a settlement conference before
15 Judge Jerry A. Wiese, II, a district judge in the Eighth Judicial District. That settlement
16 conference resulted in a proposed settlement that contemplated the certification of a class
17 that Respondents believe would interfere with the class certified in the *Murray* action.

18 Consequently, on October 14, 2016, plaintiffs in the *Murray* action filed a motion
19 to enjoin the defendants in the *Dubric* action from settling any claims of the class except
20 before Judge Cory in the *Murray* action. Plaintiffs argued essentially that they owned the
21 class, and it would be unjust to allow defendants to make an end run around their
22 attorney's-fees driven action by reaching a reasonable settlement in the competing action.

23 On February 3, 2017, plaintiffs in the *Murray* action filed a motion on OST to
24 expedite issuance of an order granting their motion for an injunction of the action before
25 Judge Delaney. Attached to that motion was a copy of the joint motion filed by the
26 parties in the *Dubric* action before Judge Delaney, including a copy of the proposed
27 settlement agreement and class certification. Judge Delaney could not rule on the fairness
28 or validity of the settlement agreement, or on the proposed class certification, because

1 Judge Cory derailed the action before Judge Delaney, issuing an *ultra vires* injunction
2 against her.

3 This Supreme Court subsequently reversed Judge Cory reversing the injunction on
4 April 6, 2018. This allowed Judge Delaney to move forward in holding a hearing for
5 preliminary approval and certification of the class before her which she approved. In
6 response to the settlement reached in the *Dubric* matter, Respondents commenced a race
7 to judgment. Judge Cory proceeded to enter an order appointing a Special Master to
8 essentially conduct the discovery and assemble evidence which was apparent that the
9 Respondents had failed to do; and ordered it be done within an expedited time period, and
10 at the Appellants' expense. Respondents had requested a Special Master nearly 3 years
11 earlier on May 19, 2015 which was denied by Judge Cory, who now surprisingly reversed
12 himself on the eve of trial and reopened and allowed a do-over for the Plaintiffs to
13 commence discovery. Appellants filed a motion to stay indicating they were unable to
14 finance such a costly project (approximately \$200,000), and sought relief from doing so.
15 In response, the District Court again reversed its position and shockingly entered
16 summary judgment against Appellants relying upon evidence it had previously deemed
17 unreliable -- spreadsheets compiled at the direction of Plaintiffs' counsel which were
18 inadmissible under NRS 50.275 and *Hallmark v. Eldridge*, 124 Nev. 492, 500, 189 P.3d
19 646, 651 (2008).

20 No trial on any issues was allowed; and Judge Cory proceeded to sever and to stay
21 the action against Mr. Nady while entering summary judgment exceeding one million
22 dollars against the business. Appellants have appealed this summary judgment and the
23 procedural and legal errors associated therewith. One of the major errors in the judgment
24 is the unsupported extension of this Court's clear mandate on the two-year statute of
25 limitation. Appellants have previously sought a writ of mandamus on this issue. On
26 September 19, 2017, this Court denied the petition indicating petitioner would have an
27 adequate legal remedy available in the form of appeal from the final judgment. Absent
28 an immediate stay of the aggressive and incapacitating collection activities, Appellants

1 will be forced out of business and deprived of this appeal from final judgment, and of due
2 process. Appellants have actively sought to obtain a cost bond but have been denied, as
3 more than \$1 million cash is required and all bank funds are already drained by
4 Respondents.

5 **II. A Stay Is Warranted pursuant to NRAP 8.**

6 Pursuant to NRAP 8(a)(2)(A)(ii), Appellants filed their “*Countermotion to Stay*
7 *Proceedings and Collection Actions*” on November 30, 2018, which was heard and
8 denied by the District Court on December 4, 2018.¹ The Order denying the motion to
9 stay has not been entered. No reasons were given by the District Court for the denial.
10 Appellants again orally requested and confirmed with the District Court on December 13,
11 2018, that a stay is denied by the District Court.

12 Pursuant to NRAP 8(a)(2)(C), notice is provided to the other parties with
13 simultaneous service and filing through the Court electronic system. Further, at the
14 hearing of December 13, 2018, the District Court and all counsel were orally informed
15 that this emergency motion for stay would be forthcoming.

16 Pursuant to NRAP 8(a)(2)(B)(ii), the reasons for the granting the relief requested
17 and the facts relied on are abundant. As stated in *Berryman v. Int'l Bhd. Elec. Workers*,
18 82 Nev. 277, 280, 416 P.2d 387, 389 (1966), in this instance with respect to harm, there
19 is a "reasonable probability that real injury will occur if the injunction does not issue";
20 see also *Sobol v. Capital Management*, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986)
21 concluding, in the context of an injunction, that "acts committed without just cause which
22 unreasonably interfere with a business or destroy its credit or profits, may do an
23 irreparable injury". *Fritz Hanson A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 6
24 P.3d 982, 986-987 (2000).

25 Appellants do not have the financial ability to withstand nor to survive the
26

27 ¹ “*Defendant’s Opposition to Plaintiffs’ Ex Parte Motion for a Temporary Restraining*
28 *Order and Motion on an Order Requiring the Turnover of Certain Property of the Judgment*
Debtor Pursuant to NRS 21.320,” pp. 7-9, attached as **Ex. 3**.

1 continued barrage of writs seeking in excess of \$1 million, which attach all operating
2 funds of the company, the payroll accounts, the monies collected for the State as required
3 by the Nevada Taxicab Authority, and funds belonging to third party corporate entities.
4 The doors will shut to this Nevada business which was licensed by the State in 2001.

5 By way of background prior to this litigation, the owner actively sought the
6 guidance of the State Labor Commissioner during the murky years when it was unclear
7 to the entire public whether taxicab drivers were even eligible for the Nevada minimum
8 wage under the new Constitutional amendment. Once this Court issued its clear guidance
9 in the *Thomas v. Yellow Cab* decision² in June 2014, there has been full compliance and
10 revisions to all policies to ensure all drivers receive a minimum wage for each hour. Prior
11 to that time, Appellants had multiple industry audits and reviews from federal agencies
12 (the Department of Labor) and state agencies, and were never found to have any
13 violations of record keeping nor underpayments. To say this class action lawsuit and its
14 results are a shock is an understatement. The current state wherein the owner is under
15 threat of imprisonment and of losing an entire business is not only surreal but a nightmare
16 of the worst kind. The worst is that it is completely unjust, without support, and subject
17 to reversal.

18 The orders of the District Court are overflowing with errors of law and subject to
19 reversal and remand. As already indicated, the District Court does not even have subject
20 matter jurisdiction over the case. Plaintiffs' "*Second Amended and Supplemental*
21 *Complaint*"³ fails to allege facts that demonstrate the District Court has subject matter
22 jurisdiction over the dispute with all of their claims following below the jurisdictional
23 limits. In 1978, Article 6, section 6 of the Nevada Constitution was amended to provide,
24 in part: "The District Courts ... shall have original jurisdiction in all cases excluded by
25 law from the original jurisdiction of the justices' courts." Therefore, the district courts

27 ² *Thomas v. Yellow Cab*, 130 Nev. Adv. Op. 52, 327 P.3d 518, 521 (2014).

28 ³ Plaintiffs' Second Amended and Supplemental Complaint filed August 19, 2015.

1 have no original jurisdiction in matters in which the justices' courts have original
2 jurisdiction. In short, concurrent jurisdiction between the district courts and the justices'
3 courts can no longer exist. *K.J.B. Inc. v. Second Judicial Dist. Court of State of Nev., In*
4 *& For Washoe Cty.*, 103 Nev. 473, 475, 745 P.2d 700, 701 (1987). Further, if a District
5 Court lacks subject matter jurisdiction, the judgment rendered is void: In *Univ. of*
6 *Nevada v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163 (1979), in holding that the
7 district court had no subject matter jurisdiction, the Supreme Court addressed that the
8 issue had not been raised by the parties below, and stated: "Thus the question of waiver
9 is not appropriate to the determination of this issue, and the trial court or the appellate
10 court may raise the issue *sua sponte*. *Johnson v. Johnson*, 93 Nev. 655, 572 P.2d 925
11 (1977)." *See also, Landreth v. Malik*, 127 Nev. 175, 179, 251 P.3d 163, 166 (2011) ("As
12 an initial matter, whether a court lacks subject matter jurisdiction 'can be raised by the
13 parties at any time, or *sua sponte* by a court of review, and cannot be conferred by the
14 parties.' *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990). However, if the
15 district court lacks subject matter jurisdiction, the judgment is rendered void. *State Indus.*
16 *Ins. System v. Sleeper*, 100 Nev. 267, 269, 679 P.2d 1273, 1274 (1984).").

17 Nevada agrees with the concept of not allowing aggregation of claims to satisfy the
18 minimum jurisdiction of the Nevada Courts. *Castillo v. United Fed. Credit Union*, 134
19 Nev. Adv. Op. No. 3, 409 P.3d 54. In fact, the *Castillo* court noted: "Nevada, unlike
20 other jurisdictions, recognizes that justice courts have the ability to hear class actions.
21 *See* JCRCP 23." *Id.*, 409 P.3d at 58. The Nevada Supreme Court also holds that when
22 a court concludes to a legal certainty that a plaintiff cannot recover the amount of
23 damages necessary to establish jurisdiction, dismissal for want of jurisdiction is
24 appropriate. *Morrison v. Beach City LLC*, 116 Nev. 34, 38, 991 P.2d 982, 984 (2000).

25 Secondly, the District Court completely disregarded this Court's guidance in
26 limiting any liability to a two-year statute of limitations. In this instance, the District
27 Court has extended the statute of limitations retroactively to 2007 based upon its novel
28 interpretation of a record keeping statute. Therefore, the judgment which is being

1 garnished is for drivers who worked at the taxicab company over eleven (11) years ago!
2 At the minimum, Appellants assert there is a strong likelihood to prevail with this Court
3 remanding the matter for compliance with its decision in *Perry v. Terrible Herbst, Inc.*,
4 132 Nev. Adv. Op. No. 75, 383 P.3d 257 (2016).

5 **III. Irreparable Harm Ensues Absent a Stay; No Prejudice to Respondents.**

6 The irreparable harm which will ensue includes the complete shut-down of the
7 taxicab business which employs and supports approximately 200 employees and
8 independent contractors. Further, the funds which are currently being garnished are those
9 of corporate entities which are not proper parties subject to garnishment. The District
10 Court has made a determination, while refusing to entertain evidence on the series LLC
11 entities, that all of the corporate series are liable to Respondents. This finding is in direct
12 contradiction to NRS 86.296 which states: The debts, liabilities, obligations and
13 expenses incurred, contracted for or otherwise existing with respect to a particular series
14 are enforceable against the assets of that series only, and not against the assets of the
15 company generally or any other series.

16 A Cab Series, LLC was established as a series LLC pursuant to NRS Chapter 86
17 before Plaintiffs' complaint was filed. While the District Court has found that Appellants
18 did not violate the law in setting up the series LLCs long before this action was
19 commenced, the Judge has stated that the owner's business model is morally wrong and
20 demonstrates the lengths he will go to avoid paying minimum wage. Accordingly, the
21 Court has licensed the garnishment of the assets and property of the separate series, as
22 well as ordered the production of all the series' records to the newly appointed Second
23 Special Master to facilitate seizure by the Respondents.

24 Finally, the incarceration of the business owner, Creighton J. Nady, will cause
25 irreparable harm to his reputation and livelihood. Mr. Nady holds several privileged
26 licenses with the State of Nevada including his license to operate the taxicab business,
27 as well as that of a professional boxing referee with the Nevada State Athletic
28 Commission. He also has privileged licenses with the State of Arizona as a licensed

1 armed guard agency. If incarcerated for his inability to pay an invoice, he is prone to
2 losing all of these licenses which cannot be regained.

