

Respondents Michael Murray and Michael Reno file this response in opposition to appellants' emergency motion under NRAP 27(e) for a stay pursuant to NRAP 8(a)(2) and seeking such a ruling by December 21, 2018.

SUMMARY OF RESPONSE

There is No "Emergency"

The motion relies on non-existent "facts" that it claims constitute an "emergency." There is NO "pending incarceration of the business owner in debtor's prison" for a failure to pay a judgment in excess of a one million dollars. Ex. "A" ¶ 2. Nor was any such action every contemplated by, or requested of, the district court. *Id.* The district court had stated on December 11, 2018 it was considering ordering a civil arrest for a failure by defendants to pay \$25,000, as it had previously Ordered, to the Special Master it had appointed, but on December 13, 2018 stated it would not do so. *Id.*, ¶¶ 3-4. There is NO "forced shut-down of an operating taxi cab business in Las Vegas, Nevada" being ordered by the district court and the district court declined to conditionally order such a shut down as part of its contempt finding. *Id.*, ¶ 4. Nor is there any evidence that such a shut down will occur from continued judgment execution activity, as appellants have continued to operate their business despite a judgment execution that levied upon \$233,000 in a bank account. *Id.* ¶ 5. The district court has NOT ordered a Special Master "to take over the bank accounts of the company as well as those of

multiple third party corporate series which are unrelated to this litigation” or to control any bank accounts of any kind. *Id.* ¶ 8.

Appellants’ misrepresentations in their motion are so manifest that the district court, one day after appellants filed their motion, issued a two page minute order stating it appeared appellants’ counsel, from the contents of their motion, had been attending “some other hearing” than the one actually conducted by the district court. Ex. “B.” It further urged this Court to review the record in the district court and not accept the “hyperbole” being presented by appellants. *Id.* The district court actions alleged by appellants have *not* taken place and no “emergency” exists justifying action by this Court.

Appellants’ Motion is Unsupported by any Competent Evidence.

NRAP 8 and 27 contemplate that assertions of fact, or at least the facts allegedly providing the basis for the relief sought, will be confirmed by sworn declarations or other documentary evidence. Appellants’ motion includes not a single sworn declaration, whether for the purpose of the motion or as presented to the district court. It does not include any evidence that even partially confirms its factual assertions.

Appellants Fail to Provide the District Court’s Orders at Issue

The appellants seek relief based upon what they claim are oppressive and improper orders by the district court but fail to provide copies of those orders.

Appellants' assertions that they cannot provide those orders, because they have not been entered in written form by the Court, is untrue. All of those Orders were made orally, from the bench, and are in the record, subject to transcription and can be presented for review in a written form via those transcripts. Appellants' failure to secure and present those transcripts, so the district court's orders can actually be understood and reviewed by this Court, requires denial of their motion.

ARGUMENT

I. APPELLANTS DO NOT MEET THE REQUIREMENTS TO SECURE A STAY WITHOUT A SUPERSEDES BOND

A. A *supersedes* bond is required to secure a stay pending appeal unless certain circumstances are established.

The requirement an appellant post a *supersedes* bond, as per NRCPC Rule 62 to secure a stay of judgment enforcement pending appeal, is only dispensed with if particular circumstances are established. This Court in *Nelson v. Herr*, 122 P.3d 1252, 1254 (Nev. Sup. Ct. 2005) adopted the "five factor" considerations in *Dillon v. City of Chicago*, 866 F.2d 902, 904-905 (7th Cir. 1988) for whether to modify the bond requirements of Rule 62. Those five considerations are, in no particular order of primacy, (1) the complexity of the collection process; (2) the amount of time required to obtain a judgment after it is affirmed on appeal; (3) the degree of confidence that the district court has in the availability of funds to pay the judgment; (4) whether the defendant's ability to pay the judgment is so plain

that the cost of a bond would be a waste of money; and (5) whether the defendant is in such a precarious financial situation that the requirement to post a bond would place other creditors of the defendant in an insecure position.

B. Appellants presented no evidence to the district court or this Court that any of the *Nelson* factors exist warranting a stay without any *supersedes* bond.

Nelson, after formulating the relevant considerations for modifying the *supersedes* bond requirements of Rule 62, denied the NRAP Rule 8 motion before it to grant a stay and directed that those considerations be weighed by the district court. 122 P.3d at 1254. In doing so, it observed “the district court is in the best position to weigh the relevant considerations” and should do so fully prior to this Court considering relief under NRAP Rule 8.

Appellants’ motion is entirely devoid of any evidence appellants requested the district court consider the *Nelson* factors and grant a stay without the posting of the *supersedes* bond otherwise required by Rule 62. Their motion presents no such evidence to this Court. It is identical in nature, form, and scope to what appellants presented in their motion to the district court seeking a stay: unsworn, uncorroborated, assertions of their counsel that disastrous collateral injuries (to the public, to employees, and so forth) will arise from judgment enforcement; that appellants lack the financial resources to secure a bond; and that the judgment entered is erroneous and a grave injustice will result if the judgment is enforced.

C. Appellants present no evidence of their inability to post a bond and the available evidence confirms they have the ability to post a bond and 2018 profits in excess of \$500,000.

The gravamen of appellant's request for a stay without the posting of a bond is that judgment debtor and appellant, A Cab LLC (also known as A Cab Series LLC) lacks the financial resources to post a *supersedes* bond. No evidence is submitted supporting that claim. The record before the district court, and this Court, does not include even an undetailed, conclusory, sworn assertion by that appellant that it cannot secure the funds necessary to post a *supersedes* bond. Nor would such a sworn bare bones assertion be sufficient. It should be required to provide some detailed financial information, accompanied by proof of its actual financial operating condition, profits (or losses) and available assets. No such information has been furnished.

As discussed in Ex. "A" because A Cab LLC is a regulated taxi company its monthly taxi passenger revenue amounts for 2018 are ascertainable from public records. Those records indicate it received taxi passenger fare revenue in excess of \$8,369,000 so far in 2018 (it also has other revenue sources, such as advertising). A Cab LLC has also demonstrated in this litigation that between 2011 and 2016 it generated net income that would be far more than enough to pay the judgment at issue and enjoyed a profit margin typical of the Las Vegas taxi industry. Ex. "A" ¶¶ 6-7. Based upon its publicly disclosed passenger fare

revenue for 2018, and assuming a 6% profit margin (which is far less than the 9.74% Las Vegas taxicab industry average profit margin, Ex. “A” ¶ 7), it has generated over \$500,000 in profits in 2018 for its owners. It should be presumed, in light of such evidence, to have the financial resources to secure a *supersedes* bond.¹

A Cab LLC has also continued to operate its business despite a judgment execution on \$233,000 held by it in a bank account. *Id.*, ¶ 5. Such circumstances further demonstrate it has the financial resources to secure a *supersedes* bond.

