

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

Electronically Filed
Mar 13 2019 02:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Defendants.

SECOND AMENDED NOTICE OF APPEAL

Notice is given that A Cab, LLC, Creighton J. Nady, and A Cab Series, LLC, defendants in the above-captioned matter,¹ appeal to the Supreme Court of Nevada from the district court's order granting summary judgment, severing claims, and directing entry of final judgment entered on August 21, 2018.

¹Under the fiction that A Cab, LLC, and A Cab Series, LLC, are one and the same entity, the district court, subsequent to its entry of its final judgment dated August 21, 2018, purported to add A Cab Series, LLC, as a party defendant. The district court's order is far from clear, but it purports both to substitute A Cab Series, LLC, in the place and stead of A Cab, LLC, and to retain both entities as separate defendants in the action below. Therefore, we have included A Cab Series, LLC, as an appellant from the district court's final judgment and various other post-judgment orders.

1 Notice is also given that A Cab, LLC, Creighton J. Nady, and A Cab Series, LLC,
2 appeal to the Supreme Court of Nevada from the following listed orders of the district court:

3 (1) The district court's order entered on October 22, 2018, amending its August 21,
4 2018 judgment to add A Cab Series, LLC, as a party defendant.

5 (2) The district court's order entered on December 18, 2018, granting plaintiffs'
6 counter-motion for judgment enforcement relief (receiver and injunction).

7 (3) The district court's order entered on December 18, 2018, granting in part and
8 denying in part plaintiffs' objections to defendants' claims of exemption from execution.

9 (4) The district court's order entered on December 18, 2018, denying defendants'
10 motion to quash writ of execution.

11 (5) The district court's order entered on December 20, 2018, denying defendants'
12 post-judgment motion to dismiss for lack of subject matter jurisdiction.

13 (6) The district court's order entered on February 4, 2019, entitled "Judgment and
14 Order Granting Resolution Economics' Application for Order of Payment of Special Master's
15 Fees and Order of Contempt."

16 (7) The district court's order entered on February 6, 2019, granting plaintiffs'
17 motion for an award of attorney's fees and costs.

18 (8) The district court's order entered on March 4, 2019, ruling on matters submitted
19 by Special Master George C. Swarts.²

20 (9) The district court's ordered entered on March 5, 2019, memorializing matters
21 that had been resolved long before the final judgment was entered.³

22 (10) The district court's order entered on March 5, 2019, entitled "order on motion
23

24 ²Because of the unorthodox manner in which the case has proceeded since the entry of
25 judgment in August of 2018, this order appears to qualify as a special order entered after final
26 judgment.

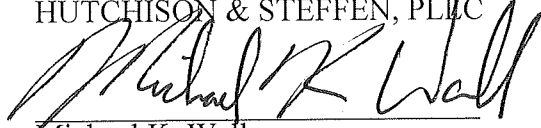
27 ³Why the district court issued this order almost a year late is a mystery, but due to the timing
28 of the issuance of the order, appellants include this order in their list of specifically appealed from
orders in order to preserve all potential appellate rights.

1 for reconsideration.”⁴

2 (6) All other judgments and orders of the district court rendered appealable by any
3 of the foregoing orders and judgments.

4 DATED this 6 day of March, 2019.

5 HUTCHISON & STEFFEN, PLLC

6 

7 Michael K. Wall

8 10080 West Alta Drive, Suite 200

9 Las Vegas, NV 89145

10 Tel: (702) 385-2500

11 Attorney for defendants

12 A Cab, LLC, and Creighton J. Nady

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27 ⁴Among other things, this order denies appellants’ timely post-trial motion for a new trial.
28 Also, this order finally resolves all post-judgment tolling motions, rendering appellants first notice
of appeal from the final judgment effective. NRAP 4(a)(6).

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 6th day of March, 2019, I caused the above and foregoing **SECOND**
4 **AMENDED NOTICE 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

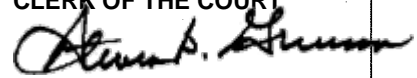
10 ☐ to be hand-delivered;

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*

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21 
An employee of HUTCHISON & STEFFEN, PLLC
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Las Vegas, NV 89145
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*Attorney for defendants
A Cab, LLC and Creighton J. Nady*

**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
Plaintiffs,)	
)	
v.)	
)	
A CAB TAXI SERVICE, LLC, A CAB, LLC, and CREIGHTON J. NADY,)	
)	
Defendants.)	

DEFENDANTS' SECOND AMENDED CASE APPEAL STATEMENT

1. Party filing this Case Appeal Statement.

This appeal and case appeal statement is filed on behalf of defendants A Cab, LLC, A Cab Series, LLC, and Creighton J. Nady in the action above. A Cab Taxi Service, LLC, although named as a defendant in the district court's caption, does not exist. There is no such entity, and no such entity participated in the action in district court.

2. **Judge issuing the decision, judgment or order appealed from.**

The Honorable District Judge Kenneth C. Cory, Eighth Judicial District Court, Clark County, Department I, District Court Case No. A669926.

3. **Parties to the proceedings in the district court.**

Michael Murray and Michael Reno

Plaintiffs

A Cab, LLC, and
Creighton J. Nady

Defendants

A Cab Series, LLC

Added as Defendant
following final judgment.

4. **Parties involved in this appeal.**

A Cab, LLC, A Cab Series, LLC,
and Creighton J. Nady

Appellants

Michael Murray and Michael Reno

Respondents

5. **The name, law firms, addresses and telephone numbers of all counsel on appeal, and the party or parties they represent.**

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Hutchison & Steffen, PLLC
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7 Kaine Messer (14240)
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9 Facsimile: (702) 259-7704
christian@gabroy.com
10 kmesser@gabroy.com

11 *Attorneys for Respondents*

12 **6. Whether respondents were represented by appointed or retained counsel in the**
13 **district court.**

14 Respondents were represented by retained counsel in the district court.

15 **7. Whether appellants were represented by appointed or retained counsel in the**
16 **district court.**

17 Appellants were represented by retained counsel in the district court.

18 **8. Whether appellants were granted leave to proceed in forma pauperis in the district**
19 **court.**

20 Appellants were not granted leave to proceed in district court in forma pauperis.

21 **9. The date the proceedings commenced in district court.**

22 This action commenced with the filing of Plaintiff's Complaint on October 8, 2012.

23 **10. Brief description of the nature of the action and result in district court.**

24 The underlying action is a class action suit against A Cab for A Cab's alleged
25 failure to pay its employees a sufficient wage to satisfy the Minimum Wage Act
26 of the Nevada Constitution.

1 **11. Whether the case has been the subject of a previous appeal.**

2 A competing MWA action against A-Cab is pending in a different department of the
3 district court before Judge Delaney. A settlement was reached in the competing action,
4 and Judge Delaney has granted a joint motion to approve settlement and to certify a
5 class that may or may not overlap with the class certified in this case. Previously, Judge
6 Cory issued an injunction against A-Cab enjoining it from defending itself in the
competing action before Judge Delaney. A Cab and Jay Nady appealed, and that appeal
was docketed in the Nevada Supreme Court as Docket No. 72691. The Nevada
Supreme Court reversed the injunction issued by Judge Cory.

7 **12. Whether the appeal involves child custody or visitation.**

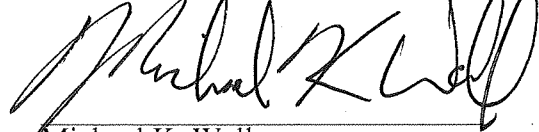
8 There are no child custody or visitation issues in this case.

9 **13. Whether the appeal involves the possibility of settlement.**

10 Multiple settlement conferences and mediations have failed to result in settlement, but
11 counsel does not believe that settlement is impossible.

12 DATED this 6 day of March, 2019.

13 HUTCHISON & STEFFEN, PLLC

14 

15 Michael K. Wall
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20 *Attorney for defendants*
21 *A Cab, LLC, A Cab Series, LLC,*
22 *and Creighton J. Nady*
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,
and that on this 6th day of March, 2019, I caused the above and foregoing

DEFENDANTS' SECOND AMENDED CASE APPEAL STATEMENT to be served as
follows:

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

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

☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the
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

☐ to be hand-delivered;

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

Leon Greenberg, Esq.
Dana Sniegocki, Esq.
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leongreenberg@overtimelaw.com
Dana@overtimelaw.com

Attorneys for Respondents


An employee of HUTCHISON & STEFFEN, PLLC

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-12-669926-C

Michael Murray, Plaintiff(s)
vs.
A Cab Taxi Service LLC, Defendant(s)

§
§
§
§
§
§
§

Location: **Department 2**
 Judicial Officer: **Scotti, Richard F.**
 Filed on: **10/08/2012**
 Case Number History:
 Cross-Reference Case Number: **A669926**
 Supreme Court No.: **72691**
77050

CASE INFORMATION

Statistical Closures
 08/21/2018 Summary Judgment

Case Type: **Other Civil Filing**
 Subtype: **Other Civil Matters**

Case Status: **08/21/2018 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-12-669926-C
 Court Department 2
 Date Assigned 03/01/2019
 Judicial Officer Scotti, Richard F.

PARTY INFORMATION

Plaintiff

Murray, Michael

Lead Attorneys

Greenberg, Leon
Retained
 7023836085(W)

Reno, Michael

Greenberg, Leon
Retained
 7023836085(W)

Defendant

A Cab LLC

Rodriguez, Esther C.
Retained
 7023208400(W)

A Cab Taxi Service LLC

Rodriguez, Esther C.
Retained
 7023208400(W)

Nady, Creighton J

Rodriguez, Esther C.
Retained
 7023208400(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

10/08/2012



Complaint With Jury Demand
 Filed By: Plaintiff Murray, Michael
Complaint

10/08/2012

Case Opened















10/10/2012



Initial Appearance Fee Disclosure
 Filed By: Plaintiff Reno, Michael
Initial Appearance Fee Disclosure

CASE SUMMARY

CASE NO. A-12-669926-C

11/15/2012	 Initial Appearance Fee Disclosure Filed By: Defendant A Cab LLC <i>Defendant A Cab, LLC's Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
11/15/2012	 Motion to Dismiss Filed By: Defendant A Cab LLC <i>Defendant's Motion to Dismiss Complaint</i>
11/16/2012	 Notice of Hearing Filed By: Defendant A Cab LLC <i>Notice of Hearing</i>
11/30/2012	 Peremptory Challenge Filed by: Plaintiff Murray, Michael <i>Peremptory Challenge of Judge</i>
11/30/2012	 Notice of Department Reassignment
12/06/2012	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>Response in Opposition to Defendants' Motion to Dismiss</i>
01/10/2013	 Reply in Support Filed By: Defendant A Cab LLC <i>Defendant's Reply in Support of Motion to Dismiss Complaint</i>
01/30/2013	 Amended Complaint Filed By: Plaintiff Murray, Michael <i>First Amended Complaint</i>
02/11/2013	 Decision and Order Filed By: Plaintiff Murray, Michael <i>Decision and Order</i>
02/13/2013	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Decision and Order</i>
02/27/2013	 Motion to Reconsider Filed By: Defendant A Cab LLC <i>Defendant's Motion for Reconsideration</i>
03/18/2013	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's February 8, 2013 Order Denying Defendants' Motion to Dismiss</i>
03/25/2013	 Motion to Strike Filed By: Defendant A Cab LLC <i>Defendant's Motion to Strike Amended Complaint</i>
03/28/2013	 Reply in Support

CASE SUMMARY

CASE NO. A-12-669926-C

Filed By: Defendant A Cab LLC
Defendant's Reply in Support of Motion for Reconsideration

04/05/2013



Objection

Filed By: Defendant A Cab LLC
Defendant's Objection to Three Day Notice of Intent to Default

04/11/2013



Opposition and Countermotion

Filed By: Plaintiff Murray, Michael
Plaintiffs' Response in Opposition to Defendants' Motion to Strike First Amended Complaint and Counter-Motion for a Default Judgment or Sanctions Pursuant to EDCR 7.602(b)

04/22/2013



Answer to Complaint

Filed by: Defendant A Cab LLC
Defendant A Cab, LLC's Answer to Complaint

04/22/2013



Reply in Support

Filed By: Defendant A Cab LLC
Defendant's reply in support of motion to strike amended complaint

05/02/2013



Order Denying Motion

Filed By: Plaintiff Murray, Michael
Order

05/06/2013



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

05/23/2013



Answer to Amended Complaint

Filed By: Defendant A Cab LLC
Defendant A Cab, LLC's Answer to First Amended Complaint

05/28/2013



Joint Case Conference Report

Filed By: Plaintiff Murray, Michael
Joint Case Conference Report

05/28/2013



Order Denying Motion

Filed By: Defendant A Cab Taxi Service LLC
Order Denying Plaintiffs' Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)

05/29/2013



Notice of Entry of Order

Filed By: Defendant A Cab Taxi Service LLC
Notice of Entry of Order Denying Plaintiffs' Counter-Motion for Default Judgment or Sanctions Pursuant to EDCR 7.602(b)

06/07/2013



Scheduling Order

Scheduling Order

06/19/2013



Order Setting Civil Jury Trial

Order Setting Civil Jury Trial and Pretrial Procedures

01/27/2014



Stipulation and Order

Filed by: Plaintiff Murray, Michael

CASE SUMMARY

CASE NO. A-12-669926-C

Stipulation and Order Staying All Proceedings For a Period of Ninety (90) Days

01/29/2014



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael

Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Ninety (90) Days

04/23/2014



Stipulation and Order

Filed by: Plaintiff Murray, Michael

Stipulation and Order Staying All Proceedings for a Period of Ninety (90) Days (Second Request)

04/23/2014



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Murray, Michael

Notice of Stipulation and Order Staying All Proceedings for Ninety (90) Days (Second Request)

07/25/2014



Order

Filed By: Plaintiff Murray, Michael

Order Staying All Proceedings for a Period of Sixty (60) Days

07/28/2014



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Murray, Michael

Notice of Entry of Stipulation and Order Staying All Proceedings for a Period of Sixty (60) Days (Third Request)

11/10/2014



Stipulation and Order

Filed by: Plaintiff Murray, Michael

Stipulation and Order Extending Discovery Deadlines (First Request)

11/11/2014



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael

Stipulation and ORder Extending Discovery Deadlines

01/28/2015



Order Setting Civil Jury Trial

Order Setting Civil Jury Trial and Pretrial Procedures

02/11/2015



Motion to Compel

Filed By: Plaintiff Murray, Michael

Motion to Compel the Production of Documents

02/11/2015



Notice of Motion

Filed By: Plaintiff Murray, Michael

Notice of Motion to Compel the Production of Documents

03/02/2015



Opposition to Motion to Compel

Filed By: Defendant A Cab LLC

Defendant's Opposition to Motion to Compel the Production of Documents

03/11/2015



Reply to Opposition













Filed by: Plaintiff Murray, Michael

Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents

04/02/2015

CASE SUMMARY

CASE NO. A-12-669926-C

	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Notice of Plaintiffs' Motion to Compel the Production of Documents - heard on March 18, 2015</i>
05/19/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>Notice of Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53</i>
05/19/2015	 Motion for Class Certification Filed By: Plaintiff Murray, Michael <i>Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53</i>
06/04/2015	 Motion to Compel Filed By: Plaintiff Murray, Michael <i>Motion to Compel the Production of Documents</i>
06/04/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>Notice of Motion to Compel the Production of Documents</i>
06/08/2015	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53</i>
06/22/2015	 Opposition to Motion to Compel Filed By: Defendant A Cab LLC <i>Defendant's Opposition to Plaintiffs' Second Motion to Compel the Production of Documents</i>
06/22/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>Notice of Motion for Leave to File a Second Amended and Supplemental Complaint</i>
06/22/2015	 Motion for Leave to File Party: Plaintiff Murray, Michael <i>Motion for Leave to File a Second Amended and Supplemental Complaint</i>
07/10/2015	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendant's Opposition to Motion for Leave to File a Second Amended and Supplemental Complaint</i>
07/13/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53</i>
07/15/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents</i>
07/20/2015	 Reply to Opposition

CASE SUMMARY

CASE NO. A-12-669926-C

Filed by: Plaintiff Murray, Michael
Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Leave to File a Second Amended and Supplemental Complaint

08/10/2015



Motion

Filed By: Defendant A Cab LLC
Defendant's Motion for Declaratory Order Regarding Statute of Limitations

08/10/2015



Motion to Dismiss

Filed By: Defendant A Cab LLC
Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief

08/12/2015



Notice of Deposition

Filed By: Plaintiff Murray, Michael
Notice to take Deposition

08/17/2015



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order Granting Motion to Serve and File A Second Amended and Supplemental Complaint

08/17/2015



Order Granting Motion

Filed By: Plaintiff Murray, Michael
Order Granting Motion to Serve and File A Second Amended and Supplemental Complaint

08/18/2015



Amended Notice of Taking Deposition

Filed By: Defendant A Cab LLC
Amended Notice of Taking Deposition of Plaintiff Michael Murray

08/19/2015



Amended Complaint

Filed By: Plaintiff Murray, Michael
Second Amended and Supplemental Complaint

08/28/2015



Response

Filed by: Plaintiff Murray, Michael
Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' Second Claim for Relief

08/28/2015



Response

Filed by: Plaintiff Murray, Michael
Plaintiffs' Response in Opposition to Defendants' Motion for Declaratory Order Regarding Statute of Limitations

09/08/2015



Reply in Support

Filed By: Defendant A Cab LLC
Defendant's Reply in Support of Motion for Declaratory Order Regarding Statute of Limitations

09/08/2015



Reply in Support

Filed By: Defendant A Cab LLC
Defendant's Reply in Support of Motion to Dismiss Plaintiffs' Second Claim for Relief

09/11/2015



Supplement to Opposition

Filed By: Defendant A Cab LLC
Supplement to Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to