3 There is no harm to the Respondents with a stay pending appellate review. The
4 majority of the claims for any underpayment of wages arise from 2007 through 2014, and
5 are of nominal amounts to individual drivers who may or may not even be located. The
6 class claimants have not even received notice of any judgment and have no expectation
7 of receipt of same. Further, if funds are distributed to these individuals, recovery would
8 be impossible.

9 Appellants have actively sought to obtain a cost bond, but have been denied. See
10 *NRAP 27(e) Certificate* attached hereto and **Ex. 4**. Appellants should not be deprived of
11 their rights to review by this Court, of a Order fraught with errors due to the imposition
12 of this exorbitant judgment itself. The judgment itself seeks to extinguish the company's
13 existence so that review cannot be had, depriving Appellants of their due process rights
14 and rights contemplated by the Nevada court structure. In balancing the extreme harm
15 to the Appellants, there is no harm to the Respondents in staying further collection
16 activities pending review by this Court of the summary judgment entered in this matter.

17 DATED this 17th day of December, 2018.

18
19 **RODRIGUEZ LAW OFFICES, P.C.**

20
21 /s/ Esther C. Rodriguez, Esq.
22 Esther C. Rodriguez, Esq.
23 Nevada Bar No. 6473
24 10161 Park Run Drive, Suite 150
25 Las Vegas, Nevada 89145
26 *Attorneys for Appellants*
27
28

1 **NRAP 27(e) CERTIFICATE**

2 Esther C. Rodriguez, Esq.
3 RODRIGUEZ LAW OFFICES, P.C.
4 10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 320-8400

5 Michael K. Wall
6 HUTCHISON & STEFFEN, PLLC
7 10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
Telephone: (702) 385-2500
8 *Counsel for Appellants*

Leon Greenberg, Esq.
Leon Greenberg Professional Corp.
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Telephone: (702) 383-6085
Facsimile: (702) 385-1827
leongreenberg@overtimelaw.com

Christian Gabroy, Esq.
Gabroy Law Offices
170 S. Green Valley Parkway # 280
Henderson, Nevada 89012
Telephone: (702) 259-7777
Facsimile: (702) 259-7704
christian@gabroy.com
9 *Counsel for Respondents*

10
11 Facts showing the existence and nature of the claimed emergency:

12 Twelve (12) writs of garnishment have already been executed by Respondents
13 garnishing more than \$233,619 of bank account funds belonging to corporate entities not
14 involved in this litigation, and funds being held in escrow for the State of Nevada, along
15 with the operating funds of Appellants. Ex. 1. A review of the Court docket
16 demonstrates that the Clerk of Court has electronically issued additional writs of
17 garnishment as recent as December 5, 2018, which have yet to be served by the
18 Constable. The consistent barrage of writs of garnishment are a real and certain threat
19 to shut down the operations of the taxicab business. The cessation of the taxicab
20 company will result in irreparable harm to the 200 employees and independent
21 contractors of the company, as well as to the traveling public.

22 The writs served upon the banks, have been coupled with the District Court's
23 orders allowing the seizure of the taxicab vehicles owned by the Appellants, and which
24 serve as the primary revenue source of the taxicab business. Such actions further cripple
25 the company's ability to survive, and will deliberately quash Appellants' rights to present
26 their appeals to this Court.

27 Thirdly, the District Court has found the business owner in contempt for his failure
28 to pay an excessive Special Master invoice which he alerted the Court immediately he

1 would be unable to finance. The Court has indicated his incarceration is imminent if he
2 is unable to pay a Special Master and the million dollar judgment which is on appeal.
3 Incarceration of Mr. Nady will harm him irreparably as detailed in the accompanying
4 brief, in that it jeopardizes his livelihood and privileged licenses from the Nevada
5 Athletic Commission, the Nevada Taxicab Authority, and the State of Arizona armored
6 guard transport.

7 Appellants have approached all banks, insurers, bonding companies, friends and
8 family to no avail in securing a bond. B.H. Gold Insurance Agency made several
9 inquiries on behalf of Appellants, as documented in the attached, confirming that no less
10 than \$1.5 million in cash funds would be required and real estate would not be accepted.

11 **Ex. 4.** This unattainable requirement for \$1.5 million in cash was also confirmed by
12 Bond Advocate Alicia Marasco of Capstone Risk Management & Insurance. Exhibit 4.

13 As evidenced in the attached documentation in Exhibit 4, Mr. Nady is unable to
14 secure the \$1.5 million in cash to post a bond; and thus it appears the District Court will
15 not only avoid appellate review but will imprison him – an absurd result for a respected
16 member of the Las Vegas and Reno business community for over 50 years; and one who
17 took all necessary steps to comply with the law he is accused of violating. Further,
18 Appellants reached a settlement of these disputed debts and liabilities with the assistance
19 of Judge Wiese, and the approval of Judge Delaney. That settlement and the efforts of
20 the other District Court judges have been quashed as well by the puzzling and waffling
21 orders issued by Judge Cory.

22 As of December 13, 2018, the District Court ordered the appointment of a Second
23 Special Master with an additional \$20,000 to be funded by Appellants, to locate sources
24 to pay the First Special Master in excess of \$86,000 as well as the judgment now
25 exceeding \$1.6 million with the inclusion of attorney fees. The Court has ordered the
26 immediate release of all records pertaining to third party corporate series be turned over.

27 It is imperative that this Court hear this emergency motion as soon as possible to
28 avoid the complete shut down of the taxicab business, the seizure of its taxicab vehicles,

1 as well as to avoid the incarceration of the business owner.

2 Counsel for Respondents as well as the District Court were notified orally of
3 Appellants' intent of filing a Motion for Emergency Relief on December 13, 2018. A
4 copy of this motion was faxed and emailed on December 17, 2018 to the facsimile
5 numbers and emails of Respondents' counsel as noted above.

6 DATED this 17th day of December, 2018.

7
8 **RODRIGUEZ LAW OFFICES, P.C.**

9
10 By: Esther C. Rodriguez, Esq.
11 Esther C. Rodriguez, Esq.
12 Nevada Bar No. 6473
13 10161 Park Run Drive, Suite 150
14 Las Vegas, Nevada 89145
15 *Counsel for Appellants*
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of RODRIGUEZ LAW OFFICES, P.C. and that on
3 this date the foregoing EMERGENCY MOTION UNDER NRAP 27(e) FOR STAY was
4 electronically filed the Clerk of the Nevada Supreme Court, and therefore electronic
5 service was made in accordance with the master service list as follows:

6 Leon Greenberg, Esq.
7 Leon Greenberg Professional Corp.
8 2965 South Jones Boulevard, Suite E4
9 Las Vegas, Nevada 89146
Facsimile: (702) 385-1827
leongreenberg@overtimelaw.com
Counsel for Respondents

Christian Gabroy, Esq.
Gabroy Law Offices
170 South Green Valley Parkway # 280
Henderson, Nevada 89012
Facsimile: (702) 259-7704
christian@gabroy.com
Counsel for Respondents

10 Dated this 17th day of December, 2018.

11
12 /s/ Susan Dillow
13 An Employee of Rodriguez Law Offices, P.C.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of RODRIGUEZ LAW OFFICES, P.C. and that
3 on this date a true and correct copy of the foregoing EMERGENCY MOTION
4 UNDER NRAP 27(e) FOR STAY was served via electronic transmission as follows:
5

6 Honorable Judge Kenneth C. Cory
7 District Court Judge, Dept. 1
8 200 Lewis Avenue, Courtroom 16A
9 Las Vegas, Nevada 89155
10 Dept01LC@clarkcountycourts.us

11
12 Dated this 17th day of December, 2018.

13 /s/ Susan Dillow
14 An Employee of Rodriguez Law Offices, P.C.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

EXHIBIT 1

COPY

WRIT

Leon Greenberg, Esq.

Attorney for Michael Murray and Michael Reno

(Name)

2965 South Jones Blvd., Ste: E3

(Address)

Las Vegas, NV 89146

(City, State, Zip Code)

702.383.6085

(Telephone Number)

leongreenberg@overtimelaw.com

(E-mail Address)

Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY and MICHAEL RENO, individually and
on behalf of all others similarly situated

Plaintiff(s),

vs.

A CAB TAXI SERVICE LLC, A CAB LLC, and CREIGHTON
J. NADY,

Defendant(s).

Case No.: A-12-669926-C

Dept. No.:

I

WRIT OF GARNISHMENT

THE STATE OF NEVADA TO:

WELL FARGO Bank 1121 Las Vegas Boulevard South, Las Vegas, NV 89104, Garnishee.

You are hereby notified that you are attached as garnishee in the above-entitled action, and you are commanded not to pay any debt from yourself to A CAB LLC or A CAB TAXI SERVICE LLC, Defendant(s), and that you must retain possession and control of all personal property, money, credits, debts, effects, and choses in action of said Defendant(s) that do not exceed \$960,000 in order that the same may be dealt with according to law; where such property consists of wages, salaries, commissions or bonuses, the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and Nevada Revised Statutes 31.295.

Plaintiff believes that you have property, money, credits, debts, effects, and choses in action in

your hands and under your custody and control belonging to said Defendant(s), more particularly
described as:

Bank Accounts or monies on deposit with Wells Fargo Bank that are owned by
judgment debtor's A Cab LLC or A Cab Taxi Service LLC

YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment to
answer the interrogatories set forth herein and forward such answer to the office of the Sheriff or
Constable which issued the Writ of Garnishment. In case of your failure to answer the interrogatories
within 20 days, a Judgment by Default will be entered against you for:

(a) The amount demanded in the Writ of Garnishment or the value of the property described in
the writ, as the case may be; or

(b) If the garnishment is pursuant to NRS 31.291, the amount of the lien created pursuant to that
section, which amount or property must be clearly set forth in the Writ of Garnishment.

IF YOUR ANSWERS TO the interrogatories indicate that you are the employer of the
Defendant(s), this Writ of Garnishment shall be deemed to **CONTINUE FOR 120 DAYS** or until the
amount demanded in the attached Writ of Execution is satisfied, whichever occurs earlier.

YOU ARE FURTHER DIRECTED to forward all funds due to the Defendant(s) each payday
in the future, **UP TO 120 DAYS**, less any amount which is exempt and less \$3.00 per pay period (not to
exceed \$12.00 per month) which you may retain as a fee for compliance. The \$3.00 fee does not apply to
the first pay period covered by this Writ of Garnishment.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the interrogatories on
Plaintiff and Defendant(s) at the addresses listed below.

Issued at direction of (sign and check one):

SHERIFF/CONSTABLE - CLARK COUNTY

S. ROBB P#9580

Leon Greenberg, Attorney for Plaintiff
Michael Murray c/o Leon Greenberg Esq.,
2965 S. Jones Blvd. Suite E3 Las Vegas, NV 89146
Name and address of Plaintiff

Title

Date

A Cab LLC and A Cab Taxi Service LLC
c/o Esther Rodriguez, Attorney at Law
10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145
Name and address of Defendant(s)

1 STATE OF NEVADA)
2) ss:
3 COUNTY OF CLARK)

4 The undersigned being duly sworn states that I received the within WRIT OF GARNISHMENT
5 on the ____ day of _____, 20____, and personally served the same on the ____ day
6 of _____, 20____ in the same manner as provided by rule of court or law of this
7 state for the service of a summons in a civil action, and I tendered the statutory fee of \$5.00 to

8 _____ at _____
9 _____, City of _____, County of
10 _____, State of Nevada.

11 By: _____
12 Title

13 **INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE AND SIGNED UNDER**
14 **PENALTY OF PERJURY:**

15 1. Are you in any manner indebted to the Defendant(s) A CAB LLC or A CAB TAXI SERVICE LLC

16 _____, either in property or money, and is the
17 debt now due? If not due, when is the debt to become due? State fully all particulars.