D. The respondents will be gravely harmed if no *supersedes* bond is posted and the judgment is affirmed by this Court.

There is every reason to conclude appellants are refusing to post a *supersedes* bond to ensure the respondents will have an uncollectible judgment if this Court affirms the district court. The principal of the judgment debtor, Nady, has sworn under oath that the taxi passenger revenue generated by judgement debtor A Cab LLC is not retained by that entity. All of such revenue, immediately after it is generated, is diverted to Nady personally. “C.” Only the revenue needed to operate judgement debtor A Cab LLC’s taxi business is

¹ As discussed in Ex. “A” ¶ 7, respondents’ counsel is constrained from providing the financial particulars of A Cab, LLC that have been disclosed in this litigation by a confidentiality agreement. They can do so if desired by the Court or file them under seal. But, given that A Cab, LLC refuses to provide the Court with that information, the representations of respondents’ counsel about what that information shows should be accepted as true by the Court.

returned to the business, there is no retention by it of any profits. *Id.*

Appellants seek to keep A Cab LLC running its business unencumbered by any possible judgment enforcement remedies, including further attachment of its property or actions that might be taken by a court appointed receiver. They seek to do so for the lengthy pendency of this appeal and to generate net income that is very likely to exceed the amount of the judgment. If this Court affirms such judgment, A Cab LLC can at that time cease doing business while, in the interim, having placed a large amount of net income beyond the reach of appellee's judgment. Such a circumstance is manifestly unjust and should not be allowed.

II. APPELLANTS' MOTION IS NOT PROPERLY PRESENTED

A. Appellants fail to present the district court's orders that they assert create a need for a stay to be issued by this Court.

Appellants' assertion that they can only describe (and at that not even through a sworn declaration) the district court's allegedly abusive and improper conduct because "no written orders have been entered" is blatantly untrue. Every action taken by the district court in respect to judgment enforcement was done on the record, orally, and is available through the district court's court reporter.

Contrary to appellants' assertions (and as must be known to appellants' counsel), this Court is capable of reviewing errors or improper conduct by the district court that is contained only in an oral, and not separately written, order. *See, Ham v.*

Eighth Jud. Dist. Ct., 566 P.2d 420, 422 (Nev. Sup. Ct. 1977) and other cases.

Indeed, the district court, well aware of that procedure, orally ordered a stay of judgment enforcement for ten business days on October 22, 2018 so appellants could secure a transcript of its oral orders regarding the judgment enforcement disputes and seek relief in this Court. Ex. “A” ¶ 8, Ex. “B” minute order.

Appellants failed to do so.

B. Appellants’ counsel’s representations as to the proceedings in the district court are riddled with false statements.

Appellants’ counsel, Esther Rodriguez, was in attendance at the last hearing held by the district court on December 13, 2018. She has attached her name (though not any sworn declaration) to appellants’ motion. Yet despite her presence at that district court hearing the appellants’ motion contains numerous false statements. Such counsel must have known those statements were untrue based on her presence at that hearing. Specifically:

1. The district court is not entering an order for a special master “to take over the bank accounts of the company as well as those of multiple third party corporate series which are unrelated to this litigation.” The actual order entered by the district court, fully discussed by District Judge Cory at the December 13, 2018 hearing, does not provide any such power to the Special Master it has appointed. Ex. “D” order, Ex. “A” ¶ 8.
2. No request has been made to the district court to order the imprisonment of appellant Nady for failing to pay a judgment in excess of a one million dollars. Respondents never made any such request for a contempt

finding or arrest of Nady to the district court. At the December 13, 2018 hearing District Judge Cory stated he was declining to order any such civil contempt arrest of Nady for the limited \$25,000 dispute over funds owed to a prior Special Master (that request being made by the Special Master's separate counsel). Ex. "A" ¶¶ 2-4.

3. District Judge Cory refused to resolve the \$25,000 payment to the prior Special Master by issuing a conditional order to shut down A Cab LLC's business operations if those monies were not paid by a date certain. Ex. "A" ¶ 4. There is no pending, or threatened, shut down of A Cab LLC's business by the district court.
4. District Judge Cory, despite a request by respondents' counsel that he do so, refused to order a transfer of motor vehicles held by A Cab LLC as part of respondents' judgment enforcement efforts. Ex. "A" ¶ 9. There is no pending, or threatened, transfer of any of A Cab LLC's assets by the district court.

C. The District Court Judge also takes issue with the representations made by appellants in their motion.

District Judge Cory, having received a copy of appellants' emergency motion to this Court, felt compelled to issue a minute order in response to the same. Ex. "B" minute order of December 18, 2018. He observed that he "[a]t times wonders if the Court attended the same hearing as the Appellants' counsel" and stated that he "will trust that a perusal by the Supreme Court of the actual record in these matters will demonstrate how much of counsel's hyperbole is belied by that record."

D. The Court is urged to reprimand, caution, or take other appropriate action against appellants' improper motion.

The inappropriateness of appellants' motion is manifest. Not only does it fail to present necessary support (appropriately confirming documentary evidence and/or declarations) for its factual assertions, it makes numerous factually false assertions. It ignores the legal standard governing the action it seeks to secure from this Court. It is mostly consumed with arguing the merits of appeal issues (or post judgment actions taken by the district court that are not part of the final judgment appeal before this Court) that have nothing to do with its request for a stay under NRAP Rule 8.

Respondents' counsel is unduly burdened by appellants' frivolous and improper motion. Imposing such a burden is the entire intent behind such motion. Respondents urge the Court, at a minimum, to admonish appellants for that conduct and caution them against engaging in such conduct in the future. The Court is also urged to take such other and further actions as it deems appropriate in response to such conduct.

CONCLUSION

Wherefore, appellants' motion should be denied in its entirety.

Dated: December 20, 2018

CORP.

LEON GREENBERG PROFESSIONAL

/s/ Leon Greenberg

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Certificate of Compliance With N.R.A.P Rule 28.2

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using 14 point Times New Roman typeface in wordperfect.

I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7), it is proportionately spaced, has a typeface of 14 points or more and contains 2515 words.

Finally, I hereby certify that I have read this brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 20th day of December 2018

/s/ Leon Greenberg

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PROOF OF SERVICE

The undersigned certifies that on December 20, 2018, she served the
within:

**RESPONSE IN OPPOSITION TO EMERGENCY MOTION
UNDER NRAP 27(e) FOR A STAY**

by court electronic service to:

TO:

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Sydney Saucier

EXHIBIT "A"

finding regarding appellant's failure to pay the respondents the judgment of over \$1,000,000 entered by this Court. A request was made for a finding of contempt against appellants by counsel for Resolution Economics, the prior Special Master appointed by the district court in these proceedings. The basis for that contempt request was the appellants' failure to pay \$25,000 to that Special Master pursuant to a prior order issued by the district court.

3. The district court conducted a hearing on December 11, 2018 on the request of Resolution Economics, as discussed in paragraph 2, *supra*, for a order holding appellants in contempt. At that time Judge Cory expressed dissatisfaction with appellants' failure to pay Resolution Economics. He indicated he would consider that request for a contempt finding and such a finding could, possibly, be accompanied by an order of civil arrest for contempt of appellant Nady. Judge Cory then continued that hearing to December 13, 2018.

4. On December 13, 2018 Judge Cory made the following rulings in the district court proceedings in this case:

- (a) He ruled he would *not* order the civil arrest of appellant Nady for contempt:
- (b) He refused to issue a conditional order of contempt

closing appellant A Cab LLC's business, as requested at that hearing, by a date certain if the \$25,000 owed to Resolution Economics by appellants was not paid.