CASE SUMMARY



CASE NO. A-12-669926-C

NRCP 23 and Appoint a Special Master Pursuant to NRCP 53

09/11/2015	 Notice of Motion Filed By: Plaintiff Murray, Michael <i>Notice of Motion to Extend Discovery Schedule</i>
09/11/2015	 Motion to Dismiss Filed By: Defendant A Cab LLC <i>Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief</i>
09/14/2015	 Motion to Extend Discovery Filed By: Plaintiff Murray, Michael <i>Motion to Extend Discovery Schedule (Second Request)</i>
09/14/2015	 Answer to Amended Complaint Filed By: Defendant A Cab LLC <i>Defendant A Cab, LLC's Answer to Second Amended Complaint</i>
09/18/2015	 Response Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Response to Defendants' Supplement to Their Opposition to Plaintiffs' Motion to Certify Case as a Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53</i>
09/21/2015	 Motion to Dismiss Filed By: Defendant A Cab Taxi Service LLC <i>Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno</i>
09/21/2015	 Subpoena Electronically Issued <i>Deposition Subpoena (For Personal Appearance at Deposition)</i>
09/21/2015	 Motion to Dismiss Filed By: Defendant A Cab LLC <i>Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray</i>
09/22/2015	 Initial Appearance Fee Disclosure Filed By: Defendant A Cab LLC <i>Defendant A Cab, LLC's Fee Disclosure</i>
09/22/2015	 Initial Appearance Fee Disclosure Filed By: Defendant A Cab Taxi Service LLC <i>Defendant A Cab, LLC's Fee Disclosure</i>
09/28/2015	 Subpoena Electronically Issued Filed by: Defendant A Cab LLC <i>Deposition Subpoena (For Personal Appearance at Deposition)</i>
09/28/2015	 Response Filed by: Plaintiff Murray, Michael <i>Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Claim for Relief</i>
09/30/2015	 Affidavit of Service Filed By: Plaintiff Murray, Michael <i>Notice of Filing Affidavit of Service for Creighton J. Nady</i>

CASE SUMMARY

CASE NO. A-12-669926-C

10/06/2015	 Answer to Amended Complaint Filed By: Defendant Nady, Creighton J <i>Defendant Creighton J. Nady's Answer to Second Amended Complaint</i>
10/06/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Nady, Creighton J <i>Defendant Creighton J. Nady's Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
10/07/2015	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendant's Opposition to Plaintiffs' Motion to Extend Discovery Schedule (Second Request)</i>
10/08/2015	 Response Filed by: Plaintiff Murray, Michael <i>Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray</i>
10/08/2015	 Response Filed by: Plaintiff Murray, Michael <i>Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno</i>
10/13/2015	 Supplement Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Supplement to Plaintiffs' Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23</i>
10/20/2015	 Supplement to Opposition Filed By: Defendant A Cab Taxi Service LLC <i>Second Supplement to Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53</i>
10/27/2015	 Reply in Support Filed By: Defendant A Cab Taxi Service LLC <i>Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno</i>
10/27/2015	 Reply in Support Filed By: Defendant A Cab LLC <i>Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray</i>
10/28/2015	 Reply in Support Filed By: Defendant A Cab LLC <i>Defendant's Reply in Support of Motion to Dismiss Plaintiffs' First Claim for Relief</i>
11/10/2015	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>Reply to Opposition to Motion to Extend Discovery Schedule</i>
11/16/2015	 Disclosure of Documents and Witnesses Pursuant to NRCP 16.1 Filed By: Defendant A Cab LLC <i>Creighton J. Nady's Disclosure of Documents and Witnesses Pursuant to NRCP 16.1</i>

CASE SUMMARY

CASE NO. A-12-669926-C

11/16/2015	 Supplement Filed by: Plaintiff Murray, Michael <i>Supplemental Brief Re: Motion to Compel the Production of Documents (first heard on 3/18/15)</i>
11/17/2015	 Opposition Filed By: Defendant A Cab LLC <i>Defendant's Opposition to Plaintiffs' Supplemental Brief</i>
11/17/2015	 Opposition Filed By: Defendant A Cab LLC <i>Defendant's Opposition to Plaintiffs' Supplemental Brief</i>
11/25/2015	 Joint Case Conference Report Filed By: Plaintiff Murray, Michael <i>Joint Case Conference Report</i>
12/01/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - All Pending Motions - heard on November 18, 2015</i>
12/21/2015	 Order Filed By: Plaintiff Murray, Michael <i>Order Granting in Part and Denying in Part Defendant's Motion for Declaratory Order Regarding Statute of Limitations</i>
12/22/2015	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
12/28/2015	 Objection to Discovery Commissioners Report and Recommend Filed By: Defendant A Cab Taxi Service LLC <i>Defendants' Objection to Discovery Commissioner's Report & Recommendation</i>
01/08/2016	 Supplemental Filed by: Defendant A Cab LLC <i>Defendant's Supplemental Briefing to Discovery Commissioner</i>
02/10/2016	 Order Filed By: Plaintiff Murray, Michael <i>Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP Rule 23(b) (2) and NRCP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCP Rule 53</i>
02/10/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
02/10/2016	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Discovery Production/Deferred Ruling - Defendant's Rule 37 Sanctions January 13, 2016</i>
02/18/2016	 Order Filed By: Plaintiff Murray, Michael <i>Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael</i>

CASE SUMMARY

CASE NO. A-12-669926-C













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02/18/2016	 Order Filed By: Plaintiff Murray, Michael <i>Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael Murray</i>
02/18/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
02/18/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
02/25/2016	 Motion to Reconsider Filed By: Defendant A Cab LLC <i>Defendants' Motion for Reconsideration</i>
03/01/2016	 Declaration Filed By: Plaintiff Murray, Michael <i>Declaration of Plaintiffs' Counsel Leon Greenberg</i>
03/03/2016	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Murray, Michael <i>Discovery Commissioner's Report and Recommendations</i>
03/03/2016	 Motion to Stay Filed By: Defendant A Cab Taxi Service LLC <i>Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i>
03/04/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
03/04/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order on Discovery Commissioner's Report and Recommendation</i>
03/04/2016	 Order Filed By: Plaintiff Murray, Michael <i>Order on Discovery Commissioner's Report and Recommendations</i>
03/11/2016	 Order Shortening Time Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with That Order on an Order Shortening Time</i>
03/11/2016	 Declaration Filed By: Plaintiff Murray, Michael <i>Declaration of Plaintiffs' Counsel, Leon Greenberg, Esq.</i>
03/14/2016	 Status Report Filed By: Defendant A Cab Taxi Service LLC

CASE SUMMARY

CASE NO. A-12-669926-C

Defendants' Status Report Before the Discovery Commissioner

03/14/2016	 Motion to Stay Filed By: Defendant A Cab LLC <i>Defendants' Motion for Stay Pending Proceedings</i>
03/14/2016	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification</i>
03/14/2016	 Opposition and Countermotion Filed By: Defendant A Cab LLC <i>Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs</i>
03/14/2016	 Notice of Association of Counsel Filed By: Defendant A Cab Taxi Service LLC <i>Notice of Association of Counsel</i>
03/15/2016	 Opposition/Response/Objection/Reply Filed by: Defendant A Cab LLC <i>Defendants' Opposition to Plaintiffs' Request for Additional Fees & Costs Before the Discovery Commissioner</i>
03/15/2016	 Opposition/Response/Objection/Reply Filed by: Defendant A Cab LLC <i>Defendants' Opposition to Plaintiffs' Request for Additional Fees & Costs</i>
03/17/2016	 Errata Filed By: Plaintiff Murray, Michael <i>Errata to Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification</i>
03/18/2016	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Response in Opposition to Defendants' Motion for Stay of Proceedings</i>
03/21/2016	 Motion to Reconsider Filed By: Defendant A Cab LLC <i>Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations</i>
03/22/2016	 Transcript of Proceedings <i>Transcript of Proceedings All Pending Motions 11-03-15</i>
03/24/2016	 Reply in Support Filed By: Defendant A Cab LLC <i>Reply in Support of Defendants' Motion for Stay of Proceedings</i>
03/24/2016	 Reply in Support Filed By: Defendant A Cab LLC <i>Reply in Support of Defendants' Motion for Reconsideration</i>
03/31/2016	

CASE SUMMARY

CASE NO. A-12-669926-C

	 Supplement Filed by: Plaintiff Murray, Michael <i>Reply to Defendants' "Opposition to Plaintiffs' Request for Additional Fees and Costs" (Re: Plaintiffs' Counsel's Declaration Filed March 1, 2016 as Supplement in Support of Request for Award of Fees and Costs). Further Supplement: Re: Defendant's Non-compliance with Court's Prior Discovery Order and Plaintiffs' Request for Production of All Computer Database Files in Their Entirety.</i>
04/06/2016	 Order Granting Motion Filed By: Defendant A Cab LLC <i>Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i>
04/06/2016	 Order Denying Motion Filed By: Defendant A Cab LLC <i>Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with That Order on an Order Shortening Time</i>
04/07/2016	 Opposition/Response/Objection/Reply Filed by: Defendant A Cab LLC <i>Defendants' Opposition to Plaintiffs' Request for Production of All Computer Data Base Files in Their Entirety</i>
04/07/2016	 Opposition to Motion Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Response in Opposition to Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016 Pertaining to Discovery Commissioner's Report and Recommendations</i>
04/07/2016	 Notice of Entry of Order Filed By: Plaintiff Reno, Michael <i>Notice of Entry of Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants</i>
04/07/2016	 Notice of Entry of Order Filed By: Defendant A Cab Taxi Service LLC <i>Notice of Entry of Order Granting Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order</i>
04/18/2016	 Reply in Support Filed By: Defendant Nady, Creighton J <i>Defendants' Reply in Support of Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations</i>
04/28/2016	 Order Filed By: Defendant A Cab Taxi Service LLC <i>Order on Defendants' Motion for Reconsideration</i>
04/28/2016	 Notice of Entry of Order Filed By: Defendant A Cab Taxi Service LLC <i>Notice of Entry of Order on Defendants' Motion for Reconsideration</i>
04/29/2016	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Further Proceedings: Discovery Production/Deferred Ruling - heard on April 8, 2016</i>
05/26/2016	 Order Denying Motion Filed By: Plaintiff Murray, Michael

CASE SUMMARY

CASE NO. A-12-669926-C

Order Denying Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations

05/27/2016



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

06/07/2016



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

06/07/2016



Order

Filed By: Plaintiff Murray, Michael
Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCR Rule 23(b)(2) and NRCR Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NCRP Rule 53 as Amended by this Court in Response to Defendants' Motion for Reconsideration heard in Chambers on March 28, 2016

06/09/2016



Motion to Compel

Filed By: Plaintiff Murray, Michael
Motion to Compel the Production of Documents and Interrogatory Responses

07/12/2016



Opposition and Countermotion

Filed By: Defendant A Cab Taxi Service LLC
Defendant's Opposition to Plaintiffs' Motion to Compel the Production of Documents and Interrogatory Responses & Defendants' Request for Sanctions of Fees Against Plaintiffs

07/13/2016



Discovery Commissioners Report and Recommendations

Discovery Commissioner's Report and Recommendations

07/13/2016



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Discovery Commissioner's Report and Recommendations

07/25/2016



Motion

Filed By: Plaintiff Murray, Michael
Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief

08/15/2016



Opposition to Motion

Filed By: Defendant A Cab LLC
Defendant's Opposition to Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief

08/23/2016



Reply to Opposition

Filed by: Plaintiff Murray, Michael
Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief

08/31/2016



Reply to Opposition

Filed by: Plaintiff Murray, Michael
Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents and Interrogatory Responses

09/02/2016



Supplemental

Filed by: Defendant A Cab Taxi Service LLC

CASE SUMMARY

CASE NO. A-12-669926-C

Defendant's Supplemental Opposition to Plaintiffs' Motion to Compel the Production of Documents & Interrogatory Responses and Defendants' Request for Sanctions of Fees Against Plaintiffs

09/02/2016



Supplement

Filed by: Plaintiff Murray, Michael
Supplemental Brief Re: Discovery Status Conference

09/09/2016



Declaration

Filed By: Plaintiff Murray, Michael
Declaration of Sydney Saucier Re: Mailing of Class Notice

09/14/2016



Recorders Transcript of Hearing

Recorder's Transcript of Proceedings Re: Plaintiff's Motion to Compel the Production of Documents and Interrogatory Responses - Status Check: Status of Case September 7, 2016

09/20/2016



Motion for Protective Order

Filed By: Defendant A Cab LLC
Defendants' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on Order Shortening Time

10/06/2016



Response

Filed by: Plaintiff Murray, Michael
Plaintiffs' Response in Opposition to Defendants' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC (30)(B)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady and Motion for Protective Order from Plaintiffs' Written Discovery on Order Shortening Time

10/14/2016



Motion

Filed By: Plaintiff Murray, Michael
Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief

10/19/2016



Recorders Transcript of Hearing

Recorder's Transcript of Proceedings - Re: Motions; Status Check: Compliance; Status Check: Production - heard on October 12, 2016

11/04/2016



Opposition to Motion

Filed By: Defendant A Cab LLC
Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief

11/08/2016



Motion to Compel

Filed By: Plaintiff Murray, Michael
Motion to Compel Interrogatory Responses

11/09/2016



Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Murray, Michael
Discovery Commissioner's Report and Recommendations

11/10/2016



Reply to Opposition

Filed by: Plaintiff Murray, Michael
Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants from

CASE SUMMARY

CASE NO. A-12-669926-C

Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief

11/15/2016	 Objection to Discovery Commissioners Report and Recommend Filed By: Defendant A Cab Taxi Service LLC <i>Withdrawn 11/22/16 - Defendants' Objection to Discovery Commissioner's Report & Recommendation</i>
11/16/2016	 Objection to Discovery Commissioners Report and Recommend Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Objections to Discovery Commissioner's Report and Recommendations</i>
11/17/2016	 Motion Filed By: Defendant A Cab Taxi Service LLC <i>Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations</i>
11/21/2016	 Order Granting Filed By: Plaintiff Murray, Michael <i>Order Granting in Part and Denying in Part Plaintiffs' Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief</i>
11/22/2016	 Withdrawal Filed by: Defendant A Cab Taxi Service LLC <i>Withdrawal of Defendants' Objection to Discovery Commissioner's Report & Recommendation</i>
11/23/2016	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
11/28/2016	 Opposition to Motion to Compel Filed By: Defendant A Cab Taxi Service LLC <i>Defendant's Opposition to Plaintiffs' Motion to Compel Interrogatory Responses</i>
11/29/2016	 Supplement Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Supplement in Support of Their Motion to Compel Interrogatory Responses</i>
11/29/2016	 Motion to Amend Answer Filed By: Defendant A Cab LLC <i>Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint</i>
12/02/2016	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel Interrogatory Responses</i>
12/07/2016	 Supplemental Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Second Supplement in Support of Their Motion to Compel Interrogatory Responses</i>
12/08/2016	 Opposition and Countermotion Filed By: Plaintiff Murray, Michael <i>Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing</i>

CASE SUMMARY

CASE NO. A-12-669926-C

12/16/2016	 Opposition and Countermotion Filed By: Plaintiff Murray, Michael <i>Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees</i>
12/16/2016	 Notice of Withdrawal of Motion Filed By: Defendant A Cab Taxi Service LLC <i>Notice of Withdrawal of Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint</i>
12/19/2016	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Motion to Compel Interrogatory Responses; Status Check: Compliance - Report and Recommendation - heard on Dec. 9, 2016</i>
12/19/2016	 Opposition Filed By: Plaintiff Reno, Michael <i>Partial Opposition to Defendants' Notice of Withdrawal of Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint</i>
12/21/2016	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Status Check: Compliance - heard on November 18, 2016</i>
12/23/2016	 Motion to Compel Filed By: Plaintiff Murray, Michael <i>Motion to Compel the Production of Documents</i>
12/28/2016	 Reply to Opposition Filed by: Defendant A Cab Taxi Service LLC <i>Reply to Plaintiffs' Partial Opposition to Defendants' Notice of Withdrawal of Motion for Leave to Amend Answer to Assert a Third-Party Complaint</i>
12/28/2016	 Reply in Support Filed By: Defendant A Cab Taxi Service LLC <i>Reply in Support of Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12 (C) with Respect to All Claims for Damages Outside the Two-Year Statute of Limitations, and Opposition to Plaintiffs' Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing</i>
01/06/2017	 Motion to Compel Filed By: Plaintiff Murray, Michael <i>Motion to Compel Compliance with Subpoena</i>
01/11/2017	 Motion for Partial Summary Judgment Filed By: Plaintiff Murray, Michael <i>Motion for Partial Summary Judgment</i>
01/12/2017	 Motion Filed By: Plaintiff Murray, Michael <i>Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief</i>
01/13/2017	 Errata Filed By: Plaintiff Murray, Michael

CASE SUMMARY

CASE NO. A-12-669926-C

Errata to Plaintiffs' Motion for Partial Summary Judgment

01/18/2017



Order Shortening Time

Filed By: Plaintiff Murray, Michael

Order Shortening Time

01/18/2017



Motion

Filed By: Plaintiff Murray, Michael

Motion to Have Case Reassigned to Department I Per EDCR Rule 1.60 and Designated as Complex Litigation Per NRCP Rule 16.1(f) on an Order Shortening Time

01/18/2017



Notice of Non Opposition

Filed By: Plaintiff Murray, Michael

Notice of Non-Opposition

01/18/2017



Opposition to Motion to Compel

Filed By: Defendant A Cab Taxi Service LLC

Defendants' Opposition to Plaintiffs' Motion to Compel the Production of Documents, and Request for Greenberg to Cease and Desist

01/19/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael

Plaintiffs' Reply to Defendants' Response to Plaintiffs' Motion to Compel the Production of Document

01/22/2017



Opposition

Filed By: Defendant A Cab Taxi Service LLC

Defendants' Opposition to Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as Complex Litigation per NRCP Rule 16.1(f) on an Order Shortening Time

01/23/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael

Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as Complex Litigation per NRCP Rule 16.1(f) on an Order Shortening Time

01/26/2017



Opposition to Motion to Compel

Filed By: Defendant A Cab Taxi Service LLC

Defendants' Opposition to Plaintiffs' Motion to Compel Compliance with Subpoena

01/27/2017



Motion to Amend Answer

Filed By: Defendant A Cab Taxi Service LLC

Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

01/27/2017



Objection to Discovery Commissioners Report and Recommend

Filed By: Plaintiff Murray, Michael

Plaintiffs' Partial Objections to Discovery Commissioner Report and Recommendation

01/27/2017



Notice of Department Reassignment

Notice of Department Reassignment

01/30/2017



Opposition to Motion

Filed By: Defendant A Cab Taxi Service LLC

Defendants' Opposition to Plaintiffs' Motion to Bifurcate Issue of Liability of Defendant