18 Answer: _____
19 _____
20 _____

21 2. Did you have in your possession, in your charge or under your control, on the date the Writ of
22 Garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or
23 choses in action of the Defendants A CAB LLC or A CAB TAXI SERVICE LLC or in which such
24 Defendants are/is interested? If so, state its value, and state fully all particulars.

25 Answer: _____
26 _____
27 _____

1 3. Are you a financial institution with an account held by A CAB LLC or A CAB TAXI SERVICE LLC ?

2 If so, state the account number and the amount of money in the account which is subject to
3 garnishment. As set forth in section 3 of Assembly Bill 223 (76th Sess. 2011), \$2,000 or the entire
4 amount in the account, whichever is less, is not subject to garnishment if the financial institution
5 reasonably identifies that an electronic deposit of money has been made into the account within the
6 immediately preceding 45 days which is exempt from execution, including, without limitation,
7 payments of money described in section 3 of Assembly Bill 223 or, if no such deposit has been made,
8 \$400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the
9 garnishment is for the recovery of money owed for the support of any person. The amount which is
10 not subject to garnishment does not apply to each account of the judgment debtor, but rather is an
11 aggregate amount that is not subject to garnishment.

12 Answer: _____
13 _____
14 _____
15 _____

16 4. Are you a financial institution that previously maintained an account held by A CAB LLC or A CAB
17 TAXI SERVICE LLC that was active on or after January 1, 2013 but is now closed? If so, state the
18 account number of all such closed accounts and whether, when such account was closed, the
19 remaining funds in that account were transferred to any different account, either at your financial
20 institution or another institution, and all particulars known to you about such account the funds were
21 transferred to, including the account number, institution name and address, and the name of the
22 account holder.

23 Answer: _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 5. State your correct name and address, or the name and address of your attorney upon whom written
2 notice of further proceedings in this action may be served.

3 Answer: _____
4 _____
5 _____
6 _____

6 I declare under penalty of perjury that the answers to the foregoing interrogatories by me
7 subscribed are true and correct.

8 Executed on the _____ day of the month of _____ of the year 20____.

9 _____
10 (Signature of Garnishee)
11 Print name: _____
12 Title: _____
13 _____
14 _____

15 **NOTE:** Under 31.297, if an employer, without legal justification, refuses to withhold the earnings of a
16 Defendant demanded in a WRIT OF GARNISHMENT or knowingly misrepresents the earnings of the
17 Defendant, the court may order the employer to appear and show cause why he should not be subject to the
18 following penalties:

19 (1) If the Plaintiff has received a judgment against the Defendant, an order to the employer to pay the
20 Plaintiff the amount of arrearages caused by the employer's refusal to withhold or his misrepresentation of the
21 Defendant's earnings.

22 (2) In addition, the court may order the employer to pay the Plaintiff punitive damages in an amount not to
23 exceed \$1,000 for each pay period in which the employer has, without legal justification, refused to withhold
24 the Defendant's earnings or has misrepresented the earnings.

WRIT

LEON GREENBERG PROFESSIONAL CORPORATION

Leon Greenberg, Esq. Bar No. 8094

(Name and Bar Number (if any))

2965 South Jones Blvd, Suite E3

(Address)

Las Vegas, Nevada 89146

(City, State, Zip Code)

702-383-6085 (Tel)

702-385-1827 (Fax)

(Telephone and Facsimile Number)

leongreenberg@overtimelaw.com

(E-mail Address)

Attorney for Michael Murray and Michael Reno

Plaintiffs

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL MURRAY and MICHAEL RENO, individually and
on behalf of all others similarly situated

Plaintiff(s),

vs.

A CAB TAXI SERVICE LLC, A CAB LLC, and CREIGHTON
J. NADY,

Defendant(s).

Case No.: A-12-669926-C

Dept. No.: I

WRIT OF EXECUTION ON BANK
ACCOUNT

THE PEOPLE OF THE STATE OF NEVADA:

To the Sheriff of Clark County or the Constable for the Township of _____

Greetings: To Well Fargo Bank, 1121 Las Vegas Boulevard South, Las Vegas, NV 89104

To Financial Institutions: This judgment is for the recovery of money.

On August 21, 2018, a judgment was entered by the above-entitled court in the
above-entitled action in favor of Michael Murray, as Judgment
creditor and against A CAB LLC and A CAB TAXI SERVICE LLC, as Judgment Debtors,
for:

\$ 900,317.34 Principal,

\$ 132,710.47 Pre-Judgment Interest,

\$ Attorney's Fees, and

\$ Costs, making a total amount of

\$ 1,033,027.81 The judgment as entered, and

1 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed
2 herein, it appears that further sums have accrued since the entry of judgment, to wit:

3 \$ 0.00 Accrued Interest, and

4 \$ 0.00 Accrued Costs, together with

5 \$ 10.00 Fee, for the issuance of this writ, making a total of

6 \$ 10.00 As accrued costs, accrued interest and fees.

7 Credit must be given for payments and partial satisfactions in the amount of

8 \$ zero

9 is to be first credited against the total accrued costs and accrued interest, with any excess credited against
10 the judgment as entered, leaving a net balance of

11 \$ 1,033,027.81

12 actually due on the date of the issuance of this writ, of which

13 \$ 900,317.34

14 bears interest at 7.00 percent per annum, in the amount of \$ 172.55 per day, from the date
15 of judgment to the date of levy, to which must be added the commissions and costs of the officer executing
16 this writ.

17 NOW, THEREFORE, SHERIFF or CONSTABLE, you are hereby commanded to satisfy this
18 judgment with interest and costs as provided by law, out of the following personal property of the
19 judgment debtor, except that for any workweek, 75 percent of the disposable earnings of the debtor
20 during that week or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair
21 Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable,
22 whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal
23 property cannot be found, then out of the real property belonging to the debtor in the aforesaid county.

24 Any bank account or funds on deposit with Well Fargo Bank belonging to judgment
25 debtor A Cab LLC or A Cab Taxi Service LLC but only to the extent of \$960,000 you are
26 not to levy or collect any funds in excess of \$960,000.
27
28

1
2
3 You are required to return this Writ from date of issuance not less than 10 days or more
4 than 60 days with the results of your levy endorsed thereon.

5 STEVEN D. GRIERSON OF
6 CLERK OF COURT

7 By: *[Signature]*

Deputy Clerk of 09/11/2018 Date

8 Issued at the direction of:

9 *[Signature]*
(Signature)

10 Attorney for Michael Murray and Michael Reno
11 Plaintiffs

12 Name: Leon Greenberg, Esq.
Address: 2965 South Jones Blvd., Ste. E3
City, State, Zip: Las Vegas, Nevada 89146
Phone: 702.383.6985
E-mail: leongreenberg@overtimelaw.com

13
14 INFORMATION

SHERIFF OR CONSTABLE

15 AMOUNTS TO BE COLLECTED BY LEVY:

RETURN:

16 NET BALANCE: 1,033,027.81

Not satisfied

\$

17 Garnishment Fee: 5.00

Satisfied in sum of

\$

18 Mileage: 2.00

Costs retained

\$

Levy Fee: 30.00

Commission retained

\$

19 Sub-Total: 1,033,064.81

Costs incurred

\$

20 Commission: 5,217.83

Commission incurred

\$

21 TOTAL LEVY: 1,038,282.64

Costs received

\$

22 REMITTED TO JUDGMENT CREDITOR:

23 \$

24 I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy
25 endorsed thereon.

26 SHERIFF OF CLARK COUNTY or
CONSTABLE FOR THE TOWNSHIP OF

27 By:

Title

Date

1 **WRIT**

2 Leon Greenberg, Esq. NV Bar No. 8094

(Name and Bar Number (if any))

3 2965 South Jones Blvd., Suite E-3

(Address)

4 Las Vegas, NV 89146

(City, State, Zip Code)

5 702.383.6085; 702.385.1827

(Telephone and Facsimile Number)

6 leongreenberg@overtimelaw.com

(E-mail Address)

7 ☒ Attorney for (Name):

8 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

12 Michael Murray and Michael Reno et al.

13 Plaintiff(s),

14 vs.

15 A Cab Taxi Service LLC A Cab LLC et al.

16 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: I

WRIT OF EXECUTION

☐ EARNINGS

☒ BANK ACCOUNT

☐ OTHER PROPERTY

17 **THE PEOPLE OF THE STATE OF NEVADA:**

18 To the Sheriff of Clark County or the Constable for the Township of Las Vegas

19 Greetings:

20 ☒ To Financial Institutions: This judgment is for the recovery of money.

21 On August 21, 2018, a judgment was entered by the above-entitled court in the

22 above-entitled action in favor of Michael Murray, as Judgment

23 A Cab LLC, A Cab Taxi Service LLC, and A Cab

24 creditor and against Series LLC, as Judgment Debtor, for:

25 \$ 900,317.34 Principal,

26 \$ 132,710.47 Pre-Judgment Interest,

27 \$ 0.00 Attorney's Fees, and

28 \$ 0.00 Costs, making a total amount of

1,033,027.81 The judgment as entered, and

1 **WHEREAS**, according to an affidavit or a memorandum of costs after judgment, or both, filed
2 herein, it appears that further sums have accrued since the entry of judgment, to wit:

3 \$ 0.00 Accrued Interest, and

4 \$ 0.00 Accrued Costs, together with

5 \$ 10.00 Fee, for the issuance of this writ, making a total of

6 \$ 10.00 **As accrued costs, accrued interest and fees.**

7 Credit must be given for payments and partial satisfactions in the amount of

8 \$ 233,619.54

9 which is to be first credited against the total accrued costs and accrued interest, with any excess credited
10 against the judgment as entered, leaving a net balance of

11 \$ 799,418.27

12 actually due on the date of the issuance of this writ, of which

13 \$ 799,418.27

14 bears interest at 7.00 percent per annum, in the amount of \$ 153.31 per day, from the date
15 of judgment to the date of levy, to which must be added the commissions and costs of the officer executing
16 this writ.

17 **NOW, THEREFORE, CONSTABLE/SHERIFF**, you are hereby commanded to satisfy this judgment with
18 interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any
19 workweek, 82 percent of the disposable earnings of the debtor during that week if the gross weekly salary or wage
20 of the debtor on the date the most recent writ of garnishment was issued was \$770 or less, 75 percent of the
21 disposable earnings of the debtor during that week if the gross weekly salary or wage of the debtor on the date the
22 most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by
23 section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et. seq.*, and in effect at the time
24 the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if
25 sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid
26 county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what
27 you have done.

28 Any Bank account of funds on deposit with U.S. Bank belonging to the judgment debtor
A Cab LLC or A Cab Series LLC and titled under the Employee Identification Number
(EIN) of 88-0470590.

1 You are required to return this Writ from date of issuance not less than 10 days or more than 60
2 days with the results of your levy endorsed thereon.