5. On September 17, 2018 a total of \$233,619.54 held by Wells Fargo bank was executed upon in connection with respondents' judgment against A Cab LLC. Since that date those monies have not been available to appellants. Yet appellant and judgment debtor A Cab LLC has continued to do business without interruption. This is documented by the monthly reports I secured from the Nevada Taxicab Authority's website indicating, despite such seizure, A Cab LLC reported over \$870,000 and \$825,000 of passenger fare revenue for October and November 2018 respectively. Ex. "1." Those monthly reports indicate A Cab LLC's revenue in those months also substantially *increased* from the revenue it received for those months in 2017. *Id.*

6. The monthly reports of the Nevada Taxicab Authority (Ex. "1") allow for the calculation of total passenger fare revenue of A Cab LLC by multiplying its reported monthly "revenue per trip" number by its reported "total monthly trips" number. I have done that arithmetic for all of the 11 months reported for A Cab LLC to the Nevada Taxicab Authority for 2018

(December is not yet so reported). That calculation indicates A Cab LLC has received, for those 11 months, \$8,369,586.20 in passenger fare revenue.

7. Previously in this litigation A Cab LLC made certain disclosures of its total revenue and net income. Because those disclosures were made with an understanding they would be kept confidential, I do not believe I am at liberty to disclose the details of those disclosures publicly. I can represent that those disclosures indicate, based upon A Cab LLC's net income for the calendar years 2011 through 2016, it can very easily pay the entire judgment at issue from such net income. I can also represent that it enjoys a very health profit margin consistent with the Las Vegas Taxicab industry generally, as publicly reported in the Las Vegas Sun on September 27, 2011 (reporting that the Nevada Taxicab Authority at its meeting on that date announced it found such profit margin to be on average 9.46 percent). I can file a detailed discussion and disclosure of that financial information under seal, or publicly, if it would assist the Court. I would urge the Court to accept my representations on this point on the basis that A Cab LLC has declined to provide that information to the Court.

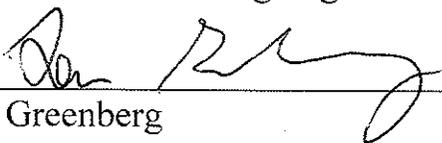
8. At the December 13, 2018 hearing District Judge Cory discussed extensively the form of order he was going to sign granting the appointment

of a new Special Master. He made clear at that time that such Special Master would have *no* power to control any bank accounts or other property of the judgment debtor, appellant A Cab LLC (or any other person or entity). The order he actually so signed (entered on December 18, 2018 and at Ex. "D") confirms that he did not grant any such power to that Special Master.

9. On October 22, 2018 District Judge Cory, after orally denying appellant's motion to quash the judgment execution on Wells Fargo discussed in paragraph 5, *supra*, stayed judgment enforcement for 10 business days. He expressly advised he was doing so to allow appellants the opportunity to seek emergency relief from this Court, while that stay was pending, in response to that oral decision. No such request was made to this Court within the period of that stay.

10. At the December 13, 2018 hearing District Judge Cory also denied respondents' request that judgment debtor appellants A Cab LLC be ordered to transfer motor vehicles it owed to the Sheriff for sale at auction to satisfy the respondents' judgment.

I affirm the foregoing is true under the penalty of perjury.



Leon Greenberg

12/19/18
Date

EXHIBIT "1"

EXHIBIT "1"



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS January 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

JANUARY '18 v. JANUARY '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	42,313	61,184	-30.84%
ANLV	83,752	99,494	-15.82%
ACE	100,290	124,822	-19.65%
CHECKER	145,972	173,537	-15.88%
DELUXE	38,125	40,038	-4.78%
DESERT	150,755	172,199	-12.45%
HENDERSON	101,578	111,673	-9.04%
LUCKY	93,125	109,207	-14.73%
NELLIS	122,452	146,568	-16.45%
STAR	108,580	122,392	-11.29%
UNION	93,173	119,759	-22.20%
VEGAS-WESTERN	79,557	98,772	-19.45%
VIRGIN-VALLEY	39,677	44,714	-11.26%
WESTERN	81,300	117,183	-30.62%
WHITTLESEA	135,224	146,252	-7.54%
YELLOW	147,474	180,021	-18.08%
INDUSTRY TOTAL	1,563,347	1,867,815	-16.30%

Nevada Taxicab Authority

REVENUE PER TRIP

JANUARY '18 v. JANUARY '17

Taxicab Company	2018	2017	% Increase/ (Decrease)
A-CAB	\$16.77	\$16.29	2.95%
ANLV	\$16.02	\$15.69	2.10%
ACE	\$15.57	\$15.39	1.17%
CHECKER	\$16.51	\$16.22	1.79%
DELUXE	\$17.47	\$17.44	0.17%
DESERT	\$18.00	\$18.23	-1.26%
HENDERSON	\$16.40	\$16.30	0.61%
LUCKY	\$16.91	\$16.42	2.98%
NELLIS	\$17.12	\$16.67	2.70%
STAR	\$16.53	\$16.32	1.29%
UNION	\$15.85	\$15.58	1.73%
VEGAS-WESTERN	\$15.77	\$15.65	0.77%
VIRGIN-VALLEY	\$15.82	\$15.51	2.00%
WESTERN	\$15.59	\$15.53	0.39%
WHITTLESEA	\$16.50	\$16.34	0.98%
YELLOW	\$16.37	\$15.99	2.38%
INDUSTRY AVERAGE	\$16.51	\$16.26	1.54%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS February 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

FEBRUARY '18 v. FEBRUARY '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	36,184	49,322	-26.64%
ANLV	71,408	79,177	-9.81%
ACE	84,984	100,334	-15.30%
CHECKER	127,213	138,885	-8.40%
DELUXE	31,784	31,576	0.66%
DESERT	123,625	135,371	-8.68%
HENDERSON	87,985	87,482	0.57%
LUCKY	76,819	86,946	-11.65%
NELLIS	100,541	117,027	-14.09%
STAR	92,071	98,436	-6.47%
UNION	78,245	95,035	-17.67%
VEGAS-WESTERN	67,281	75,765	-11.20%
VIRGIN-VALLEY	35,500	36,885	-3.75%
WESTERN	68,708	94,621	-27.39%
WHITTLESEA	117,104	115,850	1.08%
YELLOW	128,430	142,199	-9.68%
INDUSTRY TOTAL	1,327,882	1,484,911	-10.57%