CASE SUMMARY

CASE NO. A-12-669926-C

Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief

02/02/2017



Re-Notice

Filed by: Plaintiff Murray, Michael

Re-Notice of Motion for Partial Summary Judgment

02/02/2017



Opposition to Motion

Filed By: Defendant A Cab Taxi Service LLC

Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment

02/02/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael

Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Compel Compliance with Subpoena

02/03/2017



Motion

Filed By: Plaintiff Murray, Michael

Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions

02/03/2017



Re-Notice

Filed by: Plaintiff Murray, Michael

Plaintiffs' Re-notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief

02/07/2017



Recorders Transcript of Hearing

Recorder's Transcript of Proceedings - Plaintiffs' Motion to Compel the Production of Documents Jan. 25, 2017

02/10/2017



Opposition to Motion

Filed By: Defendant A Cab LLC

Defendants' Opposition to Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed 10/14/16 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions

02/10/2017



Recorders Transcript of Hearing

Recorder's Transcript of Proceedings - Plaintiffs' Motion to Compel Compliance with Subpoena - heard on February 8, 2017

02/10/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael

Plaintiffs' Reply to Defendants's Opposition to Plaintiffs' Motion on Ost to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions

02/13/2017



Opposition and Countermotion

Filed By: Plaintiff Murray, Michael

Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees

02/14/2017



Supplemental

Filed by: Plaintiff Murray, Michael

Plaintiffs' Post Hearing Supplement to Motion on Ost to Expedite Issuance of Order Granting

CASE SUMMARY

CASE NO. A-12-669926-C

Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions

02/16/2017



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

02/16/2017



Order

Filed By: Plaintiff Murray, Michael
Order Granting Certain Relief on Motion To Enjoin Defendants From Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief

02/17/2017



Supplement

Supplement to Order for Injunction Filed on February 16, 2017

02/17/2017



Supplement

Supplement to Order for Injunction Filed on February 16, 2017

02/21/2017



Order

Filed By: Plaintiff Murray, Michael
Order Granting in Part and Denying in Part Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as Complex Litigation per NRCP 16.1(f)

02/21/2017



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

02/21/2017



Errata

Filed By: Plaintiff Murray, Michael
Second Errata to Plaintiffs' Motion for Partial Summary Judgment

02/22/2017



Reply to Opposition

Filed by: Plaintiff Murray, Michael
Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment

02/23/2017



Supplement

Filed by: Plaintiff Murray, Michael
Plaintiffs' Supplement to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment

02/27/2017



Declaration

Filed By: Other Bass, Charles
Declaration of Charles Bass

03/07/2017



Stipulation and Order

Filed by: Plaintiff Murray, Michael
Stipulation and Order Staying All Proceedings for a Maximum Period of Sixty (60) Days and Continuing Motion Hearing Dates

03/09/2017
















Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Murray, Michael
Discovery Commissioner's Report and Recommendations

CASE SUMMARY

CASE NO. A-12-669926-C

03/09/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Murray, Michael <i>Discovery Commissioners Report and Recommendations</i>
03/09/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Stipulation and Order</i>
03/13/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
03/13/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
03/20/2017	 Notice of Appeal Filed By: Defendant A Cab Taxi Service LLC <i>Notice of Appeal</i>
03/20/2017	 Case Appeal Statement Filed By: Defendant A Cab Taxi Service LLC <i>Defendants' Case Appeal Statement</i>
03/24/2017	 Notice of Filing Cost Bond Filed By: Defendant A Cab Taxi Service LLC <i>Notice of Filing Cost Bond</i>
03/29/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Murray, Michael <i>Discovery Commissioner's Report and Recommendations</i>
03/31/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
05/11/2017	 Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Reply to Defendants Response to Plaintiffs Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief</i>
05/17/2017	 Discovery Commissioners Report and Recommendations Filed By: Defendant A Cab LLC <i>Discovery Commissioner's Report and Recommendations</i>
05/18/2017	 Notice of Entry of Order Filed By: Defendant A Cab LLC <i>Notice of Entry of Discovery Commissioner's Report & Recommendations</i>
05/23/2017	 Recorders Transcript of Hearing <i>Transcript Re: Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/16 to Enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions 02-14-17</i>

CASE SUMMARY

CASE NO. A-12-669926-C

05/24/2017	 Supplement to Opposition <i>Supplement to Defendants Opposition to Plaintiffs Motion for Partial Summary Judgment</i>
05/25/2017	 Recorders Transcript of Hearing Party: Plaintiff Murray, Michael <i>Transcript Re: All Pending Motions May 18, 2017</i>
05/31/2017	 Supplement to Opposition Filed By: Defendant A Cab LLC <i>Supplement to Defendants Opposition to Plaintiffs Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief</i>
06/02/2017	 Motion Filed By: Plaintiff Murray, Michael <i>Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief</i>
06/05/2017	 Recorders Transcript of Hearing <i>Transcript Re: Plaintiff's Re-Notice of Motion for Partial Summary Judgment 05-25-17</i>
06/07/2017	 Decision and Order Filed By: Plaintiff Murray, Michael <i>Decision and Order</i>
06/07/2017	 Notice of Entry of Decision and Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Decision and Order</i>
06/09/2017	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendants Opposition to Plaintiffs Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief</i>
06/19/2017	 Recorders Transcript of Hearing <i>Transcript Re: Plaintiff's Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief 06-13-17</i>
07/11/2017	 Stipulation and Order Filed by: Plaintiff Murray, Michael <i>Stipulation and Order</i>
07/12/2017	 Motion for Contempt Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Motion to Impose Sanctions Against Defendants for Violating this Court s Order of March 9, 2017 and Compelling Compliance with That Order</i>
07/14/2017	 Order Denying Motion Filed By: Defendant A Cab LLC <i>Order Denying Plaintiffs' Motion for Partial Summary Judgment</i>
07/17/2017	 Notice of Entry of Order Filed By: Defendant A Cab LLC <i>Notice of Entry of Order Denying Plaintiffs' Motion for Partial Summary Judgment</i>

CASE SUMMARY

CASE NO. A-12-669926-C

07/17/2017	 Order Filed By: Plaintiff Murray, Michael <i>Order</i>
07/17/2017	 Order Filed By: Plaintiff Murray, Michael <i>Order</i>
07/21/2017	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
07/31/2017	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendants' Opposition to Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with That Order</i>
07/31/2017	 Order Denying Motion Filed By: Defendant A Cab LLC <i>Order Denying Plaintiffs' Counter-Motion for Sanctions and Attorneys' Fees and Order Denying Plaintiffs' Anti-SLAPP Motion</i>
07/31/2017	 Notice of Entry of Order Filed By: Defendant A Cab LLC <i>Notice of Entry of Order Denying Plaintiffs' Counter-motion for Sanctions and Attorneys' Fees and Order Denying Plaintiffs' Anti-SLAPP Motion</i>
08/03/2017	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017</i>
08/07/2017	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>Plaintiffs Reply to Defendants Opposition to Motion to Impose Sanctions Against Defendants for Violating this Court s Order of March 9, 2017 and Compelling Compliance with That Order</i>
08/16/2017	 Recorders Transcript of Hearing <i>Recorders Transcript of Proceedings - Discovery Conference - heard on Aug. 8, 2017</i>
08/21/2017	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendants Opposition to Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017</i>
08/25/2017	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Reply to Defendant s Opposition to Plaintiffs Motion for Partial Rehearing of Court s Order Entered on July 17, 2017</i>
08/28/2017	 Notice of Referral to Discovery Commissioner Bulla
09/07/2017	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>

CASE SUMMARY

CASE NO. A-12-669926-C

10/09/2017	 Notice of Appearance Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Notice of Appearance</i>
10/11/2017	 Notice Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Notice of Videotaping Deposition</i>
10/11/2017	 Notice Filed By: Plaintiff Murray, Michael <i>Notice of Videotaping Deposition</i>
10/16/2017	 Motion for Appointment Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Motion for Appointment of Co-Class Counsel</i>
10/20/2017	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing - Discovery Conference - Referred by Judge - heard on October 4, 2017</i>
10/24/2017	 Discovery Commissioners Report and Recommendations Filed By: Defendant A Cab LLC <i>Discovery Commissioner's Report and Recommendations</i>
10/24/2017	 Notice of Entry Filed By: Defendant A Cab LLC <i>Notice of Entry of Discovery Commissioner's Report & Recommendations</i>
11/02/2017	 Motion for Partial Summary Judgment Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion for Partial Summary Judgment And Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare Nac 608.102(2)(B) Invalid</i>
11/02/2017	 Declaration Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Declaration and Exhibits</i>
11/03/2017	 Motion to Bifurcate Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion for Bifurcation And/or to Limit Issues for Trial per NRCp 42(b)</i>
11/13/2017	 Objection to Discovery Commissioners Report and Recommend Filed By: Defendant A Cab LLC <i>Defendants' Objection to Discovery Commissioner's Report & Recommendation</i>
11/20/2017	 Opposition to Motion For Summary Judgment Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC <i>Defendants Opposition to Plaintiffs Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(b) Invalid</i>
11/22/2017	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Response In Opposition To Defendants' Motion on OST to Continue Hearing of 12/5/17</i>

CASE SUMMARY

CASE NO. A-12-669926-C

11/22/2017	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Response to Defendants Objection to Discovery Commissioner s Report and Recommendation</i>
11/22/2017	 Motion <i>Defendants' Motion on Order Shortening Time to Continue Hearing of December 5, 2017</i>
11/27/2017	 Motion for Summary Judgment Filed By: Defendant A Cab LLC <i>Defendants' Motion for Summary Judgment</i>
11/27/2017	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendants Opposition to Plaintiffs Motion for Bifurcation and/or to Limit Issues for Trial per NRCP 42(b)</i>
11/29/2017	 Reply to Opposition Filed by: Plaintiff Murray, Michael <i>Plaintiffs Reply to Defendant s Opposition to Plaintiffs Motions for Partial Summary Judgment and to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare Nac 608.102(2)(B) Invalid</i>
12/01/2017	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(b)</i>
12/12/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
12/12/2017	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>NOtice of Entry of Order</i>
12/14/2017	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Response in Opposition to Defendants Motion for Summary Judgment</i>
12/22/2017	 Motion in Limine Filed By: Plaintiff Murray, Michael <i>Plaintiffs' Omnibus Motion in Limine #1-25</i>
12/22/2017	 Motion in Limine Filed By: Defendant A Cab LLC <i>Defendants Motion in Limine to Exclude the Testimony of Plaintiffs Experts</i>
12/27/2017	 Reply in Support Filed By: Defendant A Cab LLC <i>Defendants' Reply in Support of Motion for Summary Judgment</i>
01/04/2018	 Order

CASE SUMMARY

CASE NO. A-12-669926-C

Filed By: Plaintiff Murray, Michael
Order of Apointment of Co-Counsel Christian Gabroy

01/04/2018



Notice of Entry

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

01/09/2018



Supplemental

Filed by: Defendant A Cab LLC
Defendants Supplement as Ordered by the Court on January 2, 2018

01/09/2018



Supplement to Motion for Summary Judgment

Filed by: Plaintiff Murray, Michael
Plaintiffs Supplement in Support of Motion for Partial Summary Judgment

01/12/2018



Response

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Plaintiffs Response to Defendants Motion in Limine to Exclude Expert Testimony

01/12/2018



Opposition to Motion in Limine

Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J
Defendants Opposition to Plaintiffs Omnibus Motion in Limine #1-25

01/16/2018



Stipulation and Order

Filed by: Plaintiff Murray, Michael
Stipulation and Order

01/16/2018



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Stipulation and Order

01/16/2018



Notice

Notice of Pre-Trial Conference

01/17/2018



Reply to Opposition

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion in Limine #1-#25

01/19/2018



Reply in Support

Filed By: Defendant A Cab LLC
Reply in Support of Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts

01/22/2018



Order

Filed By: Plaintiff Murray, Michael
Order

01/22/2018



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

01/22/2018



Objection

Filed By: Plaintiff Murray, Michael
Plaintiffs Nrcp 16.1(3) Objections To Defendants Exhibits And Witnesses

CASE SUMMARY

CASE NO. A-12-669926-C

01/24/2018	 Objection Filed By: Defendant A Cab LLC <i>Defendants Objections to Plaintiffs Pre-trial Disclosure Pursuant to NRCP 16.1 (a)(3)(C)</i>
01/31/2018	 Supplement Filed by: Plaintiff Murray, Michael <i>Plaintiffs Supplement in Connection With Appointment of Special Master</i>
02/02/2018	 Order Denying Motion Filed By: Defendant A Cab LLC <i>Order Denying Plaintiffs' Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42 (b)</i>
02/02/2018	 Notice of Entry of Order Filed By: Defendant A Cab LLC <i>Notice of Entry of Order Denying Plaintiffs Motion for Bifurcation And/or to Limit Issues for Trial per NRCP 42(B)</i>
02/05/2018	 Supplement Filed by: Defendant A Cab LLC <i>Defendants Supplement Pertaining to an Order to Appoint Special Master</i>
02/07/2018	 Supplement Filed by: Defendant A Cab LLC <i>Defendants Supplement to its Proposed Candidates for Special Master</i>
02/07/2018	 Order Filed By: Plaintiff Murray, Michael <i>Order Granting Plaintiffs' Motion to Appoint A Special Master</i>
02/08/2018	 Recorders Transcript of Hearing <i>Transcript Re: Plaintiff's Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(b) Invalid 12-14-17</i>
02/08/2018	 Recorders Transcript of Hearing <i>Transcript Re: Defendant's Motion for Summary Judgment 01-02-18</i>
02/08/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
02/09/2018	 Motion to Strike Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion to Strike Defendants Affirmative Defenses</i>
02/13/2018	 Order <i>Order Modifying Court's Previous Order of February 7, 2018 Appointing A Special Master</i>
02/13/2018	 Order Filed By: Plaintiff Murray, Michael <i>(Duplicate) Order Modifying Court's Previous Order of February 7, 2018 Appointing A Special Master</i>

CASE SUMMARY

CASE NO. A-12-669926-C

02/16/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Notice of Entry of Order</i>
03/02/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Response To Defendants Motion For Stay On OST</i>
03/02/2018	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Defendants Opposition to Plaintiffs Motion to Strike Defendants Affirmative Defenses</i>
03/02/2018	 Motion to Stay Filed By: Defendant A Cab LLC <i>Defendants Motion on Order Shortening Time for Stay of Proceedings</i>
03/06/2018	 Recorders Transcript of Hearing <i>Transcript Re: Status Check: Appointment of Special Master 02-02-18</i>
03/06/2018	 Recorders Transcript of Hearing <i>Transcript Re: Plaintiffs' Omnibus Motion in Limine 1-25, Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts 01-25-18</i>
03/07/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Notice of Entry of Minute Order</i>
03/08/2018	 Recorders Transcript of Hearing <i>Transcript Re: Appointment of Special Master 02-15-18</i>
04/17/2018	 Order Shortening Time Filed By: Plaintiff Murray, Michael <i>Plaintiffs Motion on Ost to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases</i>
04/23/2018	 Opposition to Motion <i>Plaintiff Jasminka Dubric's Opposition to Michael Murray and Michael Reno's Motion for Miscellaneous Relief</i>
04/26/2018	 Declaration Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Declaration of Counsel, Leon Greenberg, Esq.</i>
04/26/2018	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Reply to Jasminka Dubric s Opposition to Plaintiffs Motion for Miscellaneous Relief</i>
05/07/2018	 NV Supreme Court Clerks Certificate/Judgment - Reversed <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed</i>
05/16/2018	 Declaration Filed By: Plaintiff Murray, Michael <i>SUPPLEMENTAL DECLARATION OF CLASS COUNSEL, LEON GREENBERG, ESQ. Re:</i>

CASE SUMMARY

CASE NO. A-12-669926-C

Defendants scheduling of separate proceedings in Dubric for class settlement approval on 5/24/18, renewed request for immediate order lifting stay and granting EDCR Rule 2.50 coordination.

05/18/2018



Declaration

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Second Supplemental Declaration of Class Counsel, Leon Greenberg, Esq.

05/20/2018



Opposition to Motion

Filed By: Defendant A Cab LLC
Defendants' Opposition to Plaintiffs' Declarations; Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases

05/21/2018



Reply to Opposition

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Plaintiffs Reply to a Cab and Nady s Opposition to Plaintiffs Motion for Miscellaneous Relief

05/24/2018



Declaration

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Declaration of Class Counsel Re: Nev. R. Civ. P. 41(e) time

05/30/2018



Declaration

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
DECLARATION OF CLASS COUNSEL, LEON GREENBERG, ESQ. Re: Status of Special Master Assignment and Defendants Delay of that Assignment

05/31/2018



Response

Filed by: Defendant A Cab LLC
Defendants Response to Plaintiffs Additional Declaration

06/04/2018



Memorandum

Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael
MEMORANDUM Re: Legal Authorities on the Court s Power to Grant a Default Judgment as a Contempt or Sanctions Response to Defendants Failure to Pay the Special Master

06/04/2018



Supplement

Filed by: Defendant A Cab LLC
Defendants Supplemental List of Citations Per Court Order

06/20/2018



Declaration

Filed By: Plaintiff Murray, Michael
Declaration of Class Counsel Leon Greenberg re: Documents submitted into the record in connection with the presentation of a proposed Order and final judgment as per the Court s 6/5/18 hearing.