3 STEVEN D. GRIERSON
4 CLERK OF COURT

5 By: [Signature] 11/8/2018
6 Deputy Clerk Date
7 Alexander Banderas

8 Issued at the direction of:

9 [Signature]
10 (Signature)

11 ☒ Attorney for (Name):
12 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person
13 Name: Leon Greenberg Esq.
14 Address: 2965 South Jones Blvd. Suite E-e
15 City, State, Zip: Las Vegas, NV 89146
16 Phone: 702.383.6085
17 E-mail: leongreenberg@overtime.law.com

18 SHERIFF OR CONSTABLE INFORMATION

19 AMOUNTS TO BE COLLECTED BY LEVY:

20 RETURN:

21 NET BALANCE: <u>799,418.27</u>	<input type="checkbox"/> Not satisfied \$ _____
22 Garnishment Fee: <u>5</u>	<input type="checkbox"/> Satisfied in sum of \$ _____
23 Mileage: <u>2</u>	<input type="checkbox"/> Costs retained \$ _____
24 Levy Fee: <u>30</u>	<input type="checkbox"/> Commission retained \$ _____
25 Postage: _____	<input type="checkbox"/> Costs incurred \$ _____
26 Other: _____	<input type="checkbox"/> Commission incurred \$ _____
27 Sub-Total: <u>799,455.27</u>	<input type="checkbox"/> Costs received \$ _____
28 Commission: <u>4,049.28</u>	

29 Total Levy 803,505.05

30 REMITTED TO JUDGMENT CREDITOR:

31 \$ _____

32 I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy
33 endorsed thereon.

34 SHERIFF OF CLARK COUNTY or
35 CONSTABLE FOR THE TOWNSHIP OF _____

36 By: _____
37 Title Date

1 **WRIT**

2 Leon Greenberg, Esq. NV Bar No. 8094
(Name and Bar Number (if any))

3 2965 South Jones Blvd., Suite E-3
(Address)

4 Las Vegas, NV 89146
(City, State, Zip Code)

5 702.383.6085; 702.385.1827
(Telephone and Facsimile Number)

6 leongreenberg@overtimelaw.com
(E-mail Address)

7 ☒ Attorney for (Name):
8 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person

9
10 **EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 Michael Murray and Michael Reno et al.,

13 Plaintiff(s),

14 vs.

15 A Cab Taxi Service LLC A Cab LLC et al.,

16 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: I

WRIT OF EXECUTION
☐ EARNINGS
☒ BANK ACCOUNT
☐ OTHER PROPERTY

17 **THE PEOPLE OF THE STATE OF NEVADA:**

18 To the Sheriff of Clark County or the Constable for the Township of Las Vegas.

19 Greetings:

20 ☒ To Financial Institutions: This judgment is for the recovery of money.

21 On August 21, 2018, a judgment was entered by the above-entitled court in the
22 above-entitled action in favor of Michael Murray, as Judgment
23 A Cab LLC, A Cab Taxi Service LLC, and A Cab
creditor and against Series LLC, as Judgment Debtor, for:

24 \$ 900,317.34 Principal,

25 \$ 132,710.47 Pre-Judgment Interest,

26 \$ 0.00 Attorney's Fees, and

27 \$ 0.00 Costs, making a total amount of
28 1,033,027.81 The judgment as entered, and

1 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed
2 herein, it appears that further sums have accrued since the entry of judgment, to wit:

3 \$ 0.00 Accrued Interest, and

4 \$ 0.00 Accrued Costs, together with

5 \$ 10.00 Fee, for the issuance of this writ, making a total of

6 \$ 10.00 As accrued costs, accrued interest and fees.

7 Credit must be given for payments and partial satisfactions in the amount of

8 \$ 233,619.54

9 which is to be first credited against the total accrued costs and accrued interest, with any excess credited
10 against the judgment as entered, leaving a net balance of

11 \$ 799,418.27

12 actually due on the date of the issuance of this writ, of which

13 \$ 799,418.27

14 bears interest at 7.00 percent per annum, in the amount of \$ 153.31 per day, from the date
15 of judgment to the date of levy, to which must be added the commissions and costs of the officer executing
16 this writ.

17 NOW, THEREFORE, CONSTABLE/SHERIFF, you are hereby commanded to satisfy this judgment with
18 interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any
19 workweek, 82 percent of the disposable earnings of the debtor during that week if the gross weekly salary or wage
20 of the debtor on the date the most recent writ of garnishment was issued was \$770 or less, 75 percent of the
21 disposable earnings of the debtor during that week if the gross weekly salary or wage of the debtor on the date the
22 most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by
23 section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et. seq.*, and in effect at the time
24 the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if
25 sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid
26 county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what
27 you have done.

28 Any Bank account of funds on deposit with Chase Bank belonging to the judgment debtor
A Cab LLC or A Cab Series LLC and titled under the Employee Identification Number
(EIN) of 88-0470590.

1 You are required to return this Writ from date of issuance not less than 10 days or more than 60
2 days with the results of your levy endorsed thereon.

3 STEVEN D. GRIERSON
4 CLERK OF COURT

5 By: Marie Kramer NOV - 6 2018
6 Deputy Clerk Date
7 MARIE KRAMER

8 Issued at the direction of:

9 (Signature)

10 ☒ Attorney for (Name):

11 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person

12 Name: Leon Greenberg Esq.

Address: 2965 South Jones Blvd. Suite E-e

11 City, State, Zip: Las Vegas, NV 89146

Phone: 702.383.6085

E-mail: leongreenberg@overtime.law.com

13 SHERIFF OR CONSTABLE INFORMATION

14 AMOUNTS TO BE COLLECTED BY LEVY:

RETURN:

15 NET BALANCE: 799,418.27

Not satisfied \$

Satisfied in sum of \$

16 Garnishment Fee: 5.00

Costs retained \$

17 Mileage: 4.00

Commission retained \$

18 Levy Fee: 30.00

Costs incurred \$

19 Postage: 0

Commission incurred \$

Other: _____

Costs received \$

20 Sub-Total: 799,457.27

Commission: 4,049.79

21 (TOTAL LEVY)
22 (\$803,507.06)

REMITTED TO JUDGMENT CREDITOR:

23 \$

24 I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy
25 endorsed thereon.

26 SHERIFF OF CLARK COUNTY or
CONSTABLE FOR THE TOWNSHIP OF _____

27 By: _____
28 Title

Date

1 **WRIT**

2 Leon Greenberg, Esq. NV Bar No. 8094

(Name and Bar Number (if any))

3 2965 South Jones Blvd., Suite E-3

(Address)

4 Las Vegas, NV 89146

(City, State, Zip Code)

5 702.383.6085; 702.385.1827

(Telephone and Facsimile Number)

6 leongreenberg@overtimelaw.com

(E-mail Address)

7 ☒ Attorney for (Name):

8 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

12 Michael Murray and Michael Reno et al.

13 Plaintiff(s),

14 vs.

15 A Cab Taxi Service LLC A Cab LLC et al.

16 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: I

WRIT OF EXECUTION

☐ EARNINGS

☒ BANK ACCOUNT

☐ OTHER PROPERTY

17 **THE PEOPLE OF THE STATE OF NEVADA:**

18 To the Sheriff of Clark County or the Constable for the Township of Las Vegas

19 Greetings:

20 ☒ To Financial Institutions: This judgment is for the recovery of money.

21 On August 21, 2018, a judgment was entered by the above-entitled court in the
22 above-entitled action in favor of Michael Murray, as Judgment
23 A Cab LLC, A Cab Taxi Service LLC, and A Cab
creditor and against Series LLC, as Judgment Debtor, for:

24 \$ 900,317.34 Principal,

25 \$ 132,710.47 Pre-Judgment Interest,

26 \$ 0.00 Attorney's Fees, and

27 \$ 0.00 Costs, making a total amount of

28 1,033,027.81 The judgment as entered, and

1 **WHEREAS**, according to an affidavit or a memorandum of costs after judgment, or both, filed
2 herein, it appears that further sums have accrued since the entry of judgment, to wit:

3 \$ 0.00 Accrued Interest, and

4 \$ 0.00 Accrued Costs, together with

5 \$ 10.00 Fee, for the issuance of this writ, making a total of

6 \$ 10.00 As accrued costs, accrued interest and fees.

7 Credit must be given for payments and partial satisfactions in the amount of

8 \$ 233,619.54

9 which is to be first credited against the total accrued costs and accrued interest, with any excess credited
10 against the judgment as entered, leaving a net balance of

11 \$ 799,418.27

12 actually due on the date of the issuance of this writ, of which

13 \$ 799,418.27

14 bears interest at 7.00 percent per annum, in the amount of \$ 153.31 per day, from the date
15 of judgment to the date of levy, to which must be added the commissions and costs of the officer executing
16 this writ.

17 **NOW, THEREFORE, CONSTABLE/SHERIFF**, you are hereby commanded to satisfy this judgment with
18 interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any
19 workweek, 82 percent of the disposable earnings of the debtor during that week if the gross weekly salary or wage
20 of the debtor on the date the most recent writ of garnishment was issued was \$770 or less, 75 percent of the
21 disposable earnings of the debtor during that week if the gross weekly salary or wage of the debtor on the date the
22 most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by
section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et. seq.*, and in effect at the time
the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if
sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid
county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what
you have done.

Any Bank account of funds on deposit with Bank of Nevada belonging to the judgment
debtor A Cab LLC or A Cab Series LLC and titled under the Employee Identification
Number (EIN) of 88-0470590.

1 You are required to return this Writ from date of issuance not less than 10 days or more than 60
2 days with the results of your levy endorsed thereon.

3 STEVEN D. GRIERSON
4 CLERK OF COURT

5 By: [Signature] 11/8/2018
6 Deputy Clerk Date
7 Alexander Banderas

8 Issued at the direction of:

9 (Signature) [Signature]

10 ☒ Attorney for (Name):

11 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person

12 Name: Leon Greenberg Esq.

Address: 2965 South Jones Blvd. Suite E-e

13 City, State, Zip: Las Vegas, NV 89146

Phone: 702.383.6885

E-mail: leongreenberg@overtimelaw.com

14 SHERIFF OR CONSTABLE INFORMATION

15 AMOUNTS TO BE COLLECTED BY LEVY:

16 RETURN:

17 NET BALANCE: 799,418.27

18 Not satisfied \$

19 Garnishment Fee: 5

Satisfied in sum of \$

20 Mileage: 2

Costs retained \$

21 Levy Fee: 30

Commission retained \$

22 Postage: _____

Costs incurred \$

23 Other: _____

Commission incurred \$

24 Sub-Total: 799,455.27

Costs received \$

25 Commission: 4249.78

26 TOTAL LEVY 803,505.05

27 REMITTED TO JUDGMENT CREDITOR:

28 \$

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

29 SHERIFF OF CLARK COUNTY or
30 CONSTABLE FOR THE TOWNSHIP OF _____

31 By: _____
32 Title

Date

1 **WRIT**

2 Leon Greenberg, Esq. NV Bar No. 8094
(Name and Bar Number (if any))

3 2965 South Jones Blvd., Suite E-3
(Address)

4 Las Vegas, NV 89146
(City, State, Zip Code)

5 702.383.6085; 702.385.1827
(Telephone and Facsimile Number)

6 leongreenberg@overtime.law.com
(E-mail Address)

7 ☒ Attorney for (Name):

8 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

12 Michael Murray and Michael Reno et al.

13 Plaintiff(s),

14 vs.

15 A Cab Taxi Service LLC A Cab LLC et al.

16 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: I

WRIT OF EXECUTION

☐ EARNINGS

☒ BANK ACCOUNT

☐ OTHER PROPERTY

17 **THE PEOPLE OF THE STATE OF NEVADA:**

18 To the Sheriff of Clark County or the Constable for the Township of Las Vegas

19 Greetings:

20 ☒ To Financial Institutions: This judgment is for the recovery of money.

21 On August 21, 2018, a judgment was entered by the above-entitled court in the
22 above-entitled action in favor of Michael Murray, as Judgment
23 A Cab LLC, A Cab Taxi Service LLC, and A Cab
creditor and against Series LLC, as Judgment Debtor, for:

24 \$ 900,317.34 Principal,

25 \$ 132,710.47 Pre-Judgment Interest,

26 \$ 0.00 Attorney's Fees, and

27 \$ 0.00 Costs, making a total amount of
28 1,033,027.81 The judgment as entered, and

1 **WHEREAS**, according to an affidavit or a memorandum of costs after judgment, or both, filed
2 herein, it appears that further sums have accrued since the entry of judgment, to wit:

3 \$ 0.00 Accrued Interest, and

4 \$ 0.00 Accrued Costs, together with

5 \$ 10.00 Fee, for the issuance of this writ, making a total of

6 \$ 10.00 **As accrued costs, accrued interest and fees.**

7 Credit must be given for payments and partial satisfactions in the amount of

8 \$ 233,619.54

9 which is to be first credited against the total accrued costs and accrued interest, with any excess credited
10 against the judgment as entered, leaving a net balance of

11 \$ 799,418.27

12 actually due on the date of the issuance of this writ, of which

13 \$ 799,418.27

14 bears interest at 7.00 percent per annum, in the amount of \$ 153.31 per day, from the date
15 of judgment to the date of levy, to which must be added the commissions and costs of the officer executing
16 this writ.