Nevada Taxicab Authority

REVENUE PER TRIP

FEBRUARY '18 v. FEBRUARY '17

Taxicab Company	2018	2017	% Increase/ (Decrease)
A-CAB	\$16.67	\$16.13	3.35%
ANLV	\$15.74	\$15.69	0.32%
ACE	\$15.32	\$15.31	0.07%
CHECKER	\$16.28	\$16.15	0.80%
DELUXE	\$17.54	\$17.59	-0.28%
DESERT	\$17.94	\$18.26	-1.75%
HENDERSON	\$16.29	\$16.22	0.43%
LUCKY	\$16.66	\$16.14	3.22%
NELLIS	\$16.97	\$16.66	1.86%
STAR	\$16.35	\$16.27	0.49%
UNION	\$15.58	\$15.58	0.00%
VEGAS-WESTERN	\$15.61	\$15.54	0.45%
VIRGIN-VALLEY	\$15.57	\$15.45	0.78%
WESTERN	\$15.50	\$15.59	-0.58%
WHITTLESEA	\$16.38	\$16.24	0.86%
YELLOW	\$16.11	\$15.97	0.88%
INDUSTRY AVERAGE	\$16.32	\$16.19	0.80%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS March 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS MARCH '18 v. MARCH '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	42,535	64,027	-33.57%
ANLV	93,621	109,934	-14.84%
ACE	113,050	139,833	-19.15%
CHECKER	162,248	186,936	-13.21%
DELUXE	38,584	43,269	-10.83%
DESERT	164,853	184,947	-10.86%
HENDERSON	117,257	117,873	-0.52%
LUCKY	99,163	121,856	-18.62%
NELLIS	137,327	161,593	-15.02%
STAR	118,374	137,388	-13.84%
UNION	103,654	130,439	-20.53%
VEGAS-WESTERN	93,704	103,854	-9.77%
VIRGIN-VALLEY	44,991	50,394	-10.72%
WESTERN	87,138	130,315	-33.13%
WHITTLESEA	151,495	161,942	-6.45%
YELLOW	168,444	192,878	-12.67%
INDUSTRY TOTAL	1,736,438	2,037,478	-14.78%

Nevada Taxicab Authority

REVENUE PER TRIP MARCH '18 v. MARCH '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$16.66	\$16.54	0.73%
ANLV	\$15.74	\$15.97	-1.44%
ACE	\$15.35	\$15.66	-1.98%
CHECKER	\$16.23	\$16.38	-0.92%
DELUXE	\$17.38	\$17.67	-1.64%
DESERT	\$17.72	\$18.05	-1.83%
HENDERSON	\$16.17	\$16.50	-2.00%
LUCKY	\$16.55	\$16.15	2.48%
NELLIS	\$16.84	\$16.76	0.48%
STAR	\$16.34	\$16.45	-0.67%
UNION	\$15.60	\$15.92	-2.01%
VEGAS-WESTERN	\$15.60	\$15.95	-2.19%
VIRGIN-VALLEY	\$15.47	\$15.71	-1.53%
WESTERN	\$15.49	\$15.71	-1.40%
WHITTLESEA	\$16.34	\$16.47	-0.79%
YELLOW	\$16.03	\$16.19	-0.99%
INDUSTRY AVERAGE	\$16.25	\$16.40	-0.91%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS April 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

APRIL '18 v. APRIL '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	37,203	55,266	-32.68%
ANLV	82,711	89,932	-8.03%
ACE	99,476	114,362	-13.02%
CHECKER	144,406	159,928	-9.71%
DELUXE	37,777	35,804	5.51%
DESERT	149,591	158,186	-5.43%
HENDERSON	103,208	97,300	6.07%
LUCKY	92,433	99,413	-7.02%
NELLIS	123,714	131,509	-5.93%
STAR	104,597	115,976	-9.81%
UNION	93,066	104,483	-10.93%
VEGAS-WESTERN	82,047	84,121	-2.47%
VIRGIN-VALLEY	41,235	40,859	0.92%
WESTERN	76,586	110,582	-30.74%
WHITTLESEA	129,925	134,853	-3.65%
YELLOW	148,959	163,232	-8.74%
INDUSTRY TOTAL	1,546,934	1,695,806	-8.78%

Nevada Taxicab Authority

REVENUE PER TRIP APRIL '18 v. APRIL '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$16.70	\$16.25	2.77%
ANLV	\$15.93	\$15.79	0.89%
ACE	\$15.51	\$15.42	0.58%
CHECKER	\$16.42	\$16.16	1.61%
DELUXE	\$17.49	\$17.52	-0.17%
DESERT	\$18.02	\$17.73	1.64%
HENDERSON	\$16.34	\$16.36	-0.12%
LUCKY	\$16.88	\$16.22	4.07%
NELLIS	\$17.05	\$16.53	3.15%
STAR	\$16.56	\$16.29	1.66%
UNION	\$15.76	\$15.79	-0.19%
VEGAS-WESTERN	\$15.72	\$15.79	-0.44%
VIRGIN-VALLEY	\$15.69	\$15.50	1.23%
WESTERN	\$15.50	\$15.61	-0.70%
WHITTLESEA	\$16.53	\$16.33	1.22%
YELLOW	\$16.27	\$16.04	1.43%
INDUSTRY AVERAGE	\$16.45	\$16.23	1.36%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS May 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

MAY '18 v. MAY '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	43,665	55,413	-21.20%
ANLV	84,091	96,693	-13.03%
ACE	98,334	118,834	-17.25%
CHECKER	145,971	169,968	-14.12%
DELUXE	41,277	36,457	13.22%
DESERT	156,047	164,132	-4.93%
HENDERSON	107,122	103,322	3.68%
LUCKY	99,482	100,008	-0.53%
NELLIS	127,300	138,294	-7.95%
STAR	104,602	124,487	-15.97%
UNION	92,068	109,565	-15.97%
VEGAS-WESTERN	83,289	87,338	-4.64%
VIRGIN-VALLEY	39,515	42,460	-6.94%
WESTERN	83,326	112,567	-25.98%
WHITTLESEA	134,099	137,467	-2.45%
YELLOW	151,862	176,276	-13.85%
INDUSTRY TOTAL	1,592,050	1,773,281	-10.22%

Nevada Taxicab Authority

REVENUE PER TRIP

MAY '18 v. MAY '17

Taxicab Company	2018	2017	% Increase/ (Decrease)
A-CAB	\$16.77	\$16.12	4.03%
ANLV	\$16.02	\$15.64	2.43%
ACE	\$15.63	\$15.42	1.36%
CHECKER	\$16.44	\$16.00	2.75%
DELUXE	\$17.64	\$17.46	1.03%
DESERT	\$17.76	\$17.73	0.17%
HENDERSON	\$16.40	\$16.24	0.99%
LUCKY	\$16.64	\$16.00	4.00%
NELLIS	\$16.98	\$16.48	3.03%
STAR	\$16.49	\$16.10	2.42%
UNION	\$15.84	\$15.69	0.96%
VEGAS-WESTERN	\$15.74	\$15.63	0.70%
VIRGIN-VALLEY	\$15.88	\$15.44	2.85%
WESTERN	\$15.62	\$15.61	0.06%
WHITTLESEA	\$16.62	\$16.30	1.96%
YELLOW	\$16.23	\$15.81	2.66%
INDUSTRY AVERAGE	\$16.45	\$16.12	2.05%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS June 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

JUNE '18 v. JUNE '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	47,027	48,130	-2.29%
ANLV	67,839	90,583	-25.11%
ACE	83,671	109,436	-23.54%
CHECKER	132,007	166,155	-20.55%
DELUXE	39,590	36,672	7.96%
DESERT	137,995	157,961	-12.64%
HENDERSON	99,052	102,529	-3.39%
LUCKY	84,855	94,990	-10.67%
NELLIS	119,505	137,138	-12.86%
STAR	94,029	122,044	-22.95%
UNION	81,272	101,491	-19.92%
VEGAS-WESTERN	66,582	87,526	-23.93%
VIRGIN-VALLEY	33,486	44,462	-24.69%
WESTERN	72,749	109,126	-33.33%
WHITTLESEA	119,666	132,619	-9.77%
YELLOW	137,006	172,519	-20.58%
INDUSTRY TOTAL	1,416,331	1,713,381	-17.34%