06/22/2018



Supplemental

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Plaintiffs Supplement in Support of Entry of Final Judgment per Hearing Held June 5, 2018

06/27/2018



Objection

Filed By: Defendant A Cab LLC
Defendants' Objection to Billing by Stricken Special Master Michael Rosten

07/10/2018



Supplement


CASE SUMMARY

CASE NO. A-12-669926-C

	<p>Filed by: Defendant A Cab LLC <i>Defendants Supplemental Authority in Response to Declaration of June 20, 2018</i></p>
07/10/2018	<p> Opposition Filed By: Defendant A Cab LLC <i>Opposition to Additional Relief Requested in Plaintiffs Supplement</i></p>
07/12/2018	<p> Recorders Transcript of Hearing <i>Transcript Re: Plaintiff's Motion for Partial Summary Judgment 06-05-18</i></p>
07/13/2018	<p> Supplement Filed by: Plaintiff Murray, Michael <i>Plaintiffs' Supplement in Reply and In Support of Entry of Final Judgment Per Hearing Held June 5, 2018</i></p>
07/13/2018	<p> Notice of Appearance Party: Special Master/Parenting Coordinator Rosten, Michael <i>Notice of Appearance</i></p>
07/13/2018	<p> Response Filed by: Special Master/Parenting Coordinator Rosten, Michael <i>Michael Rosten's Response to Defendants' Objection to Billing By Stricken Special Master Michael Rosten</i></p>
07/18/2018	<p> Supplement Filed by: Defendant A Cab LLC <i>Defendants Supplemental Authority in Response to Plaintiffs Additional Supplement Filed July 13, 2018</i></p>
08/03/2018	<p> Supplement Filed by: Plaintiff Murray, Michael <i>Plaintiffs Supplement in Reply to Defendants Supplement Dated July 18, 2018</i></p>
08/21/2018	<p> Order Granting Judgment Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment</i></p>
08/22/2018	<p> Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i></p>
08/22/2018	<p> Motion to Amend Judgment Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion to Amend Judgment</i></p>
09/10/2018	<p> Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Opposition to Plaintiffs Motion to Amend Judgment</i></p>
09/10/2018	<p> Motion to Reconsider Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Defendants Motion for Reconsideration, Amendment, For New Trial, and for Dismissal of Claims</i></p>
09/11/2018	



CASE SUMMARY

CASE NO. A-12-669926-C

	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
09/20/2018	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion to Amend Judgment</i>
09/20/2018	 Notice Filed By: Defendant A Cab LLC <i>Notice</i>
09/20/2018	 Notice Filed By: Defendant A Cab Taxi Service LLC <i>Notice</i>
09/20/2018	 Notice of Association of Counsel Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Revised Notice of Association of Counsel</i>
09/21/2018	 Notice of Appeal Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Notice of Appeal</i>
09/21/2018	 Case Appeal Statement Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Defendants' Case Appeal Statement</i>
09/21/2018	 Motion Filed By: Defendant A Cab Taxi Service LLC <i>Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time</i>
09/21/2018	 Receipt of Copy Filed by: Defendant A Cab Taxi Service LLC <i>Receipt of Copy</i>
09/24/2018	 Response <i>Plaintiffs Response and Counter-motion to Defendants Motion on OST to Quash</i>
09/27/2018	 Supplement to Opposition Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Supplemental Response to Defendants Motion on OST to Quash</i>
09/27/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Response in Opposition to Defendants Motion for Reconsideration of Judgment and New Trial</i>
10/01/2018	 Exhibits Filed By: Defendant A Cab LLC <i>Defendant's Exhibits in Support of Ex-Parte Motion to quash Writ of Execution and, in the Alternative, Motin for Partial Stay of Execution on Order Shortening Time</i>

CASE SUMMARY

CASE NO. A-12-669926-C

10/02/2018	 Notice of Filing Cost Bond Filed By: Defendant A Cab LLC <i>Notice of Filing Cost Bond</i>
10/04/2018	 Claim Filed By: Defendant A Cab LLC <i>Claim of Exemption from Execution</i>
10/04/2018	 Claim <i>Claim of Exemption from Execution (A Cab Series, LLC, Taxi Leasing Company)</i>
10/04/2018	 Claim <i>Claim of Exemption from Execution (A Cab Series, LLC, Administration Company)</i>
10/04/2018	 Claim <i>Claim of Exemption from Execution (A Cab Series, LLC, Ccards Company)</i>
10/04/2018	 Claim <i>Claim of Exemption from Execution (A Cab Series, LLC, Maintenance Company)</i>
10/04/2018	 Claim <i>Claim of Exemption from Execution (A Cab Series, LLC, Medallion Comany)</i>
10/04/2018	 Claim <i>Claim of Exemption from Execution (A Cab Series, LLC Employee Leasing Company Two)</i>
10/05/2018	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion for an Order Granting a Judgment Debtor Examination and for Other Relief</i>
10/12/2018	 Motion for Attorney Fees Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion for an Award of Attorneys Fees and Costs as per NRCP Rule 54 and the Nevada Constitution</i>
10/15/2018	 Objection Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Objections to Claims of Exemption from Execution and Notice of Hearing</i>
10/15/2018	 Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Opposition to Plaintiffs Counter-Motion for Appropriate Judgment Relief</i>
10/16/2018	 Reply Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Reply to Defendants Response to Plaintiffs Counter-Motion for Appropriate Judgment Enforcement Relief</i>
10/16/2018	 Reply in Support Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Reply in Support of Defendants Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims</i>

CASE SUMMARY

CASE NO. A-12-669926-C

10/17/2018	 Motion to Dismiss Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Defendant's Motion for Dismissal of Claims on Order Shortening Time</i>
10/17/2018	 Response Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Response in Opposition to Defendants Motion for Dismissal of Claims on an Order Shortening Time</i>
10/17/2018	 Certificate of Mailing Filed By: Plaintiff Murray, Michael <i>Certificate of Mailing</i>
10/17/2018	 Certificate of Mailing Filed By: Plaintiff Murray, Michael <i>Certificate of Mailing</i>
10/17/2018	 Proof of Service Filed by: Plaintiff Murray, Michael <i>Proof of Service</i>
10/22/2018	 Order Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Order</i>
10/22/2018	 Notice of Entry Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Notice of Entry of Order</i>
10/29/2018	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as per NRCP Rule 54 and the Nevada Constitution</i>
10/31/2018	 Notice of Non Opposition Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Notice of Non-Opposition</i>
11/01/2018	 Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Opposition to Plaintiffs Motion for an Award of Attorneys Fees and Costs per NRCP Rule 54 and the Nevada Constitution</i>
11/05/2018	 Motion for Contempt <i>Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt</i>
11/05/2018	 Affidavit <i>Affidavit in Support of Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt</i>
11/06/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>

CASE SUMMARY

CASE NO. A-12-669926-C

11/07/2018	 Writ Electronically Issued <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/07/2018	 Writ Electronically Issued <i>Writ of Execution</i>
11/08/2018	 Reply to Opposition Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion for an Award of Attorneys Fees and Costs as Per NRCF Rule 54 and the Nevada Constitution</i>
11/12/2018	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
11/16/2018	 Opposition to Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Opposition to Plaintiffs Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs per NRCF Rule 54 and the Nevada Constitution</i>
11/16/2018	 Opposition Filed By: Defendant A Cab LLC; Defendant A Cab Taxi Service LLC <i>Defendant's Opposition to Plaintiffs Motion For An Order Granting A Judgment Debtor Examination And For Other Relief</i>
11/20/2018	 Reply

CASE SUMMARY

CASE NO. A-12-669926-C

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Plaintiffs' Reply to Defendants Opposition to Plaintiffs Motion for an Order Granting a Judgment Debtor Examination and for Other Relief

11/26/2018



Opposition to Motion

Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J
Opposition to Resolution Economics Application for Order of Payment of Special Master s Fees and Motion for Contempt

11/26/2018



Temporary Restraining Order

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
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

11/26/2018



Response

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Plaintiffs Response to Special Master s Motion for an Order for Payment of Fees and Contempt

11/27/2018



Recorders Transcript of Hearing

Transcript Re: All Pending Motions 10-22-18

11/28/2018



Reply

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Plaintiffs Reply to Defendants Opposition to Plaintiffs Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as per NRCP Rule 54 and the Nevada Constitution

11/30/2018



Opposition to Motion

Filed By: Defendant A Cab Taxi Service LLC; Defendant Nady, Creighton J
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

12/03/2018



Reply to Opposition

Resolution Economics' Reply to Defendants' Opposition and Plaintiff's Response to its Application for Order of Payment of Special Master's Fees and Motion for Contempt

12/05/2018



Writ Electronically Issued

Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael
Writ of Execution

12/07/2018



Claim

Filed By: Defendant A Cab Taxi Service LLC
(1/2/19 Withdrawn) Claim of Exemption from Execution

12/12/2018



Opposition

Filed By: Defendant A Cab Taxi Service LLC
Defendant's Opposition to Plaintiffs' Motion for Other Relief Including a Reciever

12/17/2018



Recorders Transcript of Hearing

Recorder's Transcript of Hearing: All Pending Motions 12-04-18

12/18/2018



Order Denying Motion

Filed By: Plaintiff Murray, Michael
Order Denying Defendants' Motion to Quash Writ of Execution

CASE SUMMARY

CASE NO. A-12-669926-C

12/18/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
12/18/2018	 Order Filed By: Plaintiff Murray, Michael <i>Order Granting in Part and Denying in Part Plaintiffs' Objections to Defendants' Claims of Exemption From Execution</i>
12/18/2018	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
12/18/2018	 Order Granting Filed By: Plaintiff Murray, Michael <i>Order Granting Plaintiffs' Counter Motion for Judgment Enforcement Relief</i>
12/19/2018	 Objection Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiff's Objections to Claims of Exemption from Execution and Notice of Hearing</i>
12/20/2018	 Order Filed By: Defendant A Cab Taxi Service LLC <i>Order</i>
12/26/2018	 Recorders Transcript of Hearing <i>Transcript Re: Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt 12-11-18</i>
12/26/2018	 Recorders Transcript of Hearing <i>Transcript Re: 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 12-13-18</i>
01/02/2019	 Notice of Withdrawal Filed by: Defendant A Cab Taxi Service LLC <i>Notice of Withdrawal</i>
01/02/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
01/02/2019	 Notice of Entry of Order Filed By: Plaintiff Murray, Michael <i>Notice of Entry of Order</i>
01/08/2019	 Order Filed By: Defendant A Cab Taxi Service LLC <i>Order</i>
01/09/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>

CASE SUMMARY

CASE NO. A-12-669926-C

01/09/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
01/09/2019	 Writ Electronically Issued Party: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Writ of Execution</i>
01/15/2019	 Amended Notice of Appeal Party: Defendant A Cab LLC <i>Amended Notice of Appeal</i>
01/15/2019	 Amended Case Appeal Statement Party: Defendant A Cab LLC <i>Defendants' Amended Case Appeal Statement</i>
01/15/2019	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion to Distribute Funds Held by Class Counsel</i>
01/15/2019	 Motion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Motion to Amend the Court's Order Entered on December 18, 2018</i>
01/17/2019	 Motion Filed By: Defendant A Cab LLC; Defendant Nady, Creighton J <i>Defendants' Motion to Pay Special Master on Order Shortening Time</i>
01/30/2019	 Opposition and Countermotion Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Response in Opposition to Defendants Motion to Pay Special Master on an Order Shortening Time and Counter-motion for an Order to Turn Over Property</i>
02/01/2019	 Status Report <i>Report of Special Master George C. Swarts, CPA</i>
02/04/2019	 Order Granting <i>Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt</i>
02/04/2019	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Opposition to Plaintiffs Motion to Amend the Court's Order Entered on December 18, 2018</i>
02/04/2019	 Opposition to Motion Filed By: Defendant A Cab LLC <i>Opposition to Motion to Distribute Funds Held by Class Counsel</i>
02/04/2019	 Supplement Filed By: Plaintiff Murray, Michael; Plaintiff Reno, Michael <i>Plaintiffs Supplemental Brief</i>
02/04/2019	 Reply in Support

CASE SUMMARY

CASE NO. A-12-669926-C

Filed By: Defendant A Cab LLC

Reply in Support of Motion to Pay the Special Master On Order Shortening Time

02/04/2019



Reply

Filed by: Plaintiff Murray, Michael; Plaintiff Reno, Michael

Plaintiffs' Reply to Defendants' Response to Plaintiffs' Motion to Distribute Funds Held by Class Counsel

02/05/2019



Notice of Entry of Order

Notice of Entry of Order

02/06/2019



Order Granting

Filed By: Plaintiff Murray, Michael

Order Granting Plaintiffs' Motion for an Award of Attorneys' Fees and Costs Pursuant to NRCF 54 and the Nevada Constitution

02/07/2019



Notice of Entry of Order

Filed By: Plaintiff Murray, Michael

Notice of Entry of Order

02/08/2019



Affidavit

Affidavit of Plaintiffs Counsel, Leon Greenberg, Esq.

02/25/2019



Motion to Reconsider

Filed By: Defendant A Cab LLC

Defendants Motion For Reconsideration Of Judgment And Order Granting Resolution Economics Application For Order Of Payment Of Special Master s Fees And Order Of Contempt

02/27/2019



Notice of Change of Firm Name

Filed By: Defendant A Cab LLC

Notice of Change of Firm Name

03/01/2019



Notice of Department Reassignment

Notice of Department Reassignment

03/04/2019



Order

Filed By: Other Swarts, George C.

Order: 1. ACCEPTING AND APPROVING THE FEBRUARY 1, 2019 REPORT OF SPECIAL MASTER GEORGE C. SWARTS, CPA; 2 APPROVING THE RETENTION OF COUNSEL FOR THE SPECIAL MASTER; 3. APPROVING THE INTERIM FEES AND COSTS OF THE SPECIAL MASTER AND HIS COUNSEL; 4. THE PAPERS INCLUDING THE EXHIBITS TO THE SPECIAL MASTER S REPORT OF FEBRUARY 1, 2019 TO REMAIN IN THE CONFIDENTIAL POSSESSION OF THE COURT AND SPECIAL MASTER AND NOT OTHERWISE BE DISCLOSED TO THE PARTIES OR PUBLISHED; 5. THE ONGOING SERVICE AND THE REAPPOINTMENT OF THE SPECIAL MASTER; 6. PLAINTIFFS SHALL NOT INITIATE ANY FURTHER EFFORTS AT COLLECTION OF JUDGMENT AGAINST DEFENDANTS; and, 7. CONTINUING ALL OTHER MATTERS FOR HEARING ON WEDNESDAY, FEBRUARY 27, 2019 at 10:00 AM.

03/05/2019



Order

Filed By: Plaintiff Murray, Michael

Order Denying in Part and Continuing in Part Plaintiffs' Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct A Prove Up Hearing, and Coordinate Cases

03/05/2019

CASE SUMMARY

CASE NO. A-12-669926-C



Order

Filed By: Plaintiff Murray, Michael
Order on Defendants' Motion for Reconsideration

03/05/2019



Notice of Entry

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

03/05/2019



Notice of Entry

Filed By: Plaintiff Murray, Michael
Notice of Entry of Order

03/06/2019



Amended Notice of Appeal (Criminal)

Party: Defendant A Cab Taxi Service LLC
Second Amended Notice of Appeal

03/06/2019



Amended Case Appeal Statement

Party: Defendant A Cab Taxi Service LLC
Defendant's Second Amended Case Appeal Statement

DISPOSITIONS

05/07/2018

Clerk's Certificate (Judicial Officer: Cory, Kenneth)
Debtors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)
Creditors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)
Judgment: 05/07/2018, Docketed: 05/14/2018
Comment: Supreme Court No. 72691 " Appeal Reversed"

08/21/2018

Order (Judicial Officer: Cory, Kenneth)
Debtors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant)
Creditors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)
Judgment: 08/21/2018, Docketed: 08/22/2018
Total Judgment: 1,033,027.81
Comment: (Judgment includes Murray, Reno and ALL Class Members)

02/04/2019

Judgment (Judicial Officer: Cory, Kenneth)
Debtors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)
Creditors: Resolution Economics LLC (Special Master/Parenting Coordinator)
Judgment: 02/04/2019, Docketed: 02/04/2019
Total Judgment: 94,780.56

02/06/2019

Order (Judicial Officer: Cory, Kenneth)
Debtors: A Cab LLC (Defendant), A Cab Taxi Service LLC (Defendant), Creighton J Nady (Defendant)
Creditors: Michael Murray (Plaintiff), Michael Reno (Plaintiff)
Judgment: 02/06/2019, Docketed: 02/07/2019
Total Judgment: 614,599.07

HEARINGS

01/17/2013



Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion to Dismiss Complaint
Denied;
Journal Entry Details:

Statements by the Court as to reasoning by Judge Jones and amendment to the Constitution. Ms. Rodriguez argued as to NRS 608.250. Mr. Greenberg referred to the first sentence in the Constitution and argued the term of employee. Statements by the Court. Mr. Greenberg argued the Court is bound by the Constitution. Ms. Rodriguez argued Judge Jones did take notice the

CASE SUMMARY

CASE NO. A-12-669926-C

amendment made no reference to NRS 608.250. Further arguments by counsel. COURT STATED FINDINGS and ORDERED, Motion DENIED. Mr. Greenberg to prepare the Order.;

04/01/2013



Motion For Reconsideration (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion for Reconsideration

Denied;

Journal Entry Details:

Defendant's Motion for Reconsideration COURT ORDERED, Defendant's Motion for Reconsideration is DENIED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq., and Esther Rodriguez, Esq. via e-mail. /mlt ;

04/29/2013



Motion to Strike (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion to Strike Amended Complaint

Denied;

Journal Entry Details:

Defendant's Motion to Strike Amended Complaint COURT ORDERED, Defendant's Motion to Strike Amended Complaint DENIED. The Court is persuaded by the Ninth Circuit FRCP 15(a) jurisprudence that filing a motion to dismiss does not constitute filing a responsive pleading. See, e.g. Miles v. Department of Army, 881 F.2d 777, 781. Mr. Greenberg to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Default Judgment or Sanctions DENIED. Ms. Rodriguez to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt ;

07/17/2014



Pretrial/Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth)

Matter Heard;

Journal Entry Details:

Ms. Rodriguez advised the matter has been stayed pending a Supreme Court decision which came down last week. Request the stay remain in place until July 28, 2014. Ms. Lawson, JEA advised counsel will need to file 3.25 and go to discovery. Further advised the stay will remain until 7/28/14.;

08/04/2014

CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth)

Vacated

08/05/2014

CANCELED Status Check: Status of Case (9:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated

08/05/2014

CANCELED Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated - On in Error

10/14/2014



Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth)

Matter Heard;

Journal Entry Details:

Ms. Rodriguez advised the Court that there was a Stay, pending the rendition of a decision regarding minimum wage from the Nevada Supreme Court (NSC); which has been returned. Ms. Rodriguez further advised that the parties are in currently discussing settlement discussions; and are ready for the Stay to be lifted so each side may proceed accordingly. COURT SO ORDERED, and DIRECTED counsel to submit the necessary documents to the Discovery Commissioner, who will provide a trial-ready date. ;

03/18/2015



Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)

03/18/2015, 05/20/2015, 07/22/2015, 09/23/2015, 11/18/2015

Pltfs' Motion to Compel the Production of Documents

MINUTES



All Pending Motions (11/18/2015 at 9:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents

see fax dated 3/18/15

CASE SUMMARY

CASE NO. A-12-669926-C

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents

Journal Entry Details:

As parties failed to appear, COMMISSIONER RECOMMENDED, motion is CONTINUED. 10/14/15 9:30 A.M. Notice of Pltfs' Motion to Compel the Production of Documents CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Leon Greenberg Esther Rodriguez;

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents

Journal Entry Details:

Motion on Class Certification set before the Judge on August 11, 2015. Arguments by Ms. Sniegocki. Commissioner advised counsel send an Interrogatory asking who held former positions, and Commissioner will make them answer it. Colloquy. Ms. Rodriguez made offers, but discovery was over broad. Commissioner's order should not be taken to such an extent it prohibits relevant discovery that should be completed. Commissioner stated Pltfs need cab driver pay stubs and trip sheets. COMMISSIONER RECOMMENDED, revenue from Medallion is NOT COMPELLED. Colloquy re: Pltf took a deposition of the IT person, and Pltf was supposed to take a 30(b)(6) deposition, but Pltf vacated it (August dates are expected). Ms. Rodriguez stated everything for Michael Reno and Michael Murray (two Pltfs) was produced a long time ago; counsel always offered the trip sheets and driver pay stubs. Ms. Rodriguez stated Commissioner offered a site inspection, Pltfs were not interested in seeing driver pay stubs and trip sheets, and part of Motion requested appointment of a Special Master to look at documents (Pltf requested at Deft's expense). Arguments by counsel. When Ms. Sniegocki receives Mr. Morgan's transcript, she will provide it to Commissioner. Pltfs' counsel requested 60 days to complete Rule 30(b)(6) depositions (23 categories with subparts), provide the transcript, and Ms. Sniegocki requested further briefing. COMMISSIONER RECOMMENDED, motion is CONTINUED; Status Check SET; Deft must respond to Interrogatories re: specific positions as discussed in Open Court. 9/23/15 10:00 A.M. Notice of Pltfs' Motion to Compel the Production of Documents Status Check: Scheduling Order ;

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents

Journal Entry Details:

Jay Nady, Owner, present. The Inspection that Commissioner Bulla envisioned did not happen. Commissioner stated the Attorneys must be in control of the situation and remain professional; if inappropriate conduct occurs, disregard it, and bring issue to Commissioner Bulla's attention. Argument by Ms. Rodriguez; her expert was put in an uncomfortable situation. Colloquy re: notice of inspection; Ms. Rodriguez stated Mr. Morgan's answers were miscommunicated by Mr. Greenberg. Commissioner advised Ms. Rodriguez she should have diffused the situation and spoken with counsel re: how to move forward. Commissioner did not order a videotaped Inspection. COMMISSIONER RECOMMENDED, no fees or costs. Commissioner typically does not allow discussions directly with the client at an Inspection; counsel must ensure the perception is appropriate. COMMISSIONER RECOMMENDED, no videotaped Inspection and clients will not be present, but attorneys and experts will be present. COMMISSIONER RECOMMENDED, take the 30(b)(6) deposition first if possible (outline categories specifically); then speak about an Inspection with parameters. Mr. Greenberg filed a Motion for Class Certification with Judge Cory (set 6/22/15). Colloquy re: if Mr. Nady should be present at upcoming depositions. If Commissioner receives a call re: interference

CASE SUMMARY

CASE NO. A-12-669926-C

with the process, Commissioner will ask the party to leave the room. Ms. Rodriguez stated there won't be any problems. Arguments by counsel. Location of payroll documents should be a 30(b)(6) topic. Commissioner will move the continuance date upon counsel's request. Counsel did not get to QuickBooks during Inspection. COMMISSIONER RECOMMENDED, all information must be provided; motion is CONTINUED. Mr. Nagy stated QuickBooks is the payroll tool. Commissioner is available by conference call if necessary. Send Commissioner the entire copy of transcript as discussed in Open Court. Mr. Greenberg requested briefing. If a courtesy copy is provided to Commissioner, provide a copy to Defense counsel so there is no ex-parte. Provide courtesy copy to Commissioner by July 21, 2015 at 12:00 noon. 7/22/15 9:00 a.m. Notice of Pltfs' Motion to Compel the Production of Documents ; Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents see fax dated 3/18/15

Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued; Notice of Pltfs' Motion to Compel the Production of Documents
Matter Continued;

Granted; Pltfs' Motion to Compel the Production of Documents
Journal Entry Details:

Jay Nady present. Commissioner inquired what documents were turned over in the Federal lawsuit. Ms. Rodriguez stated counsel came on site to review trip sheets and payroll records, and pay stubs and time records were provided for Pltfs Murray and Reno. Ms. Rodriguez is willing to work with Pltf to provide information, but counsel needs guidance with timeframes, and Deft's system is not as sophisticated as other cab companies. Ms. Sniegowski addressed computer process for drivers (check in time, meter upload, meter checkout procedure, and validated cash drop). Statement by Mr. Nady regarding how the system is used, and Mr. Nady can provide an Affidavit of attempts to fix the clock. Mr. Nady will give the same data the DOL had. Commissioner advised counsel the records can be produced in a hard copy format, but it doesn't have to be a searchable format for Pltf. Upon Commissioner's inquiry, Mr. Nagy will check what it takes to write a program to pull out information. Ms. Rodriguez stated redacting documents is too voluminous, but Pltf's counsel is welcome to look at data. Argument by Ms. Sniegowski. COMMISSIONER RECOMMENDED, motion is CONTINUED to determine 1) whether there is a computer program that can be written to pull up electronic information for wages, commissions, and payment that qualify as part of the claim; 2) Commissioner advised Ms. Sniegowski to review documents at Deft's premises. COMMISSIONER RECOMMENDED, the timeframe for writing a code is October 2008 through January 1, 2015. Statement by Mr. Nagy re: voluminous documents provided to DOL, but all trip sheets were not returned from the DOL. COMMISSIONER RECOMMENDED, Pltf to prepare and send a Rule 34 inspection notice, and set forth exactly what will be looked at, and who will do it; inspection notice reduced to five business days. Commissioner is available by conference call if necessary. COMMISSIONER RECOMMENDED, names and addresses are OFF LIMITS for now. 4/8/15 9:30 a.m. Notice of Pltfs' Motion to Compel the Production of Documents ;

SCHEDULED HEARINGS



All Pending Motions (11/18/2015 at 9:00 AM) (Judicial Officer: Bulla, Bonnie)

06/22/2015



Motion to Certify Class (3:00 AM) (Judicial Officer: Cory, Kenneth)

06/22/2015, 07/15/2015, 08/11/2015, 09/22/2015, 11/03/2015, 11/09/2015

Plaintiff's Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53

Continued;
Continued;
Continued;
Continued;
Continued;
Continued;
Granted in Part;
Continued;
Continued;
Continued;
Continued;
Continued;
Continued;
Granted in Part;
Continued;
Continued;
Continued;

CASE SUMMARY

CASE NO. A-12-669926-C

Continued;
Continued;
Granted in Part;
Continued;
Continued;
Continued;
Continued;
Continued;
Continued;
Granted in Part;

Journal Entry Details:

Mr. Greenberg gave summary of previous hearing. Mr. Greenberg argued defendants have only focused on one issue which as to individuals not being appropriate named plaintiffs. Ms. Rodriguez argued the two year statute of limitations has run. The names attached to plaintiffs motion are inappropriate as they have not been produced. Statements by the Court. Ms. Rodriguez argued NRCP 23 has not been met by plaintiff. Mr. Greenberg argued it would be in the defendants best interest to certify. There was a judgment entered in Federal Court that wages were owed. Under Federal Law this creates the common issue, were they owed the extra dollar an hour if they had health insurance, and the other is Federal Law allowed a tip credit and they were allowed to continue their tips. The States standing is they could not take the tip and they have been for about 15 months. Mr. Greenberg further argued they have a common issue. Out of 400 people this is a constitutional directive and there is strict public policy. All requirements for certification have been met. Ms. Rodriguez argued there is no prima facie as to these two plaintiffs. Nothing has been proven regarding the tips. Ms. Rodriguez argued Mr. Greenberg is leaving out the fact these two plaintiffs have to give rise to judicial controversy. Ms. Rodriguez further argued the matter regarding the statute of limitations needs to be heard. Ms. Rodriguez stated the decision in Federal Court Mr. Greenberg is referring to was a settlement agreement not a judgment and it is improper for Mr. Greenberg to refer to it as a judgment. There is no showing these two plaintiffs have been under paid. Ms. Rodriguez further argued this has been filed as a minimum wage claim and drivers were shorted by a \$1.00 an hour; this is a claim for unpaid hours and needs to go before the Labor Commissioner as there are allegations of fraud. Ms. Rodriguez argued Walmart vs. Duke and Moore vs. PaineWebber. Statements by the Court as to commonality. Mr. Greenberg referenced Walmart vs. Duke and argued the common exam will resolve the liability issue. Mr. Greenberg argued common course of conduct. Statements by the Court. Mr. Greenberg argued the defendants have had an opportunity to bring before the Court why these two individuals are not qualified representatives and what they have brought is unsubstantiated. Defendants did not raise these objections in their responses. Mr. Greenberg requested the Court certify the class conditionally and appoint all four representatives and if later it is found they need to be removed the Court can remove them. Statements by the Court regarding requirements to certify as a class action. Mr. Greenberg argued as to the statute of limitations and there is no injury if it is found some of the class are not eligible for the claims. Mr. Rodriguez argued they would like to know who they are purposing as representative; they have never named anyone except Murray and Reno. Further arguments. Court inquired as to the costs for a Special Master. Mr. Greenberg advised he did not know. Colloquy. COURT ORDERED, Supplemental Opposition due 9/11/15 and Reply due 9/18/22; Matter CONTINUED. CONTINUED TO: 9/22/15 9:00 AM ;

Continued;
Continued;
Continued;
Continued;
Continued;
Granted in Part;

Journal Entry Details:

null;

Continued;
Continued;
Continued;
Continued;
Continued;
Granted in Part;

Journal Entry Details:

COURT ORDERED, Plaintiff's Notice of Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53 CONTINUED to this Court's oral calendar. CONTINUED TO: 7/15/15 9:00 AM CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther

CASE SUMMARY

CASE NO. A-12-669926-C

Rodriguez, Esq. via e-mail. /mlt ;

07/27/2015



Motion for Leave (3:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion for Leave to File a Second Amended and Supplemental Complaint

Granted;

Journal Entry Details:

COURT ORDERED, Plaintiff's Motion for Leave to File a Second Amended and Supplemental Complaint GRANTED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt ;

09/22/2015

Motion to Dismiss (10:30 AM) (Judicial Officer: Cory, Kenneth)

09/22/2015, 11/03/2015, 11/09/2015

Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief

Continued;

Continued;

Denied;

Continued;

Continued;

Denied;

Continued;

Continued;

Denied;

09/22/2015



All Pending Motions (10:30 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief...Plaintiff's Motion to Certify This Case As A Class Action Pursuant To NRCP Rule 23 and Appoint A Special Master Pursuant To NRCP Rule 53

Matter Heard;

Journal Entry Details:

ALL PENDING - DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF...PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53 Court STATED it is inclined to hold off until a decision from the Supreme Court. Colloquy. COURT ORDERED, Motions CONTINUED. CONTINUED TO: 11/3/15 9:00 AM ;

11/03/2015

Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion for Declaratory Order Regarding Statute of Limitations

Matter Heard;

11/03/2015

Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth)

11/03/2015, 11/09/2015

Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief

Continued;

Denied;

Continued;

Denied;

11/03/2015

Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno

Denied Without Prejudice;

11/03/2015

Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray

Denied Without Prejudice;

11/03/2015



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

Matter Heard;

Journal Entry Details:

CASE SUMMARY

CASE No. A-12-669926-C

DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF MICHAEL RENO... DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF MICHAEL MURRAY... DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF... DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF... PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53... DEFENDANT'S MOTION FOR DECLARATORY ORDER REGARDING STATUTE OF LIMITATIONS Paralegal Susan Dillow present with Attorney Rodriguez. Court noted defendant was requesting a Continuance for Creighton Nady to be present. As he was in Russia and due to the Court's concerns, matter to proceed today. AS TO MOTION REGARDING STATUTE OF LIMITATIONS: Extensive arguments by counsel. Court stated its findings, and ORDERED, that it is governed by a 4-year statute of limitations. Further clarification of the Court's Order. AS TO MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order. AS TO MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order. AS TO MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST RENO AND MURRAY: Extensive arguments by counsel. Ms. Rodriguez argued Discovery was closed. Ms. Rodriguez provided documentation to the Court. Court heard argument as to Summary Judgment Against Murray. Court stated its findings, and ORDERED, both Motions are DENIED WITHOUT PREJUDICE. AS TO MOTION TO CERTIFY THIS CASE AND APPOINT A SPECIAL MASTER: Ms. Rodriguez requested this Motion be Continued as there are issues before the Discovery Commissioner next week regarding extending Discovery. If Granted, she will refile the Motions for Summary Judgment Against Reno and Murray. Court advised it wished to hear this matter today. COURT ORDERED, matter to TRAIL to the afternoon. RECALLED. Extensive arguments by counsel. Mr. Greenberg advised he was before Judge Israel recently who Granted Certification on a similar case. Court inquired what would a Special Master do, how long it would take him to create the records requested, and whether he would become a fact finder. Mr. Greenberg advised he would create records, trip sheets start and end times and practices, and compare hours. There were over 230,000 trip sheets and a Special Master would not be a fact finder as he was doing math. Further arguments by counsel. Court stated its findings, and ORDERED, matter CONTINUED to Monday for a ruling. CONTINUED TO: 11/9 CHAMBERS - DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF...DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF...PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53 ;

11/09/2015



All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief...Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief...Plaintiff's Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53 Matter Heard;

Journal Entry Details:

ALL PENDING DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF: COURT ORDERED, Motion DENIED. DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF: COURT ORDERED, Motion DENIED. PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53 After oral argument and reviewing the authorities submitted in this matter, the Court finds that the Plaintiffs have adequately met the requirements of class certification and that the motion to certify the class should be granted. However, the Court cannot grant Plaintiffs motion to appoint a special master. The underlying reasons advanced by the Plaintiffs do not provide a sufficient basis for the Court to place the entire financial burden of the requested work on the Defendants. The Court must deny the motion to appoint a special master without prejudice at this time. Accordingly, COURT ORDERS,Plaintiffs Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53 GRANTED IN PART and DENIED IN PART. Plaintiffs are to prepare the order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt;

11/18/2015

Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie)

CASE SUMMARY

CASE NO. A-12-669926-C

Status Check: Scheduling Order

see fax dated 9/10/15

Report & Recommendations to Issue; Status Check: Scheduling Order

11/18/2015

Motion to Extend Discovery (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Plaintiffs' Motion to Extend Discovery Schedule

Granted; Plaintiffs' Motion to Extend Discovery Schedule

11/18/2015



All Pending Motions (9:00 AM) (Judicial Officer: Bulla, Bonnie)

MINUTES

CANCELED Jury Trial (01/04/2016 at 10:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated - per Commissioner

CANCELED Pretrial/Calendar Call (12/10/2015 at 9:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated - per Commissioner

CANCELED Status Check: Compliance (01/08/2016 at 11:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated



Further Proceedings (01/13/2016 at 9:00 AM) (Judicial Officer: Bulla, Bonnie)

Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions

Matter Heard;

Journal Entry Details:

Pltfs' Motion to Compel the Production of Documents ... Plaintiffs' Motion to Extend Discovery Schedule ... Status Check: Scheduling Order Colloquy regarding status of case discovery. Discovery Commissioner pointed out from review of events in this matter that counsel does have a responsibility for their client. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Extend Discovery Deadlines is GRANTED; COMMISSIONER RECOMMENDED, Phase 2 Liability and Damages discovery cutoff is 06/29/16; adding parties, amended pleadings, and initial expert disclosures DUE 04/01/16; rebuttal expert disclosures DUE 04/29/16; dispositive motions TO BE FILED BY 07/29/16; and case will be ready for trial by 09/12/16. FURTHER RECOMMENDED, 01/04/2016 Jury Trial is VACATED. Discovery Commissioner notes based on the deposition testimony, the cab manager program/documentation is not difficult to obtain; and, therefore is expected to be turned over to the Plaintiff in their electronic 'searchable' form. As far as employment records, specifically, driver payroll information from QuickBooks is to be turned over as well. Any records and times of taxi cabs or taxi drivers engaged in activities from a particular vehicle back to October 8, 2011 up to present. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Production is GRANTED within the parameters discussed. FURTHER RECOMMENDED, all production is DUE NO LATER THAN 12/31/15 for all parties. Arguments regarding fees. COMMISSIONER FINDS based on the testimony that there is no special code or that a special program would need to be written to produce the requested information from the cab manager, COMMISSIONER RECOMMENDED, fees and costs from the Morgan deposition are GRANTED; any remaining fees are deferred until a determination can be made by the Discovery Commissioner as to whether the information already produced matches what has been ordered in the electronic formats, in addition to the Defendant's conduct at deposition, the incomplete transcript even though it went over 7 hours. COMMISSIONER RECOMMENDED, \$638.95 Court Reporter fees; attorney fees (2.8 hrs. attendance, 2.5 hrs. preparation, 1.2 hrs. travel time) @ \$400.00/hr., \$2,600.00 is GRANTED. Status check set. Mr. Greenberg to prepare the Report and Recommendations, and to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 01/08/16 11:00 a.m. Status Check: Compliance - Report and Recommendations 01/13/16 9:00 a.m. Further Proceedings - Discovery Production / Deferred Ruling - Defendant's Rule 37 Sanctions;

SCHEDULED HEARINGS

CANCELED Jury Trial (01/04/2016 at 10:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated - per Commissioner

CANCELED Pretrial/Calendar Call (12/10/2015 at 9:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated - per Commissioner

CANCELED Status Check: Compliance (01/08/2016 at 11:00 AM) (Judicial Officer: Bulla, Bonnie)

CASE SUMMARY

CASE NO. A-12-669926-C

Vacated



Further Proceedings (01/13/2016 at 9:00 AM) (Judicial Officer: Bulla, Bonnie)

Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions

12/10/2015

CANCELED Pretrial/Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated - per Commissioner

01/04/2016

CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated - per Commissioner

01/08/2016

CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated

01/13/2016



Further Proceedings (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions

Matter Heard; Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions

Journal Entry Details:

Deft was going to produce additional information, however, Ms. Rodriguez requested Judge Cory modify the Order to limit time. Ms. Rodriguez produced Quickbooks and the Cab Manager production, but Pltf's counsel isn't happy with production. Ms. Rodriguez addressed the prior order. Commissioner may need to speak with the Judge re: class certification on names of Drivers. Arguments by counsel. Colloquy re: identifying the employees by number or letter. Mr. Greenberg stated the opt-out will not be concluded until April or May 2016.