17 **NOW, THEREFORE, CONSTABLE/SHERIFF**, you are hereby commanded to satisfy this judgment with
18 interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any
19 workweek, 82 percent of the disposable earnings of the debtor during that week if the gross weekly salary or wage
20 of the debtor on the date the most recent writ of garnishment was issued was \$770 or less, 75 percent of the
21 disposable earnings of the debtor during that week if the gross weekly salary or wage of the debtor on the date the
22 most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by
section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et. seq.*, and in effect at the time
the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if
sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid
county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what
you have done.

Any Bank account of funds on deposit with Bank of America belonging to the judgment
debtor A Cab LLC or A Cab Series LLC and titled under the Employee Identification
Number (EIN) of 88-0470590.

1 You are required to return this Writ from date of issuance not less than 10 days or more than 60
2 days with the results of your levy endorsed thereon.

3 STEVEN D. GRIERSON
4 CLERK OF COURT

5 By: [Signature] 11/8/2018
6 Deputy Clerk Date
7 Alexander Banderas

8 Issued at the direction of:

9 (Signature) [Signature]

10 ☒ Attorney for (Name):

11 ☒ Plaintiff, ☐ Counterclaimant, or ☐ Third-Party Plaintiff, In Proper Person

12 Name: Leon Greenberg Esq.
13 Address: 2965 South Jones Blvd. Suite E-e
14 City, State, Zip: Las Vegas, NV 89146
15 Phone: 702.383.6085
16 E-mail: leongreenberg@overtime.law.com

17 SHERIFF OR CONSTABLE INFORMATION

18 AMOUNTS TO BE COLLECTED BY LEVY:

19 RETURN:

20 NET BALANCE: 799,418.27

21 Not satisfied \$

22 Satisfied in sum of \$

23 Garnishment Fee: 5

24 Costs retained \$

25 Mileage: 2

26 Commission retained \$

27 Levy Fee: 30

28 Costs incurred \$

Postage: _____

Commission incurred \$

Other: _____

Costs received \$

Sub-Total: 799,453.27

Commission: 4,049.78

29 TOTAL LEVY 803,505.05

30 REMITTED TO JUDGMENT CREDITOR:

31 \$

32 I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy
33 endorsed thereon.

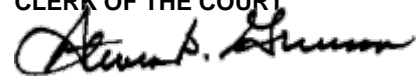
34 SHERIFF OF CLARK COUNTY or
35 CONSTABLE FOR THE TOWNSHIP OF _____

36 By: _____
37 Title

38 Date

EXHIBIT 2

EXHIBIT 2



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

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 MICHAEL MURRAY, and MICHAEL
14 RENO, Individually and on behalf of
15 others similarly situated,

16 Plaintiffs,

17 vs.

18 A CAB TAXI SERVICE LLC, A CAB,
19 LLC, and CREIGHTON J. NADY,

20 Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS' EX PARTE
MOTION FOR A
TEMPORARY RESTRAINING
ORDER AND MOTION ON
AN ORDER REQUIRING THE
TURNOVER OF CERTAIN
PROPERTY OF THE
JUDGMENT DEBTOR
PURSUANT TO NRS 21.320**



21 Plaintiffs, through their attorneys, class counsel, Leon Greenberg and Dana
22 Sniegocki of Leon Greenberg Professional Corporation, hereby move this Court in an
23 *ex parte* fashion for a Temporary Restraining Order pending a hearing on plaintiffs'
24 request, on an Order Shortening Time, for an order requiring the turnover of certain
25 properly belonging to the judgment debtors.

26 This motion is made based upon the declaration of counsel below, the attached
27 exhibits, and the other papers and pleadings in this matter.

28 Dated: November 13, 2018

LEON GREENBERG PROFESSIONAL CORP.

/s/ Leon Greenberg
Leon Greenberg, Esq.
Nevada Bar No. 8094
2965 S. Jones Boulevard - Ste. E-3
Las Vegas, NV 89146
Tel (702) 383-6085
Attorney for the Class

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2018 Toyota Corolla sedan with VIN # 2T1BURHE8JC085153;
2018 Toyota Corolla sedan with VIN # 2T1BURHE7JC079328;
2018 Toyota Corolla sedan with VIN # 2T1BURHE5JC081781;
2015 Toyota Camry sedan with VIN # 4T1BF1FK7FU013542;
2009 Mercedes-Benz S550 with VIN # WDDNG71X19A252598;
2015 Ford Transit - Sport Van with VIN # NM0GE9E70F1197097.


Hon. Kenneth Cory, District Judge
lcr

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3
4
5
6

7
8
9

10
11

12
13
14

15
16

17
18
19
20

21
22
23
24
25
26
27

28

1 900 current and former employees of A Cab for constitutionally mandated minimum
2 wages, is satisfied.

3 3. My office managed to collect \$233,619.54 on the judgment via writs of
4 execution by the Constable from certain Wells Fargo bank accounts. That money has
5 been turned over to the Clerk of the Court pursuant to this Court's order after hearings
6 held by the Court on September 26 and September 28, 2018 (the "Wells Fargo
7 Account Hearings").

8 4. A balance of \$726,380.46 with post-judgment interest still remains to be
9 satisfied by A Cab and is currently subject to collection under the Judgment.

10 5. A Cab has gone to great lengths to place its assets beyond the reach of the
11 Judgment. This was demonstrated during the Wells Fargo Account Hearings where
12 the Court was grappling with A Cab's assertions the Wells Fargo accounts were
13 actually the property of various "series" LLCs issued by A Cab and not property of A
14 Cab subject to judgment execution. The Court rejected that claim by A Cab and
15 declined to quash the writ of execution. A fact that was very germane to that decision
16 was the identification of those funds under the exact same EIN (tax identification)
17 number of A Cab, and that was used to pay the class members their wages, despite
18 such funds being in accounts bearing the "titles" of various alleged "series" LLCs of A
19 Cab.

20 6. My office's investigation has disclosed that at least six motor vehicles,
21 listed above, including four for which it has obtained title reports from the Nevada
22 Department of Motor Vehicles, are owned either in totality or at least in part by A Cab.
23 Ex. "A," Vehicle Title Data reports. These vehicles are titled to A Cab LLC or A
24 Cab Series LLC, the exact name of the judgment debtor in this case. Accordingly, no
25 dispute exists that they are property of A Cab, not just one of its "series" LLCs, and
26 subject to judgment execution.

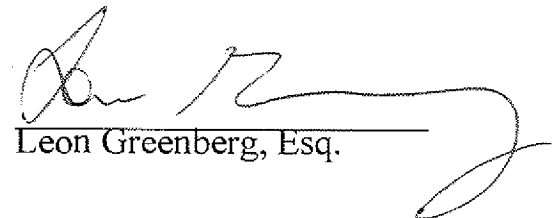
27 7. I am requesting that the Court, *ex parte*, issue a Temporary Restraining
28 Order against A Cab, restraining it from selling or transferring or encumbering the title

1 to any motor vehicles (including the six with the VIN numbers identified above) that it
2 has an ownership interest in. I appreciate that is an unusual request, but it is one that is
3 significantly justified and appropriate to effectuate the interests of justice in this case.
4 There is a substantial, uncollected, judgment against A Cab. Trying to effectuate a
5 seizure of these motor vehicles, through the normal channels provided for judgment
6 executions on property, is very difficult. The vehicles are in use by A Cab and it is
7 unlikely that the Sheriff will be able to locate, and seize, all, or even any of them,
8 pursuant to any writ. And once A Cab is aware that motor vehicles with titles in its
9 name are being subject to seizure, it will immediately effectuate transfers of the titles
10 of those vehicles to its "series" LLCs or otherwise encumber them. Indeed, my
11 office's research indicates that the vast majority of vehicles used by A Cab in its taxi
12 business are *not* titled to A Cab but to its numerous "series" LLCs. Accordingly, the
13 only hope the plaintiffs have of effectuating an execution of their judgment against any
14 such motor vehicles is through the issuance of a TRO on an *ex parte* basis, prohibiting
15 the transfer or encumbrance of those assets pending their sale by the Sheriff.

16 8. As discussed, *infra*, A Cab and its principal, defendant Nady, have
17 engaged in a prolonged and intentional scheme to avoid satisfying the minimum wage
18 liability at issue in this case by placing A Cab's assets beyond the reach of any
19 judgment. My office's research indicates that these motor vehicle titles are probably
20 the only tangible asset that exists "free and clear" and owned in the name of the
21 judgment debtor, A Cab. All of the other property it uses in its business (such as the
22 real estate it uses for its operations) is titled to other entities controlled or owned by
23 defendant Nady. Presumably it has also placed its operational funds in completely
24 disassociated bank accounts bearing completely unconnected EIN numbers since the
25 Wells Fargo Account hearings so as to render them beyond the reach of the Judgment.
26 If the Court fails to issue the requested TRO, it is apparent that further satisfaction of
27 the judgment will not be achieved through property executions because there will be
28 no property titled to A Cab upon which such an execution can be directly effectuated.

1 9. I am requesting that the Court set a hearing on an expedited basis because
2 I do not anticipate the Court, on a completely *ex parte* basis, is willing to order the
3 transfer of the motor vehicles at issue to the Sheriff for sale or a complete prohibition
4 on their use by A Cab pending a hearing. Presumably the Court feels A Cab should
5 be afforded an opportunity to be heard before such a transfer Order issues. But, as a
6 judgment debtor, A Cab has no basis to oppose the requested property transfer. Nor
7 should it be allowed, through its continued use and possession of those motor vehicles,
8 to depreciate their value or otherwise expose them to loss. Accordingly, given these
9 circumstances, A Cab should only be given a brief period of time, consistent with the
10 Court's operational schedule, to oppose the request for a turnover order under NRS
11 21.320 and such Order should most promptly issue. That is particularly true given the
12 nature of this case, involving Nevada's Constitutional minimum wage provision and a
13 class of over 900 employees who now have been waiting for the payment of minimum
14 wages owed to them by A Cab for more than 6 years.

15 Affirmed this 13th day of November, 2018.

16
17
18
19
20
21
22
23
24
25
26
27
28

Leon Greenberg, Esq.

ARGUMENT

I. An Order Should Issue Requiring the Transfer of all Motor Vehicles Owned by A Cab to the Sheriff for Sale at Auction.

22 Pursuant to NRS 21.320, the court may order "any property of the judgment
23 debtor not exempt from execution" and that is "in the hands of the debtor" applied
24 "toward the satisfaction of the judgment."

25 The Court can properly Order A Cab to transfer all motor vehicles, including but
26 not limited to those in the Ex. "A" Vehicle Title Data reports from the Nevada
27 Department of Motor Vehicles, and the two additional vehicles plaintiffs' counsel's
28 investigation indicates are titled to A Cab (a 2009 Mercedes-Benz S550 with VIN #

1 WDDNG71X19A252598 and a 2015 Ford Transit - Sport Van with VIN #
2 NM0GE9E70F1197097), to the Sheriff for sale at auction and apply the proceeds so
3 earned to the judgment. These vehicles clearly have some value that can be applied to
4 the judgment.

5 Defendants, by their actions and their pronouncements to the Court, make no
6 attempt to hide their intent to avoid this judgment at all costs. In fact, testimony from
7 their NRCF 30(b)(6) witness, and company owner Creighton J. Nady, indicates that
8 defendants entire business structure is designed to avoid an adverse judgment in this
9 case. Ex. "B" 53:13-23; 56:18-57:7; and 60:19-61:12. Under these circumstances, the
10 Court should use its powers under NRS 21.320, as it is otherwise improbable that the
11 class members/judgment creditors will ever satisfy any portion of their judgment from
12 any tangible property of A Cab via a property execution.