Nevada Taxicab Authority

REVENUE PER TRIP

JUNE '18 v. JUNE '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$16.63	\$16.11	3.23%
ANLV	\$15.30	\$15.49	-1.23%
ACE	\$14.96	\$15.15	-1.25%
CHECKER	\$15.95	\$15.78	1.08%
DELUXE	\$17.03	\$17.18	-0.87%
DESERT	\$17.05	\$17.53	-2.74%
HENDERSON	\$15.85	\$15.92	-0.44%
LUCKY	\$16.10	\$16.07	0.19%
NELLIS	\$16.33	\$16.24	0.55%
STAR	\$16.05	\$15.83	1.39%
UNION	\$15.37	\$15.43	-0.39%
VEGAS-WESTERN	\$15.18	\$15.36	-1.17%
VIRGIN-VALLEY	\$15.34	\$15.22	0.79%
WESTERN	\$15.16	\$15.30	-0.92%
WHITTLESEA	\$16.08	\$16.03	0.31%
YELLOW	\$15.72	\$15.56	1.03%
INDUSTRY AVERAGE	\$15.90	\$15.90	0.00%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS July 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

JULY '18 v. JULY '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	49,296	46,577	5.84%
ANLV	62,161	94,820	-34.44%
ACE	77,383	110,084	-29.71%
CHECKER	136,529	171,357	-20.32%
DELUXE	42,472	38,327	10.81%
DESERT	150,285	172,586	-12.92%
HENDERSON	98,006	105,727	-7.30%
LUCKY	85,829	100,106	-14.26%
NELLIS	122,935	136,756	-10.11%
STAR	97,511	125,985	-22.60%
UNION	75,326	99,891	-24.59%
VEGAS-WESTERN	61,127	93,856	-34.87%
VIRGIN-VALLEY	26,282	51,140	-48.61%
WESTERN	72,718	105,513	-31.08%
WHITTLESEA	118,462	135,547	-12.60%
YELLOW	140,673	174,562	-19.41%
INDUSTRY TOTAL	1,416,995	1,762,834	-19.62%

Nevada Taxicab Authority

REVENUE PER TRIP

JULY '18 v. JULY '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$16.63	\$15.93	4.39%
ANLV	\$15.30	\$15.29	0.07%
ACE	\$14.96	\$15.00	-0.27%
CHECKER	\$15.95	\$15.69	1.66%
DELUXE	\$17.03	\$16.92	0.65%
DESERT	\$17.05	\$17.01	0.24%
HENDERSON	\$15.85	\$15.89	-0.25%
LUCKY	\$16.10	\$15.77	2.09%
NELLIS	\$16.33	\$16.03	1.87%
STAR	\$16.05	\$15.73	2.03%
UNION	\$15.37	\$15.21	1.05%
VEGAS-WESTERN	\$15.18	\$15.21	-0.20%
VIRGIN-VALLEY	\$15.34	\$15.04	1.99%
WESTERN	\$15.16	\$15.07	0.60%
WHITTLESEA	\$16.08	\$15.92	1.01%
YELLOW	\$15.72	\$15.55	1.09%
INDUSTRY AVERAGE	\$15.91	\$15.73	1.14%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS August 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

AUG '18 v. AUG '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	50,880	44,296	14.86%
ANLV	55,921	88,400	-36.74%
ACE	69,362	103,178	-32.77%
CHECKER	134,530	159,502	-15.66%
DELUXE	43,406	37,798	14.84%
DESERT	142,330	165,686	-14.10%
HENDERSON	94,124	96,621	-2.58%
LUCKY	81,865	94,378	-13.26%
NELLIS	125,478	129,117	-2.82%
STAR	92,124	116,487	-20.91%
UNION	65,646	96,663	-32.09%
VEGAS-WESTERN	57,205	87,501	-34.62%
VIRGIN-VALLEY	24,405	47,074	-48.16%
WESTERN	72,741	90,374	-19.51%
WHITTLESEA	124,017	130,977	-5.31%
YELLOW	138,576	165,693	-16.37%
INDUSTRY TOTAL	1,372,610	1,653,745	-17.00%

Nevada Taxicab Authority

REVENUE PER TRIP

AUG '18 v. AUG '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$16.46	\$16.16	1.86%
ANLV	\$15.30	\$15.40	-0.65%
ACE	\$14.86	\$15.11	-1.65%
CHECKER	\$15.70	\$15.81	-0.70%
DELUXE	\$16.78	\$16.95	-1.00%
DESERT	\$16.94	\$17.21	-1.57%
HENDERSON	\$15.85	\$16.12	-1.67%
LUCKY	\$15.89	\$16.01	-0.75%
NELLIS	\$16.13	\$16.32	-1.16%
STAR	\$15.94	\$15.90	0.25%
UNION	\$15.19	\$15.36	-1.11%
VEGAS-WESTERN	\$14.96	\$15.27	-2.03%
VIRGIN-VALLEY	\$15.12	\$15.24	-0.79%
WESTERN	\$15.08	\$15.17	-0.59%
WHITTLESEA	\$15.98	\$16.05	-0.44%
YELLOW	\$15.65	\$15.54	0.71%
INDUSTRY AVERAGE	\$15.80	\$15.88	-0.50%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS September 2018

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Nevada Taxicab Authority

REVENUE PER TRIP

SEPT '18 v. SEPT '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$16.88	\$16.55	1.99%
ANLV	\$15.79	\$15.77	0.13%
ACE	\$15.45	\$15.46	-0.06%
CHECKER	\$16.20	\$16.16	0.25%
DELUXE	\$17.39	\$17.21	1.05%
DESERT	\$17.45	\$17.56	-0.63%
HENDERSON	\$16.28	\$16.36	-0.49%
LUCKY	\$16.42	\$16.38	0.24%
NELLIS	\$16.61	\$16.47	0.85%
STAR	\$16.37	\$16.27	0.61%
UNION	\$15.68	\$15.68	0.00%
VEGAS-WESTERN	\$15.53	\$15.68	-0.96%
VIRGIN-VALLEY	\$15.68	\$15.57	0.71%
WESTERN	\$15.37	\$15.29	0.52%
WHITTLESEA	\$16.40	\$16.33	0.43%
YELLOW	\$16.15	\$15.96	1.19%
INDUSTRY AVERAGE	\$16.28	\$16.20	0.49%

Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

SEPT '18 v. SEPT '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	50,895	44,611	14.09%
ANLV	57,501	92,535	-37.86%
ACE	70,179	111,015	-36.78%
CHECKER	134,452	166,614	-19.30%
DELUXE	43,493	40,304	7.91%
DESERT	142,661	171,810	-16.97%
HENDERSON	94,151	102,370	-8.03%
LUCKY	85,983	97,521	-11.83%
NELLIS	126,391	138,294	-8.61%
STAR	93,023	120,009	-22.49%
UNION	68,044	103,015	-33.95%
VEGAS-WESTERN	57,493	89,039	-35.43%
VIRGIN-VALLEY	25,076	46,132	-45.64%
WESTERN	73,777	91,679	-19.53%
WHITTLESEA	126,272	137,232	-7.99%
YELLOW	140,879	169,343	-16.81%
INDUSTRY TOTAL	1,390,270	1,721,523	-19.24%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS October 2018