Commissioner advised counsel prepare a 2.35 Stipulation or submit something to Commissioner. Ms. Rodriguez stated a number of issues are pending before Judge Cory. COMMISSIONER RECOMMENDED, Commissioner advised counsel talk, try to work out issues, and provide a list of names with documents already turned over. Ms. Rodriguez stated another case is pending. Arguments by counsel. Commissioner suggested a Mandatory Settlement Conference. Ms. Rodriguez agreed. COMMISSIONER RECOMMENDED, Deft's Rule 37 Sanctions is GRANTED IN PART; GRANTED as to allowing Pltf to submit an Affidavit for bringing a Motion and referencing the conduct; further Rule 37 Sanctions are DENIED WITHOUT PREJUDICE; if the conduct continues, Commissioner will deal with it appropriately. Colloquy re: prior award of costs. COMMISSIONER RECOMMENDED, Mr. Greenberg will prepare a supplemental Affidavit with the Brunzel factors by 3/1/16; Further Proceedings set on Discovery Production / Fees and Costs. Commissioner stated counsel should go back before the Judge to determine how a class certification notice will be prepared and proceed. Mr. Greenberg stated it will be addressed in the Order submitted on the Minute Order. Before returning to see Commissioner Bulla in March, COMMISSIONER RECOMMENDED, disclose the names of Drivers before 3/16/16. Commissioner has not made a decision on deduction information from payroll as Mr. Greenberg requested Commissioner not make a decision pending further discussion between counsel. Commissioner will honor Mr. Greenberg's request. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. 2/19/16 11:00 a.m. Status Check: Compliance 3/16/16 10:00 a.m. Further Proceedings: Discovery Production / Fees and Costs ;

02/19/2016

CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated

03/16/2016

Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of February 10, 2016 and Compelling Compliance with That Order on an Order Shortening Time Denied;

03/16/2016

Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Opposition to Motion to Impose Sanctions on Order Shortening Time and Countermotion for Sanctions Against Plaintiffs Denied;

CASE SUMMARY

CASE NO. A-12-669926-C

03/16/2016



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

PLAINTIFFS' MOTION TO IMPOSE SANCTIONS AGAINST DEFENDANTS FOR VIOLATING THIS COURT'S ORDER OF FEBRUARY 10, 2016 AND COMPELLING COMPLIANCE WITH THAT ORDER ON AN ORDER SHORTENING TIME...DEFENDANT'S OPPOSITION TO MOTION TO IMPOSE SANCTIONS ON ORDER SHORTENING TIME AND COUNTERMOTION FOR SANCTIONS AGAINST PLAINTIFFS

Matter Heard;

Journal Entry Details:

PLAINTIFFS' MOTION TO IMPOSE SANCTIONS AGAINST DEFENDANTS FOR VIOLATING THIS COURT'S ORDER OF February 10, 2016 AND COMPELLING COMPLIANCE WITH THAT ORDER ON AN ORDER SHORTENING TIME...DEFENDANT'S OPPOSITION TO MOTION TO IMPOSE SANCTIONS ON ORDER SHORTENING TIME AND COUNTERMOTION FOR SANCTIONS AGAINST PLAINTIFFS Statements by the Court regarding going before the Discovery Commissioner. Mr. Greenberg advised the hearing had been continued. Court STATED it is inclined to deny the Motion for Stay Pending Proceedings set for April 18, 2016. Ms. Rodriguez advised the motion for stay pertains only to the stay; request all the hearings be continued to the same day for argument. Statements by the Court. Mr. Rodriguez argued the Order submitted included a number of items that were not brought up before the Court. Court suggested continuing the 3/28/16 Motion for Reconsideration to an oral calendar. Mr. Greenberg argued the class action was filed in May and was fully briefed in July. The Court has heard over four hours of argument regarding this. Defendants are moving in this fashion to deliberately slow this down The Court has adopted the Discovery Commissioner's Report and Recommendation and defense counsel has advised they were not going to comply with certain parts of the Order. Further arguments by counsel. COURT ORDERED, Motions DENIED. COURT FURTHER ORDERED, the 4/18/16 Motion for Stay Pending Proceedings RESCHEDULED to the 3/28/16 Chamber calendar and the Motion for Reconsideration will STAND on the Chamber calendar. COURT FURTHER ORDERED, Defendant's Motion for Stay Pending Court's Reconsideration of Prior Order set for 4/4/16 GRANTED and once the Court rules on the Motion for Reconsideration it will resolve or dissolve the Stay. 3/28/16 CHAMBERS MOTION FOR RECONSIDERATION RESCHEDULED TO: 3/28/16 CHAMBERS DEFENDANT'S MOTION FOR STAY PENDING PROCEEDINGS;

03/21/2016



Minute Order (9:26 AM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

At the request of Mrs. Rodriguez, the Court is extending the time for Defendants to file a reply to the motions set in chambers on March 28, 2016. Please file any replies by Friday, March 25, 2016 at 12:00 p.m. The current date of the hearings remains unchanged. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt;

03/28/2016

Motion For Reconsideration (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant's Motion for Reconsideration

Granted in Part;

03/28/2016

Motion to Stay (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendants' Motion for Stay Pending Proceedings

Denied;

03/28/2016



All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth)

DEFENDANT'S MOTION FOR RECONSIDERATION ...DEFENDANTS' MOTION FOR STAY PENDING PROCEEDINGS

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION FOR RECONSIDERATION ...DEFENDANTS' MOTION FOR STAY PENDING PROCEEDINGS COURT ORDERED, Defendants Motion for Reconsideration is GRANTED IN PART and DENIED IN PART. The Court agrees with Defendants and ORDERS that claims Nos. 3 and 4 were not certified as class claims. The COURT FURTHER ORDERS that language on p. 5: 11-13 regarding qualifying health insurance be removed. Lastly, the COURT ORDERS that language on p. 5:26 stating that defendants do not dispute be removed. COURT FURTHER ORDERS, the balance of the motion is DENIED. Plaintiff to submit a new order with the above changes. This case is now

CASE SUMMARY

CASE NO. A-12-669926-C

three and a half years old. Defendants have no reason to believe that the pending matters before the Supreme Court will be resolved in the near term. Accordingly, this matter must proceed forward. The fact that this is a class action that little or no discovery has been done is alarming to say the least. There can be no more delays. COURT ORDERS, Defendants' Motion for Stay Pending Proceedings DENIED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt CLERK'S NOTE: Minute Order has been corrected to indicate the correct Motion For Reconsideration. /mlt ;

04/04/2016

CANCELED Motion For Stay (3:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated

Defendants' Motion for Stay Pending Court's Reconsideration of Prior Order

04/05/2016



Minute Order (3:00 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

Based upon Discovery Commissioner Bulla's Order on 11/18/15, the Jury Trial for this case will be set on a five-week stack date beginning 1/3/17 at 10 AM in District Court Department I. The Pretrial Conference/Calendar Call will be set for 12/8/16 at 9:00 AM in District Court Department I. A new trial order WILL NOT issue. Please abide by the following Notice pertaining to motions in limine and trial counsel: NOTICE TO ALL COUNSEL IN DISTRICT COURT DEPARTMENT I CASES REGARDING SUPPLEMENTATION TO THE COURT'S TRIAL ORDERS IN ALL CASES CURRENTLY PENDING IN DEPARTMENT I. A word about motions in limine: The Court is singularly unimpressed with attorneys who wait until too close to motion deadlines to hold meaningful conferences pursuant to EDCR 2.47(b), prompting the filing of many form motions and/or a standard omnibus motion in limine, with little or no particularized reference to the facts of the matter going to trial. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel's opportunity to raise prior to trial those few evidentiary issues which the particular facts of the instant case are likely to raise. Also, in those instances where the deadline for dispositive motions has preceded the limine cutoff, the motion in limine should not be a motion for summary judgment in disguise. An omnibus motion in limine is a sure tip-off to the Court that the stock motions in limine which EDCR 2.47 seeks to avoid are being filed. Accordingly, in District Court Department I, failure to evidence meaningful EDCR 2.47(b) conferences will result in all motions in limine being stricken by the court sua sponte. The Court will make the determination not only from the certificate of compliance with EDCR 2.47 but also from the substance of the motions themselves. Additionally, the chief attorney who will be trying the case must be in attendance at the Pretrial Conference and should have access to his/her calendar availability for trial dates during the five-week stack for which the trial is scheduled. The attorney who attends the Pretrial Conference will be denominated the lead attorney at trial. This order is effective as of October 12, 2015. 12/8/16 9:00 AM PRETRIAL CONFERENCE 1/3/17 10:00 AM JURY TRIAL CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt;

04/08/2016



Further Proceedings (10:00 AM) (Judicial Officer: Bulla, Bonnie)

Further Proceedings: Discovery Production / Deferred Ruling

Matter Heard; Further Proceedings: Discovery Production / Deferred Ruling

Journal Entry Details:

Colloquy re: the District Court Judge has not made all Decisions, a stay is in place on the February 10th order, and a separate Motion is set to stay all proceedings. Commissioner is not inclined to Recommend further fees and costs today as Motions are pending. Colloquy. Ms. Rodriguez explained her attempts to comply with Commissioner's Recommendation. Arguments by counsel. Print out of production provided from Mr. Greenberg to Commissioner in Open Court. Colloquy re: data disclosed. Discussion re: the Bahena Decision. Commissioner DENIED Mr. Greenberg's request for Defense counsel to correspond with him in writing. Colloquy re: providing information with a Motion pending. Ms. Rodriguez will re-format the data from Quickbooks in a meaningful way. Colloquy re: submission in camera. COMMISSIONER RECOMMENDED, produce 1) employees (absent names until the Court rules on class certification), 2) wage earned and hours, 3) pay period, and 4) any deductions and for what (including health deductions). Commissioner advised Mr. Greenberg to put in writing to Defense counsel a letter re: what is necessary and an explanation, and courtesy copy Commissioner; Ms. Rodriguez will identify employees by number and develop a key. No Report and Recommendation today. Commissioner expects better communication between counsel. COMMISSIONER RECOMMENDED, Status Check SET in 30 days. 5/20/16 10:00 a.m. Status

CASE SUMMARY

CASE NO. A-12-669926-C

Check: Status of Case;

04/25/2016



Motion For Reconsideration (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations

Denied;

Journal Entry Details:

COURT ORDERS, Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations DENIED. Mr. Greenberg to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt;

05/20/2016



Status Check: Status of Case (10:00 AM) (Judicial Officer: Bulla, Bonnie)

MINUTES

Status Check: Compliance (07/20/2016 at 10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Compliance - DCRR

Status Conference (07/20/2016 at 10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Conference: Status of Case - Exchange of Electronic Information

Report & Recommendations to Issue;

Journal Entry Details:

Discovery Commissioner directed counsel to make future submissions via memorandum or supplemental brief for purposes of keeping information in the record. Counsel acknowledged. Mr. Greenberg stated parties may have reached an agreement regarding resolution of electronic production format and protocols. Colloquy regarding stay being lifted. Colloquy regarding pending class certification and exchange of information. Discovery Commissioner hopes the resolution will be worked out; and, expressed concern and advised parties if there are some additional problems, counsel will need to bring another motion. Parties addressed the prior scheduling order and requested updated deadlines. Colloquy regarding status disclosures from trial setting. Discovery Commissioner Finds parties have worked out how to properly get the information on the computers exchanged; or, at least a good faith effort has been shown; and no further action will be taken this date. Status conference set.

COMMISSIONER RECOMMENDED, new discovery cutoff is 10/31/16; adding parties, amended pleadings, and initial expert disclosures DUE 08/01/16; rebuttal expert disclosures DUE 08/31/16; dispositive motions TO BE FILED BY 11/23/16; and trial date STANDS. Mr. Greenberg to prepare the Report and Recommendations for extension of discovery deadlines, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 06/29/16 9:00 a.m. Status Check: Compliance - Report and Recommendations 06/29/16 9:00 a.m. Status Conference: Status of Case - Exchange of Electronic Information;

SCHEDULED HEARINGS

Status Check: Compliance (07/20/2016 at 10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Compliance - DCRR

Status Conference (07/20/2016 at 10:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Conference: Status of Case - Exchange of Electronic Information

07/13/2016



Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)

07/13/2016, 09/07/2016

Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses

Matter Continued; Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses

Granted;

Matter Continued; Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses




Granted;

Journal Entry Details:

Ms. Sniegocki requested a 30 day continuance to try and resolve the issue (Opposition was recently filed). The Opposition came through July 12th per Mr. Wall; counsel associated in for Appellate purposes, and Ms. Rodriguez is out of the country. COMMISSIONER RECOMMENDED, Motion is CONTINUED; provide a courtesy copy of Opposition to

CASE SUMMARY

CASE NO. A-12-669926-C

	<i>Commissioner. Colloquy re: the Stay. Mr. Wall stated both counsel understand the Stay is no longer in place. 8/10/16 9:00 a.m. Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses;</i>
07/20/2016	Status Check: Compliance (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: Compliance - DCRR</i> Matter Heard;
07/20/2016	Status Conference (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Conference: Status of Case - Exchange of Electronic Information</i> Matter Heard;
07/20/2016	 All Pending Motions (10:00 AM) (Judicial Officer: Bulla, Bonnie) Matter Heard; Journal Entry Details: <i>Status Check: Compliance - DCRR Status Conference: Status of Case - Exchange of Electronic Information Mr. Nady present. Mr. Greenberg addressed production, and outstanding production was discussed. Ms. Rodriguez stated a Third Party Contractor pulls the information, older records were kept differently, and counsel requested 10 days. Colloquy re: the cost sharing provision, Stays in case, and when the Five Year Rule runs (May / June 2018 per Mr. Greenberg). Commissioner advised counsel to perform calculation. Commissioner advised counsel to submit a Stipulation and Order to Judge Cory to extend discovery and Move the Trial date. As Ms. Rodriguez does not agree to move the Trial date, Commissioner advised Mr. Greenberg to bring a Motion. Ms. Rodriguez doesn't agree the Stay tolled the Five Year Rule. COMMISSIONER RECOMMENDED, Motion to Compel set 8/10/16 is RESET to 8/24/16; Status Check SET; counsel may provide supplements to Commissioner by 8/22/16. 8/24/16 9:00 a.m. Status Check: Status of Case Pltfs' Motion to Compel Production of Documents and Interrogatory Responses;</i>
08/29/2016	 Motion to Continue Trial (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiff's Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief Granted;</i> Journal Entry Details: <i>COURT ORDERS, Plaintiff's Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief GRANTED. Mr. Greenberg to prepare the Order. Counsel are directed to prepare a EDCR 2.35 Stipulation and Order and submit to chambers. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Michael Wall, Esq. (mwall@hutchlegal.com), and Esther Rodriguez, Esq. (esther@rodriguezlaw.com);</i>
09/07/2016	Status Check: Status of Case (9:30 AM) (Judicial Officer: Bulla, Bonnie) Matter Heard;
09/07/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses Status Check: Status of Case</i> Matter Heard; Journal Entry Details: <i>Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses Status Check: Status of Case Commissioner advised counsel other discovery disputes must be by Motion (first conduct a 2.34 conference). Colloquy re: electronic data produced was incompatible. Argument by Mr. Greenberg re: Quickbooks data. Argument by Mr. Wall. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Mr. Wall has until 9/21/16 to re-run Quickbooks data, match names and wage data, and produce in a useable format. If it isn't done, bring a Motion for Rule 37 Sanctions, and Commissioner will award sanctions. Mr. Wall will check if the last four digits of Social Security numbers can be included. Status Check SET. Five Year Rule runs 2018. If a Motion for Rule 37 Sanctions is presented the week of October 3, 2016, Discovery can hear the Motion Oct. 12, 2016. Colloquy re: production of Excel files re: Trip sheets. COMMISSIONER RECOMMENDED, produce Trip sheets (U.S. Department of Labor) as discussed by 9/21/16, or provide a sworn Affidavit from Deft on efforts taken. Colloquy re: NRCP 16.1. COMMISSIONER RECOMMENDED, make all efforts to locate information for Request to Produce by 9/21/16, and confirm Mr.</i>

CASE SUMMARY

CASE NO. A-12-669926-C

Nagy knew what he was talking about. COMMISSIONER RECOMMENDED, Pltf will bear costs and provide a hard drive for Deft to download PDF files on Trip sheets; for other costs, have a 2.34 conference to decide how to handle. Commissioner will discuss updated Historic Manual in October. Colloquy re: health insurance coverage in 2010 and 2011. Commissioner advised counsel to speak with Ms. Rodriguez re: outstanding issues. Evidentiary rulings are decided by the District Court Judge. Commissioner advised Mr. Greenberg to send an Interrogatory on historic records. COMMISSIONER RECOMMENDED, answers are COMPELLED to Interrogatories and Request for Production on insurance information and efforts taken by 9/21/16. Commissioner advised Mr. Greenberg he may need to Subpoena insurance information, and Mr. Wall must help figure out the issues. If additional time for production is needed, contact Commissioner by conference call. COMMISSIONER RECOMMENDED, no fees or costs. Mr. Greenberg to prepare the Report and Recommendations, and Mr. Wall to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 10/12/16 9:00 a.m. Status Check: Production SC: Compliance;