13 CONCLUSION

14 For all the foregoing reasons, class counsel's motion should be granted in its
15 entirety together with such other further and different relief that the Court deems proper.

16 Dated: November 13, 2018

17 LEON GREENBERG PROFESSIONAL CORP.

18 /s/ Leon Greenberg
19 Leon Greenberg, Esq.
20 Nevada Bar No. 8094
21 2965 S. Jones Boulevard - Ste. E-3
22 Las Vegas, NV 89146
23 Tel (702) 383-6085
24 Attorney for the Plaintiffs and the Class
25
26
27
28

EXHIBIT "A"

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES
CENTRAL SERVICES - RECORDS DIVISION
555 Wright Way
Carson City, Nevada 89711-0250
(775) 684-4590

REQUEST DATE : 10/03/2018

SUP.TRAN.ID : 124207911

LEON GREENBERG PROFESSIONAL CORP
2965 S JONES BLVD STE E3
LAS VEGAS NV 89146-5606

VEHICLE TITLE DATA

I - VEHICLE DATA

YEAR : 2018 MAKE : TOYT MODEL : COROLL CYL : 04 OPTL NO : NOT AVL
VIN : 2T1BURHE7JC085153 VEHCL TYPE : VEH-SEDAN 4 DR

II - TITLE INFORMATION

TITLE NO : NV010811719 ODMTR RG : 10
STATUS : ORIGINAL ODMTR BR : ACTUAL MILES
TITLE ISSUE DATE : 08/10/2018

OWNER TYPE : REGISTERED COMBN TYPE : NONE
NAME : A CAB SERIES LLC
ADDRESS : 1500 SEARLES AVE
CITY/STATE : LAS VEGAS NV 89101-1123

PAGE NO: 1** LAST PAGE **

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES
CENTRAL SERVICES - RECORDS DIVISION
555 Wright Way
Carson City, Nevada 89711-0250
(775) 684-4590

REQUEST DATE : 10/03/2018

SUP.TRAN.ID : 124207911

LEON GREENBERG PROFESSIONAL CORP
2965 S JONES BLVD STE E3
LAS VEGAS NV 89146-5606

VEHICLE TITLE DATA

I - VEHICLE DATA

YEAR : 2018 MAKE : TOYT MODEL : COROLL CYL : 04 OPTL NO : NOT AVL
VIN : 2T1BURHE8JC079328 VEHCL TYPE : VEH-SEDAN 4 DR

II - TITLE INFORMATION

TITLE NO : NV010812008 ODMTR RG : 10
STATUS : ORIGINAL ODMTR BR : ACTUAL MILES
TITLE ISSUE DATE : 08/10/2018

OWNER TYPE : REGISTERED COMBN TYPE : NONE
NAME : A CAB SERIES LLC
ADDRESS : 1500 SEARLES AVE
CITY/STATE : LAS VEGAS NV 89101-1123

PAGE NO: 1** LAST PAGE **

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES
CENTRAL SERVICES - RECORDS DIVISION
555 Wright Way
Carson City, Nevada 89711-0250
(775) 684-4590

REQUEST DATE : 10/03/2018

SUP.TRAN.ID : 124207911

LEON GREENBERG PROFESSIONAL CORP
2965 S JONES BLVD STE E3
LAS VEGAS NV 89146-5606

VEHICLE TITLE DATA

I - VEHICLE DATA

YEAR : 2018 MAKE : TOYT MODEL : COROLL CYL : 04 OPTL NO : NOT AVL
VIN : 2T1BURHE5JC081781 VEHCL TYPE : VEH-SEDAN 4 DR

II - TITLE INFORMATION

TITLE NO : NV010811782 ODMTR RG : 10
STATUS : ORIGINAL ODMTR BR : ACTUAL MILES
TITLE ISSUE DATE : 08/10/2018

OWNER TYPE : REGISTERED COMBN TYPE : NONE
NAME : A CAB SERIES LLC
ADDRESS : 1500 SEARLES AVE
CITY/STATE : LAS VEGAS NV 89101-1123

PAGE NO: 1** LAST PAGE **

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES
CENTRAL SERVICES - RECORDS DIVISION
555 Wright Way
Carson City, Nevada 89711-0250
(775) 684-4590

REQUEST DATE : 10/03/2018

SUP.TRAN.ID : 124207911

LEON GREENBERG PROFESSIONAL CORP
2965 S JONES BLVD STE E3
LAS VEGAS NV 89146-5606

VEHICLE TITLE DATA

I - VEHICLE DATA

YEAR : 2015 MAKE : TOYT MODEL : CAMRY CYL : 04 OPTL NO : NOT AVL
VIN : 4T1BF1FK7FU013542 VEHCL TYPE : VEH-SEDAN 4 DR

II - TITLE INFORMATION

TITLE NO : NV010892629 ODMTR RG : 82974
STATUS : ORIGINAL ODMTR BR : ACTUAL MILES
TITLE ISSUE DATE : 09/07/2018

OWNER TYPE : REGISTERED COMBN TYPE : NONE
NAME : A CAB SERIES LLC
ADDRESS : 1500 SEARLES AVE
CITY/STATE : LAS VEGAS NV 89101-1123

PAGE NO: 1** LAST PAGE **

EXHIBIT "B"

DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL MURRAY, and MICHAEL) Case No.: A-12-669926-C
RENO, individually and on) Dept. No.: I
Behalf of others similarly)
Situating,)
 Plaintiffs,)
vs)
A CAB TAXI SERVICE LLC, A CAB,))
LLC and CREIGHTON J. NADY,)
 Defendants.)
_____)

RECORDED DEPOSITION OF CREIGHTON J. NADY

Taken on June 16, 2017

At 1:10 p.m.

Evolve Downtown

400 South 4th Street, 3rd Floor

Las Vegas, Nevada 89101

1 A: It's a 1040.

2 Q: And is it correct that that 1040 is
3 Schedule C?

4 A: Exactly.

5 Q: Okay. And that is your personal
6 1040 return?

7 A: It certainly is. Do you remember
8 when I told you in the hallway that you were suing
9 the wrong entities --

10 MS. RODRIGUEZ: Jay, there is no
11 question pending.

12 A: Thank you.

13 Q: Okay. Mr. Nady, you believe that
14 having individual cells of A Cab LLC will protect
15 your business from having to pay judgment against in
16 this case?

17 A: No.

18 Q: Then why were you telling me that
19 we had sued the wrong entity in this lawsuit?

20 A: Because you have not sued any of
21 the cells directly because a Series LLC is a series
22 of cells and you haven't sued each one of them. You
23 just threw a piece of mud up against the wall.

24 Q: So what will happen in your view if
25 this case proceeds to a judgment against A Cab LLC

1 tell me what the law is. What do you believe will
2 happen in that situation?

3 MS. RODRIGUEZ: Same objection.

4 A: I think you've sued the wrong
5 entities, Mr. Greenberg.

6 Q: And I've sued the wrong entities
7 because?

8 A: I don't know why you did it.

9 MS. RODRIGUEZ: Object to the form of
10 the question.

11 Q: Okay.

12 A: You did it because you don't know
13 what an LLC is, that's why.

14 Q: Okay. What would be the right
15 entities to sue, Mr. Nady?

16 A: I wouldn't want to give you legal
17 advice, Mr. Greenberg.

18 Q: Well, you say you believe that the
19 wrong entities are sued. Is that because a judgment
20 against A Cab LLC in this case will not be
21 enforceable against the property of the cells you've
22 described such as the 102 cars?

23 MS. RODRIGUEZ: Objection. Calls for a
24 legal conclusion, and calls for speculation, and
25 lacks foundation.

1 A: Should I answer it?

2 Q: You need to answer the question,
3 Mr. Nady.

4 A: Yeah, that's what I think.

5 Q: Has the cell that is the Employee
6 Leasing Company you described changed over time?

7 A: Yes.

8 Q: When?

9 A: I don't recall when, Mr. Greenberg.

10 Q: What were the names that were used
11 for the Employee Leasing Company's cell?

12 A: I think we had Employee Leasing
13 Company and then Employee Leasing Company II... I
14 think we've got three of them over the years.

15 Q: And why did the name change?

16 A: To a legal advice.

17 Q: And what was that legal advice?

18 MS. RODRIGUEZ: Objection. Calls for
19 attorney-client information.

20 A: Mr. Greenberg, I don't think that I
21 have to give you my legal advice.

22 Q: I just want to be clear on the
23 record, counsel, he --

24 A: I'm invoking my legal counsel.

25 Q: Okay. The witness is invoking an

1 check printing company did that or the group that did
2 this put it in there, but that's never been our name.

3 Q: Has that ever been the name of a
4 cell used by A Cab?

5 A: It's never been our name in
6 anything. I don't know how. I think the check
7 company just printed them incorrectly.

8 Q: So this is a pay stub of a check
9 that was issued on pay date 10/5/2012 it says on the
10 top. Who issued this paycheck?

11 A: A Cab, LLC.

12 Q: So it was issued by A Cab, LLC, and
13 not any cell of A Cab, correct?

14 A: That's correct.

15 Q: When this check was issued in 2012,
16 was A Cab issuing all payroll checks to the drivers
17 directly and not through any cell?

18 A: I don't know.

19 Q: Did A Cab at any point changed a
20 policy of issuing checks directly to its drivers and
21 instead issued those checks through one of the cells?

22 A: A Cab changed this entity from an
23 LLC, a single-member LLC, to a single-member Series
24 LLC sometime along the way.

25 Q: Was it sometime after October of

1 2012?

2 A: I don't know. I think it was.

3 Q: And why did it do that?

4 A: Liability.

5 Q: What liability?

6 A: The one we're doing right now.

7 Mainly for insurance of vehicle damage and accident
8 insurance.

9 Q: When you refer to liability, you're
10 also including the liability represented by this
11 lawsuit, correct?

12 A: I sure do.

13 Q: Was it the intention when A Cab
14 changed its operation to a series LLC to make the
15 taxi drivers all employees of one of the cells?

16 A: Yes.

17 Q: And was the intention of that being
18 that if those taxi drivers were owed any money, their
19 ability to collect any money for their work that they
20 hadn't been paid, their ability to collect that money
21 would be limited to the assets of that cell?

22 A: No.

23 Q: And what was the intent of that?

24 A: We did this in the beginning to
25 avoid a lawsuit for an accident where the driver was

1 CERTIFICATE OF RECORDER

2 STATE OF NEVADA)

3 COUNTY OF CLARK)

4 NAME OF CASE: MICHAEL MURRAY vs A CAB TAXI SERVICE LL

5I, Peter Hellman, a duly commissioned

6 Notary Public, Clark County, State of Nevada, do hereby

7 certify: That I recorded the taking of the

8 deposition of the witness, Creighton Nday,

9 commencing on 06/16/2017.

10That prior to being examined the witness was

11 duly sworn to testify to the truth. That I thereafter

12 transcribed or supervised transcription from Recorded

13 Audio-and-Visual Record and said deposition is a complete,

14 true and accurate transcription.

15I further certify that I am not a relative or

16 employee of an attorney or counsel of any of the

17 parties, nor a relative or employee of an attorney or

18 counsel involved in said action, nor a person

19 financially interested in the action.