Revised 12/13/18

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Nevada Taxicab Authority

REVENUE PER TRIP

SEPT '18 v. SEPT '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$16.88	\$16.93	-0.30%
ANLV	\$16.23	\$16.29	-0.37%
ACE	\$15.73	\$15.88	-0.94%
CHECKER	\$15.58	\$16.70	-6.71%
DELUXE	\$17.84	\$17.84	0.00%
DESERT	\$17.84	\$18.18	-1.87%
HENDERSON	\$16.62	\$16.70	-0.48%
LUCKY	\$16.93	\$16.93	0.00%
NELLIS	\$17.19	\$17.42	-1.32%
STAR	\$16.78	\$16.78	0.00%
UNION	\$15.95	\$16.08	-0.81%
VEGAS-WESTERN	\$15.95	\$16.03	-0.50%
VIRGIN-VALLEY	\$16.64	\$15.96	4.26%
WESTERN	\$15.71	\$15.78	-0.44%
WHITTLESEA	\$16.74	\$16.71	0.18%
YELLOW	\$15.54	\$16.44	-5.47%
INDUSTRY AVERAGE	\$16.69	\$16.72	-0.18%

Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

OCT '18 v. OCT '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	51,573	43,962	17.31%
ANLV	61,292	88,630	-30.85%
ACE	75,616	108,041	-30.01%
CHECKER	146,457	160,838	-8.94%
DELUXE	49,525	39,452	25.53%
DESERT	155,220	166,405	-6.72%
HENDERSON	101,298	97,814	3.56%
LUCKY	91,535	95,120	-3.77%
NELLIS	136,542	132,632	2.95%
STAR	100,465	116,541	-13.79%
UNION	71,342	100,502	-29.01%
VEGAS-WESTERN	61,439	87,942	-30.14%
VIRGIN-VALLEY	26,883	44,735	-39.91%
WESTERN	79,450	89,913	-11.64%
WHITTLESEA	132,643	132,668	-0.02%
YELLOW	150,840	162,526	-7.19%
INDUSTRY TOTAL	1,492,120	1,667,721	-10.53%



NEVADA TAXICAB AUTHORITY TAXICAB INDUSTRY STATISTICS November 2018

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Nevada Taxicab Authority

TOTAL MONTHLY TRIPS

NOV '18 v. NOV '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	48,424	37,810	28.07%
ANLV	50,471	72,026	-29.93%
ACE	60,750	88,214	-31.13%
CHECKER	129,504	134,652	-3.82%
DELUXE	44,610	35,599	25.31%
DESERT	142,771	139,740	2.17%
HENDERSON	83,572	83,257	0.38%
LUCKY	81,145	78,138	3.85%
NELLIS	122,395	111,962	9.32%
STAR	88,319	96,680	-8.65%
UNION	58,587	80,651	-27.36%
VEGAS-WESTERN	50,069	72,035	-30.49%
VIRGIN-VALLEY	22,460	36,451	-38.38%
WESTERN	70,849	74,766	-5.24%
WHITTLESEA	113,425	111,456	1.77%
YELLOW	134,178	134,882	-0.52%
INDUSTRY TOTAL	1,301,529	1,388,319	-6.25%

Nevada Taxicab Authority

REVENUE PER TRIP

NOV '18 v. NOV '17

Taxicab Company	2018	2017	% Increase/ <u>(Decrease)</u>
A-CAB	\$17.05	\$16.80	1.49%
ANLV	\$16.08	\$16.12	-0.25%
ACE	\$15.75	\$15.63	0.77%
CHECKER	\$16.59	\$16.44	0.91%
DELUXE	\$17.73	\$17.50	1.31%
DESERT	\$17.60	\$17.86	-1.46%
HENDERSON	\$16.53	\$15.67	5.49%
LUCKY	\$16.72	\$16.73	-0.06%
NELLIS	\$17.13	\$17.10	0.18%
STAR	\$16.78	\$16.67	0.66%
UNION	\$15.93	\$15.92	0.06%
VEGAS-WESTERN	\$15.84	\$15.76	0.51%
VIRGIN-VALLEY	\$16.67	\$15.74	5.91%
WESTERN	\$15.65	\$15.58	0.45%
WHITTLESEA	\$16.57	\$15.87	4.41%
YELLOW	\$16.52	\$16.26	1.60%
INDUSTRY AVERAGE	\$16.63	\$16.40	1.40%

EXHIBIT "B"

A-12-669926-C

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 18, 2018

A-12-669926-C Michael Murray, Plaintiff(s)
vs.
A Cab Taxi Service LLC, Defendant(s)

December 18, 2018

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

JOURNAL ENTRIES

The Court has read with surprise the factual allegations in Appellant's Emergency Motion For Stay. At times one wonders if the Court attended the same hearing as Appellant's counsel. Generally, this Court will trust that a perusal by the Supreme Court of the actual record in these matters will demonstrate how much of counsel's hyperbole is belied by that record.

However, some groundless accusations regarding the specific issue prompting the emergency motion, the denial of the motion to dismiss for want of subject matter jurisdiction, must be corrected.

On December 17, 2018, the Court received a copy of Defendants' Emergency motion Under NRAP 27(e) for Stay. In Defendants' Emergency Motion they claim "numerous post-judgment orders which would allow Appellants to seek appellate relief have not been signed nor entered by the District Court. Thus, Appellant cannot seek relief without an order. These orders include a critical one addressing whether the District Court even had subject matter jurisdiction over this matter."

The Court will clarify that, until December 17, 2018 at 12:19 p.m. via email from Plaintiffs' counsel, the Court had not received from either Plaintiffs' counsel or Defendants' counsel any proposed final order adequately covering the issue complained of in the Emergency Motion.

On October 22, 2018, the Court heard, among other motions, Defendants' Motion for Dismissal of Claims on Order Shortening Time, and Defendants' Motion for Reconsideration, Amendment, For New Trial, and for Dismissal of Claims. Those motions were denied. There were further statements by counsel regarding an appeal. At that time, Ms. Rodriguez requested a Stay pending appeal. Mr. Greenberg argued against the stay. The Court ordered the matter STAYED for ten (10) business days.

The first communication the Court received regarding any proposed order covering the Defendants' Motion for Dismissal of Claims was on December 11, 2018.

PRINT DATE: 12/18/2018

Page 1 of 2

Minutes Date: December 18, 2018

On December 11, 2018 at 4:24 p.m., Leta Metz, paralegal for Jay Shafer, Esq. sent an *email* to Department 1's Judicial Executive Assistant. That email included a "letter, Order and Red-Lined Order." The attachment was NOT a final order and was NOT signed as to form and content by ANY counsel. *See left side filing.* The letter to the Court stated "[t]here were a number of disagreements regarding the findings and extent of the Court's Ruling. Accordingly the parties are submitting competing orders."

Because of the disagreements between counsel, the indication of competing orders, and the lack of signatures as to form and content, the Court's law clerk contacted both Plaintiffs' counsel, Leon Greenberg, and Defendants' counsel, Jay Shafer, inquiring as to when the competing orders will be submitted so that the Court may expeditiously facilitate the entering of the order.