09/22/2016



Minute Order (5:00 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff has submitted a proposed Order to the Court, to which the Defendants have objected. A reading of the Defendants opposition to the present Motion leaves one with the question of whether the Defense appreciates the gravity that inures to a Plaintiffs case when alleging the denial of constitutional rights under Nevada s Constitution. The Second Amended Complaint alleges a wholesale denial of constitutional rights to Defendants employees. It follows that a careful examination of the serious allegations and the evidence that underlies those allegations must be made by the Court. To the extent that Plaintiffs are unable to prove their allegations in the matter because Defendants are in sole possession of evidence Plaintiffs would utilize, then unless some privilege protects disclosure of the evidence it will not do for Defendants to simply fail to produce the evidence. In the event that Defendants protest that they do not possess such evidence, then it is the proper course for this Court to determine the truth of that position through all means necessary and reasonable. Nonetheless, in light of Defendants continued objections to providing the evidence called for (the Court notes Defendants have now filed a Motion for a Protective Order from the Discovery Commissioner), and their protest that the burden of proof in this matter should not be shifted to Defendants, the Court will not order the burden shifted at this time. It would behoove the Court to move cautiously in this area. Accordingly, the Court will echo Defendants request in their Motion for a Protective Order that the Discovery Commissioner give what time she can to the monitoring of the discovery process in this area of controversy. Only after discovery discloses whether the Defendants could provide the already ordered discovery will the Court further consider Plaintiffs request to shift the burden of proof on this issue, and other measures. The Order submitted by Plaintiffs should be amended accordingly. Given the allegations of the Second Amended and Supplemental Complaint, the Order submitted by Plaintiffs as to the certification of the third and fourth claims for relief in the Second Amended Complaint against Defendant Creighton Nady are accurately framed in the Order submitted. COURT ORDERS, Plaintiff is to resubmit in compliance with this Order. A copy of this minute order shall be submitted to the Discovery Commissioner. CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com); Michael Wall, Esq. (mwall@hutchlegal.com), and Esther Rodriguez, Esq. (esther@rodriguezlaw.com). /mlt;

10/12/2016

Status Check: Compliance (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Continued;

complied

10/12/2016

Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Production

Matter Heard;

10/12/2016

Motion for Protective Order (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Defts' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on OST

see fax dated 9/21/16

Granted in Part;

CASE SUMMARY

CASE NO. A-12-669926-C

10/12/2016



All Pending Motions (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:

Defts' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on OST Status Check: Compliance Status Check: Production Commissioner had a conference call 10/7/16 on the Report and Recommendations. Ms. Rodriguez will review and sign it after court for submission to Discovery. Colloquy re: Judge Cory's 9/22/16 hearing. Argument by Ms. Rodriguez re: production. Arguments by counsel. COMMISSIONER RECOMMENDED, how to conduct the 30(b)(6) deposition is DEFERRED to Pltf's counsel; however, post-judgment debtor discovery is not appropriate at this time without a judgment. COMMISSIONER RECOMMENDED, questions allowed on distribution of funds to family members including total amount of distributions; further discussion re: appropriate questions; Motion is GRANTED IN PART and DENIED IN PART; written discovery served is PROTECTED; alternative relief is provided, and Mr. Nady will provide supporting documentation and identification of distribution, salary, payment for 2007 through 2015; A Cab Taxi Service will provide profit and loss statements for 2007 through 2015; remaining requested information is PROTECTED at this time, but may be revisited if punitive damages are part of the Trial; parties may also agree to provide information requested by Stipulation, Interrogatory, or Request to Produce instead of deposition categories. No duplicative questions. COMMISSIONER RECOMMENDED, with the CAVEAT to notice other 30(b)(6) witnesses for deposition if they would provide information. Counsel must be on the same Page on Topics and logistical issues must be addressed. Mr. Greenberg is given an additional 40 Interrogatories. MATTER TRAILED AND RECALLED. COMMISSIONER RECOMMENDED, 30(b)(6) deposition is one day, seven hours; Depose Mr. Nady individually for half a day. Topic areas discussed. Arguments by counsel. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 2/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 12/23/16; rebuttal expert disclosures DUE 1/23/17; FILE dispositive motions by 3/23/17; Trial ready 7/10/17. Status Check SET. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. 11/18/16 9:00 a.m. Status Check: Status of Case SC: Compliance CLERK'S NOTE: Minutes amended to reflect Trial ready 7/10/17. (JL 1-9-17);

10/18/2016

CANCELED Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated

Status Check: Status of Case

11/18/2016



Status Check: Compliance (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:


New case law came down. Colloquy. Arguments by counsel. Commissioner suggested answering issues in Interrogatories; discussion why counsel didn't address discovery and the Trial date, and why Ms. Rodriguez filed an Objection. COMMISSIONER RECOMMENDED, 1/3/17 Trial date VACATED; discovery cutoff EXTENDED to 4/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 1/27/17; rebuttal expert disclosures DUE 2/28/17; FILE dispositive motions by 5/31/17; Trial ready 7/10/17. Mr. Greenberg requested briefing issues. Commissioner advised counsel to bring a Motion to Compel to brief issues. Commissioner advised Ms. Rodriguez to provide costs of insurance for the timeframe at issue. COMMISSIONER RECOMMENDED, Ms. Rodriguez will provide 1) costs to employees of plans for all five years at issue (all levels); 2) what criteria is to access plans; 3) what was the waiting period. Ms. Rodriguez provided the list of employees. Colloquy. Both sides can supplement. Mr. Greenberg discussed difficulties at depositions, and requested depositions taken at the RJC with Commissioner present. Deposition set 11/22/16 will be videotaped. Commissioner will be in court, however, call if problems continue with Deft. If deposition is discontinued pursuant to Rule 30(d), and Commissioner hears the Motion for Protective Order, the losing party will pay fees and costs. Ms. Rodriguez requested confidentiality on tax records. COMMISSIONER RECOMMENDED, records will REMAIN CONFIDENTIAL within the confines of litigation until otherwise ordered by the District Court Judge. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise,

CASE SUMMARY

CASE NO. A-12-669926-C

counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. Include vacating the Objection. 12/9/16 9:00 a.m. Status Check: Compliance;


11/18/2016 **CANCELED Status Check** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner
Status Check: Status of Case

11/21/2016  **Motion** (3:00 AM) (Judicial Officer: Barker, David)
11/21/2016, 01/03/2017
Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief
Continued;
Motion to be Reset
Matter Transferred; Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief
Continued;
Motion to be Reset
Matter Transferred; Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief
Journal Entry Details:
COURT ORDERS, Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief CONTINUED to this Court's oral calendar. CONTINUED TO: 1/3/17 9:00 AM CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt;

12/08/2016 **CANCELED Pre Trial Conference** (9:00 AM) (Judicial Officer: Cory, Kenneth)
Vacated - per Commissioner

12/09/2016 **Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Motion to Compel Interrogatory Responses
Granted;

12/09/2016 **Status Check: Compliance** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Status Check: Compliance - Report and Recommendation
Matter Heard;

12/09/2016  **All Pending Motions** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Matter Heard;
Journal Entry Details:
Motion to Compel Interrogatory Responses Status Check: Compliance - Report and Recommendation Counsel do not agree to a Mandatory Settlement Conference. Commissioner cannot suspend Rule 41(e) as it is by agreement of counsel. Colloquy re: two Report and Recommendations from the November 18, 2016 Hearing. Commissioner will sign the Report and Recommendation after court today. Status Check is OFF CALENDAR. Commissioner clarified prior Recommendations from the November 18, 2016 Hearing. Commissioner will not revisit the issues. Commissioner envisioned costs of health insurance for five years at issue for all employees at all levels, for individual plan, family plan, paid for by employees. COMMISSIONER RECOMMENDED, Motion to Compel Interrogatory Responses is GRANTED; supplement Interrogatories 8, 9, 10, 15, and 19. Ms. Rodriguez stated Mr. Nagy's deposition was set 12/1/16. COMMISSIONER RECOMMENDED, counsel have until 4/28/17 to complete discovery. Colloquy re: expert disclosure in January; Ms. Rodriguez has a two week Trial. Commissioner relied on counsel to prepare the case for Trial; if counsel are not satisfied with Recommendation, file a Motion to Reconsider before the Judge. Ms. Rodriguez requested more time to review Mr. Greenberg's supplement received yesterday. Arguments by counsel. Colloquy re: request for spousal coverage. Bring a separate Motion. Counsel will follow up on the PDF issue. Commissioner advised counsel to have a 2.34 conference, and file a Motion on Dept. of Labor authorizations (include J roll). No further Status Checks; file a separate Motion. Ms. Rodriguez to prepare the Report and Recommendations, and Mr.

CASE SUMMARY

CASE NO. A-12-669926-C

Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Rodriguez to appear at status check hearing to report on the Report and Recommendations. 1/13/17 11:00 a.m. Status Check: Compliance;

12/21/2016



Minute Order (8:45 AM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

Order of Referral to the Discovery Commissioner In this matter the Discovery Commissioner has entered a Report and Recommendation to which the Plaintiffs object. In this complex class action matter, the issue of compliance with the Discovery Commissioner s previous Order on the pertinent discovery to be produced by the Defendant is itself complicated. The Court is taking the unusual step of referring this matter back to the same Discovery Commissioner who authored the Report and Recommendation to which the Plaintiffs object. Before the Court rules, the Court wishes the Discovery Commissioner to have the benefit of the precise objections raised by the Plaintiffs. The Discovery Commissioner may simply refer the matter back to the Court if in the Discovery Commissioner s consideration the objection is meritless, or may modify the prior Report and Recommendation and determine it warranted. The Court takes this step having considerable confidence in the Discovery Commissioner s abilities on such matters. CLERK S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

01/03/2017

Motion for Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)

01/03/2017, 02/28/2017, 05/18/2017

Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations

Motion to be Reset

Matter Continued; Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12 (C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations

Continued;

Granted in Part;

Motion to be Reset

Matter Continued; Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12 (C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations

Continued;

Granted in Part;

MINUTES



All Pending Motions (01/03/2017 at 9:00 AM) (Judicial Officer: Barker, David)

Motion to be Reset

Matter Continued; Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12 (C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations

Continued;

Granted in Part;

SCHEDULED HEARINGS



All Pending Motions (01/03/2017 at 9:00 AM) (Judicial Officer: Barker, David)

01/03/2017

Motion to Amend Answer (9:00 AM) (Judicial Officer: Cory, Kenneth)

01/03/2017, 02/28/2017

Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

Motion to be Reset

Matter Continued; Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

Continued;

duplicate entry

Motion to be Reset

Matter Continued; Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint

Continued;

duplicate entry

CASE SUMMARY

CASE NO. A-12-669926-C


01/03/2017	<p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth) 01/03/2017, 02/28/2017, 05/18/2017</p> <p><i>Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing</i></p> <p>Motion to be Reset</p> <p>Matter Continued; Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing</p> <p>Continued;</p> <p>Granted in Part;</p> <p>Motion to be Reset</p> <p>Matter Continued; Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing</p> <p>Continued;</p> <p>Granted in Part;</p> <p>Motion to be Reset</p> <p>Matter Continued; Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing</p> <p>Continued;</p> <p>Granted in Part;</p>
01/03/2017	<p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth) 01/03/2017, 02/28/2017</p> <p><i>Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees</i></p> <p>Motion to be Reset</p> <p>Matter Continued; Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees</p> <p>Continued;</p> <p>duplicate entry</p> <p>Motion to be Reset</p> <p>Matter Continued; Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees</p> <p>Continued;</p> <p>duplicate entry</p>
01/03/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Barker, David)</p> <p>Matter Continued;</p> <p>Journal Entry Details:</p> <p><i>Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations ... Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing ... Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint ... Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees ... Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief No parties being present, COURT ORDERED, ALL PENDING MOTIONS CONTINUED for Motion to Compel to be heard before the Discovery Commissioner on 1/25/17. 02/07/17 9:00 a.m. Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations /// Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing /// Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint /// Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees /// Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /apc;</i></p>
01/03/2017	<p>CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth)</p>


CASE SUMMARY


CASE NO. A-12-669926-C

Vacated - per Commissioner

01/13/2017 **CANCELED Status Check: Compliance** (11:00 AM) (Judicial Officer: Jones, David M)
Vacated - per Commissioner

01/24/2017  **Motion** (11:00 AM) (Judicial Officer: Loehrer, Sally)
Plaintiffs' Motion to Have Case Reassigned to Department I per EDCR Rule 1.60 and Designated as complex Litigation Per NRCP Rule 16.1(f) on an Order Shortening Time
Granted;
Journal Entry Details:
PLTF'S MOTION TO HAVE CASE REASSIGNED TO DEPT. 1 PER EDCR RULE 1.60 AND DESIGNATED AS COMPLEX LITIGATION PER NRCP RULE 16.1(f) COURT noted she read motion and opposition and noted she doesn't see this as forum shopping, but more as judicial economy. Statements by counsel. COURT ORDERED, Motion GRANTED insofar as case is REASSIGNED BACK to Dept. 1, but DENIED as to Designation as Complex, as that should be decided by Judge Cory. Pending motions set in Dept. 18 are to be RESET by Dept. 1, but motions in front of discovery commissioner STAND. COURT admonished Mr. Greenberg the five year rule runs in October 2017, and he better get a trial date. Mr. Greenberg to prepare the order.;

01/25/2017  **Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Pltfs' Motion to Compel the Production of Documents
Motion to be Reset
Granted; Pltfs' Motion to Compel the Production of Documents
Journal Entry Details:
Commissioner read the MDC Restaurant case again, and discovery in the case is being made too complicated; coverage gaps discussed. Arguments by counsel. Ms. Rodriguez will double check the rates for the timeframe. COMMISSIONER SO RECOMMENDED, verify and update schematic. Colloquy re: how to verify whether employees had spouses or families and were offered coverage, but to ensure coverage did not exceed ten percent of their taxable gross income; single, married, had children. COMMISSIONER RECOMMENDED, Deft is REQUIRED to produce W-4s for Deft's employees during the timeframe at issue in this case; information will be maintained as CONFIDENTIAL to be utilized at Trial for this litigation only (share with experts), and CONFIDENTIALITY will be MAINTAINED until such time as ordered by the District Court Judge. COMMISSIONER RECOMMENDED, Ms. Rodriguez is instructed to look with the payroll person if there is a way to identify employees marital status with/without dependents as told by employees to the Company, and can Deft print it out without too much difficulty (only information provided to Deft for the class for timeframe at issue). Colloquy. COMMISSIONER RECOMMENDED, go to the present time. Ms. Rodriguez requested only the timeframe. COMMISSIONER RECOMMENDED, only turn over through December 31, 2015, but have other information ready to go as needed, and include W-4s for all employees; if class certification period is extended, Mr. Greenberg requested information to the present. COMMISSIONER RECOMMENDED, if extended, request will be Granted. Colloquy re: J-roll. J-roll is Quickbooks per Ms. Rodriguez. COMMISSIONER RECOMMENDED, Ms. Rodriguez must produce J-roll or at least point Pltf in the right direction; confirm whether or not they had Quickbooks prior to 2013 (or stored in another format); Deft will provide Trip sheets as discussed. Mr. Greenberg to prepare the Report and Recommendations, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 2/24/17 11:00 a.m. Status Check: Compliance;


02/08/2017  **Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Pltf's Motion to Compel Compliance with Subpoena
Granted; Pltf's Motion to Compel Compliance with Subpoena
Journal Entry Details:
No one from the Law Firm present, but Mr. Greenberg and Ms. Rodriguez didn't request an appearance. However, Ms. Rodriguez can obtain an Affidavit from the Attorney. Colloquy re: Pltf's request for Excel files given to Dept. of Labor (four pay period compilation, two months, random selection). Upon Commissioner's inquiry, Ms. Rodriguez stated three documents were not disclosed to the DOL, but Deft is claiming privilege. Arguments by counsel. No courtesy copy provided from Pltf to Commissioner. Provided in Open Court. Document provided from Ms. Rodriguez to Commissioner in Open Court. Commissioner stated the personal attacks


CASE SUMMARY

CASE NO. A-12-669926-C

between counsel need to stop, and counsel must communicate more effectively. Colloquy. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Ms. Rodriguez must turn over data in document including driver names and shift information; redact opinions within document; upon Ms. Rodriguez's request, Commissioner provided 2.34(e) relief, and produce hard copies within five days after Court signs recommendation. Commissioner asked Ms. Rodriguez to double check if information was kept in Excel format, and if available in Excel, produce it and Mr. Greenberg will pay costs; Ms. Rodriguez to telephone Mr. Greenberg if the information exists, and produce in the format as discussed between counsel. Mr. Greenberg to prepare the Report and Recommendations, and Ms. Rodriguez to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations. 3/17/17 11:00 a.m. Status Check: Compliance;

02/14/2017 **CANCELED Motion for Partial Summary Judgment (9:00 AM)** (Judicial Officer: Loehrer, Sally)
Vacated

02/14/2017  **Motion (9:00 AM)** (Judicial Officer: Cory, Kenneth)
Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions
Granted;
Order previously sent
Journal Entry Details:
Following arguments by counsel, COURT ORDERED, Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions GRANTED and issued the following Order. IT IS ORDERED that the defendants are, upon entry of this Order, prohibited and enjoined from entering into any settlement on a class action basis through the use of NRCP Rule 23 with any of their current or former taxi driver employees for claims under Article 15, Section 16, of the Nevada Constitution, the Nevada Minimum Wage Amendment, whether styled as a claim for breach of contract, conversion, or under any other theory of recovery. The foregoing settlement prohibition can only be amended or removed by a further order issued in this case. The foregoing settlement prohibition bars the defendants from seeking approval for a settlement under NRCP Rule 23 of any such persons claims on a class action basis in any other proceeding now pending before or in the future filed in the Courts of the State of Nevada, including, but not limited to, their joint motion filed on January 24, 2017 requesting preliminary class settlement approval and class certification in the case of Dubric v. A Cab LLC a at A-15-721063-C currently pending in Department 25 of this Court. Defendants are commanded to within one judicial day of the service of this Order with Notice of Entry to file with this Court in the Dubric case a request for withdrawal of that joint motion and make all available efforts to have that motion withdrawn and proceed no further with the same. This Order does not limit the defendants ability to settle the claims of the named plaintiff Jasminka Dubric, only, in Dubric v. A Cab LLC et at A- 15-721063-C. The foregoing is without prejudice to the grant of further relief by the Court on the motion and the Court intends to issue a subsequent Order addressing the same. Order issued February 16, 2016.;



02/17/2017  **Minute Order (12:20 PM)** (Judicial Officer: Cory, Kenneth)
Minute Order - No Hearing Held;
Journal Entry Details:
Please be advised due to the Court's schedule, COURT ORDERS, Motion for Partial Summary Judgment RESCHEDULED from Tuesday, 3/7/17 to Tuesday, 2/28/17 at 9:00 am. RESCHEDULED TO: 2/28/17 9:00 AM CLERK S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