20IN WITNESS WHEREOF, I have hereunto set my

21 hand in my office in the County of Clark, State of

22 Nevada, this 06/16/2017.

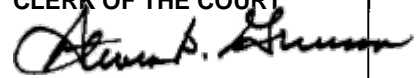
23

24_____

25Peter J. Hellman Notary (12-9031-1)

EXHIBIT 3

EXHIBIT 3



MTN
JAY A. SHAFER, ESQ.
Nevada Bar No. 9184
PREMIER LEGAL GROUP
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Fax: (702) 794-4421
jshafer@premierelegalgroup.com
Attorney for Defendants
CAB TAXI SERVICE LLC and A CAB, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY and MICHAEL RENO,)	
Individually and on behalf of others similarly)	
situated,)	Case No. : A-12-669926-C
)	Dept. No.: I
Plaintiff,)	
)	
v.)	
)	
CAB TAXI SERVICE LLC and A CAB, LLC,)	
and CREIGHTON J. NADY,)	
)	
Defendants.)	

**DEFENDANT'S OPPOSITION TO PLAINTIFFS' EX-PARTE MOTION FOR A
TEMPORARY RESTRAINING ORDER AND MOTION ON AN ORDER [sic]
REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT
DEBTOR PURSUANT TO NRS 21.320**

**Date of Hearing: December 4, 2018
Time of Hearing: 9:00 am**

Defendants A Cab, LLC and Creighton J. Nady, by and through their attorneys of record, Esther C. Rodriguez, Esq., of Rodriguez Law Offices, P.C., Michael K. Wall, Esq., of Hutchison & Steffen, LLC, and Jay A. Shafer, Esq. of Premier Legal Group hereby submit this Opposition To Plaintiffs' Ex-Parte Motion For A Temporary Restraining Order And Motion On An Order [Sic] Requiring The Turnover Of Certain Property Of The Judgment Debtor Pursuant To NRS 21.320. This Motion is based on the attached points and authorities, all pleadings and papers on file herein, and any argument by counsel at the time of the hearing on

1 this matter.

2 DATED this 30th day of November, 2018.

3 PREMIER LEGAL GROUP

4 By: /s/ Jay A. Shafer

5 JAY A. SHAFER, ESQ.

6 Nevada Bar No. 9184

7 1333 North Buffalo Drive, Suite 210

8 Las Vegas, Nevada 89128

9 Telephone: (702) 794-4411

10 Fax: (702) 794-4421

11 jshafer@premierelegalgroup.com

12 Counsel for Defendants

13 **POINTS AND AUTHORITIES**

14 **I. INTRODUCTION**

15 Here, Plaintiffs have sought a temporary restraining order, ex parte, as well as an
16 expedited hearing on a new and novel motion to turnover property on less than 5 days' notice.
17 Plaintiffs identify six vehicles which they want turned over to the Sherriff and sold, but only
18 allege ownership of four of the six vehicles¹. The other two vehicles, they allege probably
19 belong to A Cab. The further attempt to justify their actions by falsely alleging that A Cab is
20 engaging in subterfuge and improper actions to preclude the collection of the judgment.²
21 Plaintiff's Motion is bereft of verifiable facts or reliable statements of law, and attempts to
22 circumvent the due process which forms the basis for our legal system as well as the process set
23 out in NRS 21.

24 ///

25 ///

26
27 ¹ See Exhibit "A" to Plaintiffs' Motion.

28 ² The actions which Plaintiffs complains are the creation of a corporation under the laws of the state of Nevada which occurred long before the lawsuit, let alone entry of the judgment.

ARGUMENT

II. PLAINTIFFS' MOTION ATTEMPTS TO CIRCUMVENT DUE PROCESS AND DEPRIVE THIRD PARTIES OF ANY ABILITY TO PROTECT THEIR INTERESTS.

1. Nevada's Collection Regime Set Out In NRS Chapter 21 Provides A Writ Of Collection Is The Method For Enforcement.

Nevada law provides procedures governing execution on a judgment, see NRS 21.010-.260, including proceedings supplementary to execution to aid the judgment creditor in collecting the judgment, see Greene v. Eighth Judicial Dist. Court, 115 Nev. 391, 395, 990 P.2d 184, 186 (1999); see also NRS 21.270-.340; NRCP 69(a) (providing that proceedings "in aid of execution shall be in accordance with the practice and procedure of the State," i.e., NRS Chapters 21 and 31.

NRCP 69(a) specifies that the [p]rocess to enforce a judgment for the payment of money shall be a writ of execution". These writs of execution of judgments are governed by Nevada Revised Statute § 21.010, et seq. Section 21.075 prescribes the form, content, and services that is required for a writ of execution. Subsection 1 states:

Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

NEV. REV. STAT. § 21.075(1).

Subsection 2 provides an exemplar of a writ of execution that complies with subsection 1, stating that "[t]he notice required pursuant to subsection 1 must be substantially in the following form" NEV. REV. STAT. § 21.075(2). In turn, section 21.076 governs the manner and time of service of a writ of execution of judgment. In pertinent part, it states that "[t]he service must be mailed by the next business day after the day the writ of execution was served." NEV. REV. STAT. § 21.076

1 This is the appropriate process as it provides notice and an opportunity to respond, such
2 that the judgment creditor's rights are protected as well as the rights of a third party or a
3 judgment debtor's rights in exempt property. Here, Plaintiffs attempt to dispense with this
4 procedure entirely, by improperly invoking NRS 21.320. Plaintiffs fail to establish why the
5 statutorily mandated procedure is inadequate or why the protections and due process contained in
6 the statute should be entirely dispensed with.

7 2. NRS 21.320 is a Limited Remedy for Non-exempt, Non-contested property.

8 NRS 21.320 provides that "The judge or master may order any property of the judgment
9 debtor not exempt from execution . . . to be applied toward the satisfaction of the judgment."
10 This is a permissive and optional remedy, and not applicable when the property is exempt from
11 execution. Although Nev. Rev. Stat. 21.320 only authorizes judicial assignment of property not
12 exempt from execution, the Nevada Revised Statutes permits a debtor to assert a claim of
13 exemption, after which certain obligations are imposed on the creditor. Nev. Rev. Stat. 21.075
14 and 21.112(2). Thus, there is a contradiction between the court's authority to only assign non-
15 exempt assets and the debtor's assertion of a claim of exemption. Greene v. Eighth Judicial Dist.
16 Court of Nevada, 115 Nev. 391, 990 P.2d 184 (1999). Here, Plaintiffs interest in collection
17 cannot override Defendant's ability to claim exemption and protect its interest.

18 Moreover, NRS 21.320 applies only to the property of the judgment debtor and not the
19 property of a third party. A judgment creditor is not automatically entitled to an order requiring a
20 third party to pay over money, unless such person admits the indebtedness and acknowledges the
21 possession or control of the amount due, or these facts are established by indisputable evidence.
22 Mona v. Eighth Judicial Dist. Court, 380 P.3d 836, 841 (Nev. 2016) Here, there is neither an
23 admission, nor indisputable evidence. Indeed the court can only order a turnover when debtor's
24 title thereto is clear and undisputed. Hagerman v. Tong Lee, 12 Nev. 331, 335 (1877) (If there is
25 any dispute as to the ownership of the property, or if the person proceeded against in good faith
26 denies the debt, neither the judge nor the referee has any power or authority . . . to decide the
27 disputed question and order the property delivered)
28

1 3. Plaintiff's Motion is Intended to Ambush, and Is Not Brought in Good Faith.

2 Plaintiff's Motion, brought several weeks ago, but just now served, was intended to limit
3 Defendant's ability to participate and have the matter heard on the merits. Plaintiffs condescend
4 to offer a fig leaf of due process in the Declaration of Counsel's statement that "Presumably the
5 Court feels A Cab should be afforded an opportunity to be heard before such a transfer Order
6 issues".³ They go on to deny that A Cab has no basis to oppose, so A Cab should only be given
7 a "brief period of time". It is thus clear that the entire intent of the Motion is to deprive
8 Defendant A Cab of its due process rights and to have a full and fair opportunity to oppose.

9 4. Plaintiff's Motion Precludes Notice to Third Parties.

10 A judgment creditor does not have any right to require the disclosure, let alone turnover, of
11 assets of persons other than the judgment debtor. Rock Bay, LLC v. Eighth Judicial Dist. Court
12 of Nev., 129 Nev. 205, 211, 298 P.3d 441, 445 (2013) A judgment creditor cannot do so even if
13 it has a judgment which arises under the Constitution of the State of Nevada. Here, Plaintiffs
14 have not established that "A Cab LLC" or "A Cab Series LLC" is the actual owner of the
15 property. Plaintiffs purport to show DMV Statements which claim ownership for four vehicles
16 but omit entirely the basis of ownership for the other two. Plaintiffs falsely claim that the court
17 has determined that the various series are subject to the liabilities of A Cab LLC. That is
18 incorrect. The Court has rather held the executed funds with the Clerk, pending a resolution of
19 the various claims.

20 5. Plaintiff's Motion Fails to Address the Required Elements for Injunctive Relief.

21 Plaintiffs' Motion also omits entirely the analysis for their request for injunctive relief.
22 As the Court is aware there is a specific set of requirements which must be established before a
23 temporary restraining order, preliminary injunction, or permanent injunction may be obtained.
24 Boulder Oaks Cmty. Ass'n v. B&J Andrews Enters., LLC, 215 P.3d 27, 31 (Nev. 2009) The
25 party desiring this relief must show 1) reasonable probability of success, 2) the suffering of an
26 irreparable harm, 3) a balancing of the hardships, including the hardship to the public, and 4)
27

28 ³ See Paragraph 9 of the Declaration of Leon Greenberg, Esq. on page 6 of the instant Motion.

1 whether this to preserves the status quo, or is to “preserve a business or property interest.” Id.
2 (citing Buion v. Terra Mktg. of Nev., Inc., 90 Nev. 237, 240, 523 P.2d 847, 848 (1974).

3 Here, there is an issue of the reasonable probability of success, as the matter is on appeal,
4 but isn’t even addressed. On the issue of hardship, the request Plaintiffs makes is not necessary
5 to prevent an irreparable harm, as the issue is one of money damages, which is by its nature not
6 irreparable.

7 But it is on the balancing of the hardships, including the hardship to the public, where
8 Plaintiffs claim for relief clearly fails. If Plaintiffs are successful in selling the vehicles, the
9 business will not be able to operate. This is antithetical to maximizing a recovery and minimizing
10 harm. Plaintiffs repeatedly stated in multiple hearings, including the hearing on October 22,
11 2018 that “We don’t want to kill the goose that lays the golden egg” and that the value is in the
12 ongoing operations and not the liquidation of the business. But that is what Plaintiffs are now
13 requesting. They want to cut the assets which form the heart of the company, those vehicles
14 which generate revenue and provide employment for the drivers Plaintiffs represent.

15 Moreover, there is a significant hardship to the public if the taxi service provided by A
16 Cab is interrupted. Hundreds, if not thousands, of people each day will be denied transportation
17 because A Cab is not able to provide service. The Taxicab authority heavily values providing
18 service to various areas, and indeed A Cab’s license was provided on the basis that it would
19 provide transportation services to underserved areas of the Valley. By shutting A Cab down,
20 those individuals will be deprived of transportation or be forced to use substantially inferior
21 options.

22 Also, Plaintiffs failed to post a bond or even address this issue to guard against the
23 improper execution of these vehicles. This is a significant failure, and Plaintiffs’ motion must
24 necessarily fail.

25 Finally, Plaintiffs have failed to establish why such extraordinary relief must be obtained,
26 despite the risk of harm to third parties and the general public. Their failure means that the Court
27 should deny their request when Defendants and third parties have not had a chance to respond
28

1 simply because Plaintiffs' Counsel alleges the specter of difficulty in collection.

2
3 **COUNTERMOTION TO STAY PROCEEDINGS AND COLLECTION ACTIONS**

4 1. The Supreme Court has Stayed this Matter Pending Conclusion of a Mandatory
5 Supreme Court Settlement Conference.