On, December 17, 2018, Department 1's law clerk received a phone call from Jay Shafer's office inquiring of the Court's preference of electronic signatures or wet signatures as it related to the proposed order on Motion for Dismissal of Claims. Department 1's law clerk advised that, typically, the Court prefers wet signatures with hard copies but to please inform the Court if there is difficulty in obtaining wet signatures or submitting a hard copy. Department 1's law clerk further advised that given these circumstances and the allegations in the Emergency Motion For Stay, the Court would prefer a date next to the signature line by counsel approving the order as to form and content.

On December 17, 2018 at 12:19 p.m., Department 1's law clerk received an email from Mr. Greenberg stating, "As per the call I received today from Kevin in Dept. 1 I forward a copy of the form of Order all counsel consented to entry of as confirmed by their signatures on the attached. It appears there may have been some confusion about this Order's submission to the Court not indicating agreement of all counsel to its form. Please contact me if there remains any outstanding issues in respect to this or any other proposed Orders being reviewed by the Court."

Subsequently, on December 17, 2018 at 2:51 p.m., Department 1's law clerk received an email from Mr. Shafer again inquiring "if a PDF copy is acceptable, or if you need a wet ink signature?" Department 1's law clerk responded to that email memorializing that, "typically, the Court prefers wet signatures with hard copies submitted to chambers. If there is difficulty in submitting a hard copy or obtaining wet signatures please let us know."

Following the described confusion of counsel, the Court has this date signed the agreed upon order and the order is awaiting Defendants' runner in Department 1's pick-up box.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenbergovirtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegalgroup.com) and via the e-service list./mlt

EXHIBIT "C"

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)
Situated,)
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 cells that have title to the vehicles and to the
2 medallions pass out of the cells to one of the other
3 cells. Is that correct?

4 MS. RODRIGUEZ: Same objections.

5 A: That`s not correct, Mr. Greenberg.
6 It`s very complicated and I don`t really want to
7 teach you a lesson on how to do this. I think I
8 stated earlier and maybe you forgotten, but I said
9 that monies are transferred from one account to the
10 other.

11 Q: Right.

12 A: And at the end of the day, all of
13 those cells go... is most of the money. The cells
14 all have money on them all the time, but most of the
15 money gets transferred out of the company into a
16 personal account of mine and then the next day, it
17 goes back into the administration company or the
18 payroll company as it`s required.

19 Q: Okay.

20 A: At any particular night, there
21 would be no money in most of the accounts or a
22 minimum balance which we require just because we
23 don`t want to have no money in there.

24 Q: Right. So the transfers out of the
25 cells are in the first instance to your account?

1 A: No, sir. I didn't say that.

2 Q: Okay. No. Please, I don't want to
3 get anything wrong here, okay.

4 A: You're asking an awful lot of very
5 complicated questions.

6 Q: Let me try to make it simple, Mr.
7 Nady.

8 A: You can't.

9 Q: The transfer is out of the cells
10 that have the medallions and the cars. Are either to
11 one of the other cells or to you? Is that correct?

12 A: There's three different questions
13 there, Mr. Greenberg. Which one do you want me to
14 answer?

15 Q: If you think they're three, then
16 please answer all three.

17 MS. RODRIGUEZ: I'm going to object to
18 the form of the question.

19 A: I don't understand the question
20 here because you've made it three questions in one,
21 and you can --

22 Q: The various --

23 A: Be specific, please.

24 Q: You had mentioned --

25 A: Pick one.

1 Q: -- 135 cells that held medallions.

2 You had mentioned 102 cells that held the cars.

3 A: Pick a transaction, I'll tell you
4 how it goes.

5 Q: Okay. You had mentioned that the
6 revenue generated by the meters in the first instance
7 goes to the cells that have the cars after a certain
8 amount. It goes --

9 A: No, I didn't say that.

10 Q: Okay. Well, the revenue that comes
11 in the meter, what happens to it?

12 A: It goes into the cars.

13 Q: It goes into the cells that have
14 the cars?

15 A: Yes, sir.

16 Q: Okay.

17 A: Every day.

18 Q: Every day, okay. And is a portion
19 then directly transferred from the cells that have
20 the cars to the cell that has the employee leasing
21 corporation?

22 A: Some of it goes into there. Some
23 of it goes into maintenance based on the miles and
24 some of it goes into administration. The rest of it
25 goes into administration.

1 Q: Does any of it go directly to you?

2 A: Not yet, no.

3 Q: Not yet, okay. Does any of it go
4 to any account that is any outside entity or person
5 that`s not a cell?

6 A: After all the cells take their
7 respective amounts, that then goes into... it goes
8 out of the company into my personal account which is
9 then all put back in the next day.

10 Q: You are --

11 A: ``All`` is the operative word
12 there.

13 Q: Okay. So there is no direct
14 transaction between the cell... by ``transaction,`` I
15 mean money paid out of the cell to anything outside
16 of A Cab. It`s not a cell of A Cab, except you?

17 MS. RODRIGUEZ: Objection. Asked and
18 answered.

19 A: Mr. Greenberg, that`s ludicrous
20 question. And the fact that we have vendors, we have
21 employees, we have electricity and rent, and of
22 course, we paid outside there is.

23 Q: Okay. Are not those expenses paid
24 out of the administration cell?

25 A: Yeah.

1 Q: Okay.

2 A: The money goes back into the
3 administration cell in the morning.

4 Q: So what I`m trying to understand,
5 Mr. Nady, is from the cell that has the car where the
6 meter is and the money comes in from the meter --

7 A: You want to read what she`s writing
8 because it`s just kind of distracting.

9 Q: Mr. Nady, --

10 A: It`s just kind of distracting when
11 she`s trying to stuff that to you.

12 Q: Well, Mr. Nady, --

13 A: Mr. Greenberg, it is distracting.

14 Q: Well, you can listen to my
15 question.

16 A: I have a hard time when she`s
17 distracting you and you`re trying to talk to me.

18 Q: Well, then I suggest you don`t look
19 over there.

20 A: Well, I can`t help it. She`s right
21 beside you.

22 Q: Mr. Nady, --

23 A: Yes, Mr. Greenberg.

24 Q: -- the funds that go out of the
25 cell that owns the car, they go to the administration

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

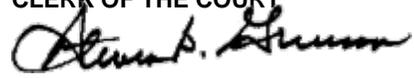
22 Nevada, this 06/16/2017.

23

24_____

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

EXHIBIT "D"



1 ORDR

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 MICHAEL MURRAY, and MICHAEL
8 RENO, Individually and on behalf of others
9 similarly situated
10 vs.

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

13 **Defendants.**

14 **Case No.: A-12-669926-C**

15 **Dept.: I**
16 **ORDER GRANTING PLAINTIFFS'**
17 **COUNTER MOTION FOR**
18 **JUDGMENT ENFORCEMENT**
19 **RELIEF**

20 **Hearing Dates:**
21 **September 26, 2018**
22 **September 28, 2018**
23 **December 13, 2018**

24
25 On September 21, 2018, Defendants filed "Defendant's Ex-Parte Motion to
26 Quash Writ of Execution and, in the Alternative Motion for Partial Stay of
27 Execution on Order Shortening Time. The Court set the hearing for September
28 26, 2018. On September 24, 2018, Plaintiffs filed "Plaintiffs' Response to
Defendants' Ex-Parte Motion to Quash Writ of Execution on an OST and
Counter-Motion for Appropriate Judgment Enforcement Relief." In Plaintiffs'
Counter-Motion, Plaintiffs requested a) ordering a Judgment-Debtor
examination, b) ordering property be deposited with plaintiffs' counsel, c)
enjoining any transfer of funds from A Cab LLC and any of its series LLCs, d)
issuing an order of attachment, and/or e) appointing a receiver. In Plaintiffs'
Counter-Motion, Plaintiffs advised "Plaintiffs' counsel understands that the
Court may not wish to issue any relief on the counter-motion at the scheduled

1 hearing given the short notice.” This Court agreed, and continued Plaintiffs’
2 Counter-Motion for Appropriate Judgment Enforcement Relief to October 22,
3 2018, to be heard at the same time as the several other pending motions
4
5 scheduled for that day, so that Defendants may be afforded an opportunity to
6 respond to Plaintiffs’ Counter-Motion. On October 15, 2018, Defendants’ filed
7
8 their Opposition to Plaintiffs’ Counter-Motion for Appropriate Judgment Relief.

9 On October 22, 2018, the Court heard 1) Defendants’ Motion for Dismissal
10 of Claims on Order Shortening Time, 2) Defendants’ Motion for
11 Reconsideration, Amendment, For New Trial, and For Dismissal of Claims, and
12
13 3) Plaintiffs’ Motion to Amend Judgment. Because of the issues discussed during
14 that hearing, the Court stayed the matter for 10 days, and continued Plaintiffs’
15 Counter-Motion for Appropriate Judgment Relief to November 29, 2018, to be
16
17 heard with the several other pending motions set to be heard on that day. On
18 November 20, 2018, the Court issued a minute order setting those pending
19
20 motions to December 4, 2018 for announcement of decision.

21 On December 4, 2018, the Court announced its decision on the majority of
22 the pending motions, and heard from both sides regarding Plaintiffs’ still pending
23 Counter-Motion which requested the appointment of a receiver. The Court
24
25 inquired of counsel as to the appropriate scope of the receivership and set the
26 matter over to December 13, 2018 so that the Court may appropriately and
27
28 thoughtfully determine what powers to grant the receiver given the complexity
this case has presented. The Court, having reviewed the papers and pleadings on

1 file, having heard oral argument by counsel, and based on the entire record of
2 these proceedings, enters the following order:
3
4

5 **The Request for Appointment of a Receiver**

6 The plaintiffs request the appointment of a receiver pursuant to NRS
7 Chapter 32. The Court, given the circumstances presented, as discussed at the
8 hearing on December 4, 2018, concludes at this time it would be more
9 appropriate to appoint a Special Master. Accordingly, the request is granted to a
10 limited extent in the form of an appointment of a Special Master as follows:
11
12

13 1. George C. Swarts is appointed as a Special Master pursuant to
14 NRCF Rule 53;

15 2. The Special Master shall be provided by the judgment debtor A Cab
16 LLC also known as A Cab Series LLC, including Creighton J. Nady and any
17 other agents of judgment debtors, copies of all electronic and paper financial and
18 business records of the judgment debtor A Cab LLC also known as A Cab Series
19 LLC that the Special Master deems advisable to possess for the preparation of
20 the report directed in this order, including but not limited to all such records
21 involving all of its contracts or agreements with any other entity or person,
22 including any series LLC it has issued pursuant to NRS 86.296. Upon being
23 presented with a copy of this Order all persons and entities possessing any such
24 records of the judgment debtor A Cab LLC also known as A Cab Series LLC
25 shall deliver them to the Special Master;
26
27
28

1 3. The Special Master shall promptly advise plaintiffs' counsel of all
2 property of the judgment debtor A Cab LLC also known as A Cab Series LLC
3 that it has identified and plaintiffs' counsel shall take no action to proceed with
4 any legal execution upon such property to satisfy plaintiffs' judgment pending
5 further order of the Court following the Special Master's report;
6

7 4. The Special Master shall issue a report by February 1, 2019 to the
8 Court advising the Court of:
9

10 (a) A proposed plan, to the extent that they deem it feasible, for the Special
11 Master to be appointed Receiver pursuant to NRS Chapter 32 over the operations
12 of judgment debtor A Cab LLC also known as A Cab Series LLC in a manner
13 that will allow the profits from the operation of the taxi medallions authorized to
14 it to be applied towards satisfaction of the plaintiffs' judgment.
15

16 5. Plaintiffs' counsel shall be required to make available to the
17 Special Master, from the funds they have collected on the plaintiffs' judgment
18 and are holding in their IOLTA account pursuant to this Court's prior Orders, a
19 sum not to exceed \$20,000 (Twenty Thousand Dollars) to pay for the Special
20 Master's services. The Special Master shall be entitled to be paid a fee not
21 exceeding \$300.00 (Three Hundred Dollars) per hour for their services. The
22 Special Master shall be authorized, in their discretion, to cease further work and
23 present the report discussed in paragraph 4 to the Court, to the extent it is able to
24 complete such a report, once the cost for their services have exceeded 90% of the
25
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1 amount specified in this paragraph that plaintiffs' counsel shall be required to
2 make available to pay for such services.

3 6. The information and records received by the Special Master
4 shall be kept confidential and subject to a protective order issued by the Court,
5 precluding production to the general public except as directed by the Court.
6

7 7. Judgment debtors shall not create any additional Series LLCs
8 without further order of this Court.
9

10 **The Request for a Judgment Debtor Exam**

11 As the Court ruled at the December 4, 2018 hearing this issue is the subject
12 of a separate motion and will be addressed by a separate order.
13

14 **The Request to Enjoin Certain Transfers of Funds**

15 The plaintiffs requested that A Cab and any series LLC it has issued (the
16 "series LLCs" that defendants also refer to as "cells" of A Cab) be enjoined from
17 transferring any funds to defendant Nady or any of his family members. At the
18 December 4, 2018 hearing the Court was advised by counsel for A Cab that
19 defendant Nady's prior deposition testimony about regular transfers of funds
20 from the series LLCs to Nady was incorrect and such transfers were actually to a
21 trust. This branch of plaintiffs' motion is granted to the limited extent of
22 prohibiting the transfer of any monies or other property owned by judgment
23 debtor A Cab LLC (also known as A Cab Series LLC) to defendant Nady, to any
24 of his family members, or to any trust of which Nady or any of his family
25 members is a trustor, trustee or beneficiary. To the extent plaintiffs' motion
26
27
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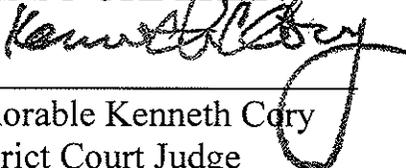
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sought further restraints on transfers by the series LLCs it is, without prejudice,
denied at this time.

Other Requested Relief

Plaintiffs' other requested forms of relief are, without prejudice, denied by
the Court at this time.

IT IS SO ORDERED.



Honorable Kenneth Cory
District Court Judge

12/17/2018

Date