6 As this Court is aware, Defendants have filed an appeal to the Nevada Supreme Court
7 pertaining to the summary judgment order entered in this matter. Exhibit 1, *Notice of Appeal*.
8 The Supreme Court has ordered a mandatory settlement conference and has stayed the appeal
9 pending conclusion of this conference pursuant to NRAP 16(a)(1). Exhibit 2, *Notice of Referral*
10 *to Settlement Program and Suspension of Rules*. Simultaneously, this District Court is allowing
11 Plaintiffs' collection activities to proceed and to seize the assets of Defendants as well as third
12 parties (the series separate entities) which were never part of the underlying matter. These
13 collection activities are having devastating and irreparable results on the taxicab company, all of
14 its employees, and the separate companies which are unrelated to the underlying case involving
15 the drivers. Plaintiffs continue to engage in issuing writs of execution and garnishing bank
16 accounts which are crippling the operation of a Las Vegas taxicab company.

17
18 While the Supreme Court has stayed the proceedings and the appeal of the issues, this
19 District Court is allowing collection to move forward in haste, and with results which cannot be
20 undone. If the appeal is successful on any one of the many issues (e.g. the Court's extension of
21 the 2 year statute of limitations; the Court's interpretation of the Nevada record keeping statute;
22 the Court's reliance on the excel spreadsheets for its finding of a million dollar liability; the
23 severing of the claims), the matter will be remanded for compliance and to be readdressed. At
24 that point, any monies wrongly taken and distributed to individual drivers will be clearly
25 uncollectible.
26
27
28

1 Meanwhile, the present unjust taking of these funds are directly injuring working families
2 right now by shutting down operating funds and seizing payroll accounts. Adding salt to the
3 wounds is that these employees are being wrongly affected during the holiday season. Monies
4 for paychecks and for operations are being seized without warning and without notice, causing
5 workers' paychecks to bounce and causing dire financial hardships for all of these people.

6 2. This Court Should Extend the 2 Week Stay Which it Previously Implemented.

7
8 This Court recently implemented a two week stay on collection activities, asking
9 everyone to step back and to take a breath. In the hearing on October 22, 2018, the Court
10 observed that a stay may be warranted because of the issues which necessarily must be resolved
11 there. And while a limited stay was put in place, the limited period was not sufficient to address
12 the matters with the Nevada Supreme Court.

13 Upon expiration of that stay, Plaintiffs immediately engaged in a full assault seeking 11
14 writs of execution and serving them upon numerous banks in an attempt to seize all funds of any
15 account remotely related to "A Cab series." Now, Plaintiffs seek to obtain **all** of the vehicles
16 Defendants use to conduct business. While Defendants appreciate the Court's two week stay,
17 that was an inadequate period of time to accomplish anything. As stated above, the Supreme
18 Court has stayed the appeal; Defendants' hands are therefore tied and cannot take any steps to
19 push that procedure along. Secondly, the various orders which remain outstanding have not even
20 been entered by this Court. The Order pertaining to the Court's denial of the Motion to Quash
21 was submitted and has not been signed. Defendants cannot therefore appeal this issue. The
22 objections to the writs have not been heard by the Court; therefore an Order cannot even be
23 submitted. This is clearly a scenario where the cart has been put before the horse. Plaintiffs are
24 pressing full throttle in collection activities when the Court has not entered its relevant orders on
25 the issue.
26
27
28

1 Finally, the orders pertaining to the tolling motions have not been entered by the Court,
2 thereby depriving Defendants from moving forward with a proper appeal. Defendants therefore
3 request that this Court stay the proceedings and collection activities until the matter is resolved
4 by the Nevada Supreme Court so that irreparable harm will not continue. There is no harm to the
5 Plaintiffs as these are funds which are sought from as far back as 2007, and Plaintiffs are seeking
6 interest therefrom. With these garnishments, Plaintiffs have even precluded Defendants from
7 obtaining an appeal bond. Defendants have been repeatedly denied a bond; and no financial
8 institution will entertain Defendants' request with these garnishments.
9

10 CONCLUSION

11 For the foregoing reasons, Defendants request that this Court deny Plaintiffs' Motion to
12 Transfer the vehicles identified in said Motion and not grant further injunctive relief. Defendants
13 further request that the Court enter a stay pending resolution of the Issues on Appeal, or at least a
14 stay Coinciding with the Supreme Court's stay.
15

16 DATED this 30th day of November, 2018.

17 PREMIER LEGAL GROUP

18
19 By: /s/ Jay A. Shafer
JAY A. SHAFER, ESQ.
Nevada Bar No. 9184
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Fax: (702) 794-4421
jshafer@premierelegalgroup.com
Counsel for Defendants
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 30th day of November, 2018, I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

Leon Greenberg, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Co-Counsel for Plaintiffs

Christian Gabroy, Esq.
Gabroy Law Offices
170 South Green Valley Parkway # 280
Henderson, Nevada 89012
Co-Counsel for Plaintiffs

/s/ Leta Metz

A Representative of PREMIER LEGAL GROUP

EXHIBIT 1

EXHIBIT 1



1 NOAS
2 Michael K. Wall (2098)
3 HUTCHISON & STEFFEN, PLLC
4 10080 West Alta Drive, Suite 200
5 Las Vegas, NV 89145
6 Tel: (702) 385-2500
7 Fax: (702) 385-2086
8 mwall@hutchlegal.com

9 Esther C. Rodriguez, Esq. (6473)
10 RODRIGUEZ LAW OFFICES, P.C.
11 10161 Park Run Drive, Suite 150
12 Las Vegas, NV 89145
13 (702) 320-8400
14 info@rodriguezlaw.com

15 *Attorney for defendants*
16 *A Cab, LLC and Creighton J. Nady*

17 **DISTRICT COURT**
18 **CLARK COUNTY, NEVADA**

19 MICHAEL MURRAY and MICHAEL RENO,
20 Individually and on behalf of others similarly
21 situated,

22 Plaintiffs,

23 v.

24 A CAB TAXI SERVICE, LLC, A CAB, LLC,
25 and CREIGHTON J. NADY,

26 Defendants.

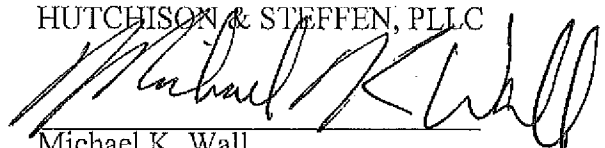
Case No.: A-12-669926-C
Dept. No.: I

NOTICE OF APPEAL

27 Notice is given that A Cab, LLC, and Creighton J. Nady, defendants in the above-
28 captioned matter, appeal to the Supreme Court of Nevada from the Order Granting Summary
Judgment, Severing Claims, and Directing Entry of Final Judgment entered by the district court
on August 21, 2018.

DATED this 21 day of September, 2018.

HUTCHISON & STEFFEN, PLLC


Michael K. Wall
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
Tel: (702) 385-2500
Attorney for defendants
A Cab, LLC, and Creighton J. Nady

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,
3 and that on this 21st day of September, 2018, I caused the above and foregoing **NOTICE**
4 **OF APPEAL** to be served as follows:

5 ☐ by placing same to be deposited for mailing in the United States Mail, in a
6 sealed envelope upon which first class postage was prepaid in Las Vegas,
Nevada; and/or

7 ☐ pursuant to EDCR 7.26, to be sent **via facsimile**; and/or

8 ☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the
9 Eighth Judicial District Court's electronic filing system, with the date and time
of the electronic service substituted for the date and place of deposit in the mail;
and/or

10 ☐ to be hand-delivered;

11 to the attorney(s) listed below at the address and/or facsimile number indicated below:

12 Leon Greenberg, Esq.
13 Dana Sniegocki, Esq.
14 Leon Greenberg Professional Corporation
2965 S. Jones Blvd., Ste. E3
Las Vegas, NV 89146
15 Telephone: (702) 383-6085
Facsimile: (702) 385-1827
16 leongreenberg@overtimelaw.com
Dana@overtimelaw.com

17 *Attorneys for plaintiffs*
18
19
20

21 
An employee of HUTCHISON & STEFFEN, PLLC
22
23
24
25
26
27
28

EXHIBIT 2

EXHIBIT 2

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

A CAB, LLC; AND CREIGHTON J NADY,
Appellants,
vs.
MICHAEL MURRAY; AND MICHAEL RENO,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED,
Respondents.

Supreme Court No. 77050
District Court Case No. A669926

**NOTICE OF REFERRAL TO SETTLEMENT PROGRAM AND SUSPENSION
OF RULES**

TO: Leon Greenberg Professional Corporation \ Leon M. Greenberg, Dana Sniegocki
Rodriguez Law Offices, P.C. \ Esther Rodriguez
Hutchison & Steffen, LLC/Las Vegas \ Michael K. Wall

This notice is to inform you that this appeal may be assigned to the court's Settlement Program. See NRAP 16(a). The issuance of this notice automatically stays the time for filing a request for transcripts under NRAP 9, and for filing briefs under NRAP 31. See NRAP 16(a)(1).

The docketing statement must be filed and served within 20 days of the date of this notice. This timeline is not stayed by this notice.

DATE: September 27, 2018

Elizabeth A. Brown, Clerk of Court

By: Sally Williams
Deputy Clerk

Notification List

Electronic

Hutchison & Steffen, LLC/Las Vegas \ Michael K. Wall
Rodriguez Law Offices, P.C. \ Esther Rodriguez
Leon Greenberg Professional Corporation \ Leon M. Greenberg

Paper

Leon Greenberg Professional Corporation \ Dana Sniegocki

EXHIBIT 4

EXHIBIT 4

From: Matthew Habeger
Sent: Friday, September 21, 2018 2:33 PM
To: 'J Nady' <cjnoui@yahoo.com>
Subject: Appeals Bond - 100% Collateral Required

Hi Jay –

Just heard back from Travelers. They will require 100% of the bond amount (~\$1.5mm) as collateral either as a letter of credit from your bank, or you can deposit funds with Travelers at Morgan Stanley. I know you had been contemplating using real estate, however I am not aware of any players in this space that will accept anything other than actual bank deposits.

Let me know if I can get you any additional information on this,
Matt

Matthew A. Habeger, CPCU
B.H. Gold Insurance Agency, Inc.
9699 Tierra Grande / Suite 100 / San Diego, CA 92126 / 858.578.0020 x.118 / f.858.578.0059
mhabeger@bhgold.com / bhgold.com / Agency license #0B35148

=====

This e-mail and all attachments to it are for the sole use of the intended recipients and may contain proprietary information and trade secrets of B.H. Gold Insurance Agency, Inc. and its subsidiaries. This e-mail may also contain information which is confidential or which is protected from disclosure. Any unauthorized use, disclosure or distribution of this e-mail and its attachments is prohibited. If you are not the intended recipient, let us know by reply e-mail and then erase and destroy all electronic or other copies of this message.

From: Alicia Marasco [<mailto:Alicia@capstone1.com>]

Sent: Wednesday, October 10, 2018 12:17 PM

To: C J Nady

Cc: susan@rodriguezlaw.com; Mary Thompson

Subject: RE: New defendant appeal bond request

Good Afternoon,

I have received feedback from the surety company in regards to the \$1M court bond.

Since real estate is offered for collateral, the surety company requires 125% of the bond amount.

The below are the properties the surety company would be interested in taking as collateral. The other properties listed are either encumbered or vacant land or rural industrial which they don't really take as collateral.

1213 Ralph Cir. \$150K

3488 Pama Ln. \$325K

Therefore, they will need approximately \$1MM additional cash or letter of credit or additional real property as collateral.

Sincerely,

Alicia M. Marasco, Bond Advocate



Capstone | Risk Management & Insurance

8681 W. Sahara Ave., Suite 100

Las Vegas, NV 89117

Office 702.227.5727

Toll Free: 1-888-773-0175

Fax 702.227.5753

www.CapstoneBrokerage.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which it is addressed. If you are not the named addressee, any review, dissemination, distribution or duplication of this is strictly prohibited. If you have received this email in error, please let us know by email and delete it from your system. Please note that any personal views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Please note: Insurance coverage cannot be bound or changed via email.