02/21/2017 **CANCELED Motion to Bifurcate (8:30 AM)** (Judicial Officer: Loehrer, Sally)
Vacated
Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief

02/24/2017 **CANCELED Status Check: Compliance (11:00 AM)** (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

CASE SUMMARY

CASE NO. A-12-669926-C

02/27/2017	<p>Motion for Leave (3:00 AM) (Judicial Officer: Cory, Kenneth) 02/27/2017, 05/18/2017, 06/05/2017 <i>Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint</i> Continued; Continued; Denied Without Prejudice; Continued; Continued; Denied Without Prejudice; Continued; Continued; Denied Without Prejudice;</p>
02/27/2017	<p>Opposition and Countermotion (3:00 AM) (Judicial Officer: Cory, Kenneth) 02/27/2017, 05/18/2017, 06/05/2017 <i>Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees</i> Continued; Continued; Denied Without Prejudice; Continued; Continued; Denied Without Prejudice; Continued; Continued; Denied Without Prejudice;</p>
02/27/2017	<p> All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES</i> Matter Heard; Journal Entry Details: <i>DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES COURT ORDERS, Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Mr. Greenberg to prepare the Order. COURT ORDERS, Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Ms. Rodriguez to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt CLERK'S NOTE: Court VACATES its previous ruling as Denied Without Prejudice as to both Motions. COURT ORDERS, the Motions CONTINUED to 5/18/17 @ 9:00 AM. CONTINUED TO: 5/18/17 9:00 AM DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES ;</i></p>
02/28/2017	<p>Status Check: Trial Setting (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Status Check: Trial Setting</i> Trial Date Set;</p>
02/28/2017	<p> Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth) 02/28/2017, 05/18/2017, 05/25/2017 <i>Plaintiff's Re-Notice of Motion for Partial Summary Judgment</i> Continued;</p>

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Continued;

Denied;

Journal Entry Details:

Following supplemental briefing and statements by counsel; COURT ORDERED, Plaintiff's Re-Notice of Motion for Partial Summary Judgment DENIED. Ms. Rodriguez to prepare the Order. COURT FURTHER ORDERED, All Discovery is OPEN until June 30, 2017. Court ADMONISHED Counsel as to their conduct to in each other.;

Continued;

Continued;

Denied;

Continued;

Continued;

Denied;

02/28/2017



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

STATUS CHECK: TRIAL SETTING... PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT...DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12(C) WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO-YEAR STATUE OF LIMITATIONS... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR AN EVIDENTIARY HEARING... DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT.... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES

Matter Heard;

Journal Entry Details:

STATUS CHECK: TRIAL SETTING... PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT...DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12(C) WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO-YEAR STATUE OF LIMITATIONS... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR AN EVIDENTIARY HEARING... DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT.... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES Court requested counsel calculate the five (5) year rule. Colloquy regarding setting trial February 5, 2018. Ms. Rodriguez advised the parties have been negotiating going to mediation and staying the proceedings pending the outcome of mediation. If the matter does not resolve the Court would be notified to lift the stay. Mr. Greenberg agreed with Ms. Rodriguez's statements. Mr. Greenberg advised he would like the Motion for Partial Summary Judgment argued today, but would leave it to the Court's discretion. Statements by the Court as to the Order for Injunction. Mr. Greenberg requested the hearing be continued into the future so they would not have to re-notice it if the matter does not settle. COURT ORDERED, ALL MOTIONS CONTINUED. COURT FURTHER ORDERED, Trial date SET. Mr. Greenberg to prepare the Order. CONTINUED TO: 5/18/17 9:00 AM 1/18/18 9:00 AM PRETRIAL CONFERENCE 2/5/18 1:30 PM JURY TRIAL ;

03/06/2017



Minute Order (12:00 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

The Jury Trial for this case has been continued to a Stack date of 02/05/18 at 1:30 p.m. The continuance was by stipulation between counsel pursuant to Rule 2.35 EJDRC. The stipulation should contain the dates for the close of discovery pursuant to Rule 2.35. The date for the deadline for filing dispositive motions shall remain no more than 30 days following the discovery cutoff, pursuant to NRCP 16.1 (c) (8). Counsel should not presume that by informally stipulating to continue some discovery past the discovery cutoff date that the above deadline for dispositive motions is somehow affected. The deadline to file motions in limine, in accordance with Rule 2.47 EJDRC remains no less than 45 days prior to the stacked trial date, and heard not less than 14 days prior to the same stacked trial date. The Pretrial Conference/Calendar Call will be held on 01/18/18 at 9:00 a.m. in District Court Dept. 1. The lead trial attorney trying the case shall attend and should come prepared with his/her calendar for the entire 5-week stack, as well as the 5-week calendar for all witnesses to be called in the


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trial. Your case may be tried anywhere within the 5-week stack, regardless of age of the case. The Court notes that it becomes increasingly difficult to accommodate the schedules of out-of-state witnesses, particularly expert witnesses. It is up to counsel to anticipate scheduling difficulties with witnesses and to notify the Court and opposing counsel well in advance of the Pretrial Conference/Calendar Call date. It will not do to simply appear at Calendar Call expecting to notify the Court at that late date of the need to reschedule the trial. If you do so, you may expect to be treated with the same consideration which you have shown for both the Court and opposing counsel. A ready alternative to live, in-court testimony is available through the use of either deposition testimony or live video testimony, through the use of now-available technology installed by the Eighth Judicial District Court. The Court has presided over a number of trials where expert testimony was admitted utilizing a live video feed technique and has noted little or no diminution in the effectiveness of live video testimony compared to live in-court testimony. Rule 2.47 EJDRC The Court is singularly unimpressed with attorneys who wait too close to motion deadlines to hold meaningful conferences pursuant to EJDRC 2.47(b), prompting the filing of many form motions in limine, or worse yet, a form omnibus motion in limine, with little or no particularized reference to the facts of the present case. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel's opportunity to raise prior to trial those few evidentiary issues which are novel or as to which the law is thus far silent. Rather than ask that settled law be enforced in a motion in limine, counsel are invited to file a trial brief outlining an issue in which, in counsel's estimation, the Court may not be as well versed as counsel would wish. An omnibus motion in limine is a sure tip-off that the very stock motions which EJDRC 2.47 seeks to avoid are being filed and accordingly should not be filed. The failure to evidence that meaningful Rule 2.47 conferences are being held will likely result in all motions in limine being stricken by the Court sua sponte. The Court will make the determination not only from the certificate evincing compliance with the Rule but also from the substance of the motions themselves. Also, given that the deadline for filing dispositive motions will have already passed, a motion in limine should not be a motion for summary judgment in disguise. This Order shall supplement the original trial order, which counsel are invited to re-read. 2/5/18 1:30 PM JURY TRIAL 1/18/18 9:00 AM PRETRIAL CONFERENCE CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. Esther Rodriguez, Esq., and Michael Wall, Esq. /mlt;

03/17/2017 **CANCELED Status Check: Compliance (11:00 AM)** (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

05/18/2017 **Motion to Bifurcate (9:00 AM)** (Judicial Officer: Cory, Kenneth)
05/18/2017, 06/05/2017
Plaintiffs' Re-Notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief
Continued;
Granted;
Continued;
Granted;

05/18/2017  **All Pending Motions (9:00 AM)** (Judicial Officer: Cory, Kenneth)
*PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT...
DEFENDANTS MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP
NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR
STATUTE OF LIMITATIONS PLTF'S OPPOSITION TO DEFENDANTS MOTION FOR
JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF
LIMITATIONS AND FOR EVIDENTIARY HEARING... PLAINTIFFS RE-NOTICE OF
MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY
FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF...
DEFENDANTS MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY
COMPLAINT PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION FOR LEAVE TO
AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION
FOR SANCTIONS AND ATTORNEYS FEES*
Matter Heard;
Journal Entry Details:
*PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT...
DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP
12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUTE
OF LIMITATIONS... PLTF'S OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT
ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF*

CASE SUMMARY

CASE No. A-12-669926-C

LIMITATIONS AND FOR EVIDENTIARY HEARING... PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF... DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY COMPLAINT... PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION FOR SANCTIONS AND ATTORNEYS' FEES Mr. Greenberg advised the five (5) year rule should run in late 2018. Colloquy. DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY COMPLAINT... PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION FOR SANCTIONS AND ATTORNEYS' FEES Mr. Greenberg argued against Defendants' motion as to third party as it would be directed at him with the allegations he interfered with a contract. Mr. Rodriguez argued there have been other defendants who have brought claims against Mr. Greenberg and his firm. These are legitimate causes of action as Mr. Greenberg has interfered. COURT ORDERED, Matter CONTINUED FOR CHAMBERS DECISION. PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT Mr. Greenberg gave summary of low tier and high tier and advised the calculations have been made as to \$8.25 versus \$7.25. Further advised as to when the \$7.25 was applied, payroll records provided, and the computations. Mr. Rodriguez argued as to the errata and reply and not receiving a timely expert report or expert. Mr. Greenberg argued there has been a designation of expert. Mr Rodriguez argued plaintiff has reserved an expert, but not designated. Ms. Rodriguez further argued as to the computations their CPA came up with. COURT ORDERED, Matter CONTINUED matter for Mr. Greenberg to provide the Court and counsel a copy of the raw data/spreadsheets. PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF Mr. Greenberg argued as to alter ego and unjust enrichment. Ms. Rodriguez stated no objection if bifurcated for trial, but believe this is just to open discovery. Ms. Rodriguez advised they would be moving at the end of discovery for summary judgment. COURT ORDERED, further briefing; supplemental opposition due 5/24/17, supplemental reply due 5/31/17 and Matter CONTINUED FOR CHAMBERS DECISION. DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUE OF LIMITATIONS... PLTFs' OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING Ms. Rodriguez argued as to Perry vs. Terrible Herbst and NRCP 12(c). Statements by the Court. Mr. Greenberg argued as to duty when the wages changed as of 7/1/2007. The issue is what the employer was required to do. Ms. Rodriguez advised they have attached photos of the notice which was posted. Ms. Rodriguez advised Mr Nady testified each driver was noticed of the change in the minimum wage. Court inquired if a Copeland hearing was needed. Mr. Rodriguez stated not unless the Court is inclined to hear from the State Labor Commissioner. Mr. Greenberg argued it is not necessary to hear how the Labor Commissioner interprets the requirements, it is for the Court to decide. Mr. Greenberg further argued a written change should be placed in the hands of each employee. It is the obligation of the employer to notice each employee. Ms. Rodriguez argued it just has to be posted. Further arguments. COURT ORDERED, Defendants' Motion GRANTED IN PART and Plaintiffs' Countermotion GRANTED as to Toll. CONTINUED TO: 5/25/17 1:30 PM PLAINTIFFS' RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT CONTINUED TO: 6/5/17 CHAMBERS (PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF and DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY COMPLAINT... PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION FOR SANCTIONS AND ATTORNEYS' FEES) ;

06/05/2017



All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth)

DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF

Matter Heard;

Journal Entry Details:

DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO

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CASE No. A-12-669926-C

AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF COURT ORDERS, Plaintiffs' Re-Notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief GRANT for reasons urged by Plaintiff. Plaintiff to prepare the Order. COURT ORDERS, Defendant s Motion for Leave to Amend is DENIED WITHOUT PREJUDICE. If the Court were to grant the Motion, it would simply have to severe determination of that cause of action from the Complaint in this case. Plaintiff to prepare the Order. COURT ORDERS, Plaintiff s Countermotion DENIED WITHOUT PREJUDICE. Additionally, COURT ORDERS, Plaintiff s anti-SLAPP Motion is DENIED as presently MOOT in light of the Court s denial of the Motion for Leave to Amend. Defendant to prepare the Order Counsel are reminded of the Court s stern admonition at the 05/18/17 hearing to quit fighting amongst themselves and litigate their clients cases first. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

06/13/2017



Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief

Matter Heard;

Journal Entry Details:

Statements by the Court regarding the five year rule running in July 2018 and inquired if the motion were granted would it not continue the trial, which is set for 2/5/18. Ms. Sniegocki stated it would only extend the class certification person. The only thing needed is how many hours worked, paid, and would just be a supplement of new people added. Ms. Rodriguez argued it is not that simple. Defendant has had to hire a third party to create a program to generate these reports. Ms. Rodriguez argued discovery is almost closed and in granting this motion they would have to extend discovery for new expert reports. Ms. Sniegocki stated there is an Order from the Discovery Commissioner the defendants were to get the data collected and then wait on this Court's ruling. Further arguments by counsel. COURT ORDERED, RULING DEFERRED on Plaintiff's Motion on OST to Extend damages Class Certification and for Other Relief. Court advised it would refer the matter to the Discover Commissioner for her recommendations.;

06/13/2017



Minute Order (2:28 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

When considering Plaintiff's Motion on OST to Extend Damages Class Certification and for Other Relief the Court concludes it could benefit from the reference to the Discovery Commissioner of a question, given the Discovery Commissioner's thorough and complete familiarity with the on going discovery disputes in this matter. The Court, therefore, refers the matter to the Discovery Commissioner for her recommendation, including whether or not the granting of the Plaintiff's motion would eventuate in the future continuance of the trial in this matter, set for February 5, 2018. Because of time constrains, the Court requests the Discovery Commissioner to give her recommendation by Tuesday, June 27, 2017, if possible. The parties will thereafter have five (5) days to file with this Court an objection to the Discovery Commissioner's recommendations. The matter will then be placed on the Court's chamber calendar on July 10, 2017. 7/10/17 CHAMBERS DECISION: PLAINTIFF'S MOTION ON OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

07/10/2017



Decision (3:00 AM) (Judicial Officer: Cory, Kenneth)

PLAINTIFF'S MOTION FOR OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF

Off Calendar;

Journal Entry Details:

PLAINTIFF'S MOTION FOR OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF Court referred the matter to the Discovery Commissioner, in which she recommended the matter be denied. Therefore, COURT ORDERS, MATTER OFF CALENDAR.;

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08/08/2017



Discovery Conference (10:00 AM) (Judicial Officer: Bulla, Bonnie)

Discovery Conference

Matter Heard;

Journal Entry Details:

Court Directed counsel to return to Discovery. Trial date is 2-5-18. Mr. Greenberg stated the Five Year Rule expires 2018. Ms. Rodriguez disagrees, and it expires October 2017. Discovery closed in June. Judge Cory extended discovery deadlines for experts; initial expert disclosure 9-30-17, and rebuttal expert disclosure 10-30-17. Arguments by counsel. Commissioner advised counsel the 2-5-18 Trial date STANDS unless something is done with the Five Year Rule. Commissioner needs a written Stipulation. Colloquy re: current claimants from January 2016 through the present time. Based on how the Judge rules, if Pltfs prevail, Pltfs will be allowed to collect full wages up to and including the present time if they've been employed during the proper timeframes. Colloquy re: carving out another exception post-Judgment that will not deal people who have a remedy in other cases. No further discovery in this case except for what was discussed post-Judgment. Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

08/14/2017



Motion for Sanctions (3:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiffs Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with That Order

Referred to Discovery Commissioner;

Journal Entry Details:

Inasmuch as the sanctions sought have to do with a Discovery Order this matter is referred to the Discovery Commissioner for her recommendation of the present Motion seeking sanctions for violations of that Order. CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

09/05/2017



Motion (3:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiffs Motion for Partial Rehearing of Court's Order Entered on July 17, 2017

Granted;

Journal Entry Details:

Plaintiffs Motion for Partial Rehearing of Court's Order Entered on July 17, 2017 The Motion will be treated as a Motion to Modify or Clarify the Court's Order entered on July 17, 2017, and to that extent, the Motion is GRANTED to include the following to be inserted in paragraph 5, and after the first sentence: This conclusion is without prejudice to Plaintiffs, through the use of experts or otherwise, to demonstrate to the court the lack of a genuine issue of fact regarding the calculation of damages. CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

10/04/2017



Discovery Conference (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Discovery Conference - referred by Judge

see letter faxed 9/7/17

Matter Continued; Discovery Conference - referred by Judge

Clerk's note on 10-4-17 minute order

Journal Entry Details:


Counsel dispute whether records were produced. Commissioner Recommended production 2-8-17, and Ms. Rodriguez produced documents 6-13-16. Arguments by counsel. Ms. Rodriguez provided a Declaration from the expert, his Report, and Plaintiff's Tenth supplemental disclosure to Commissioner in Open Court. Colloquy re: production. COMMISSIONER RECOMMENDED, matter is UNDER ADVISEMENT and CONTINUED; Commissioner will issue a Decision. Ms. Sniegocki will submit supplemental Reports to Commissioner (copy Defense counsel). 11-8-17 9:00 a.m. Discovery Conference - referred by Judge (VACATED 10-19-17 JL) CLERK'S NOTE: The Discovery Commissioner having conducted a Conference Call with counsel (noted above) on 10-13-17, Recommends that by 11-13-17 Defendant will submit a sworn statement (Affidavit or Declaration) that Defendant did not maintain records of "total hours worked per pay period" per employee prior to January 1, 2013, in


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contravention of NRS 608.115. The imposition of potential sanctions regarding this conduct is Deferred to the District Court Judge. Plaintiffs' counsel to prepare the Report and Recommendation, Defense counsel to approve as to form and content. The Report and Recommendations must be submitted to Discovery within 10 days of receiving this Clerk's note. The Hearing set for 11-8-17 at 9:00 a.m. is hereby vacated. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Michael Wall - Hutchinson & Steffen Dana Sniegocki - Greenberg Leon Esther Rodriguez;

10/05/2017 **CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

11/16/2017  **Motion for Appointment of Attorney** (3:00 AM) (Judicial Officer: Cory, Kenneth)
Plaintiffs' Motion for Appointment of Co-Class Counsel
Granted;
Journal Entry Details:
COURT ORDERED, Plaintiff's Motion for Appointment of Co-Class Counsel GRANTED. Mr. Greenberg to prepare the Order. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

11/28/2017  **Motion to Continue** (9:00 AM) (Judicial Officer: Cory, Kenneth)
Defendants' Motion on Order Shortening Time to Continue Hearing of December 5, 2017
Granted;
Journal Entry Details:
Colloquy regarding rescheduling Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(b) Invalid set for December 5, 2017. COURT ORDERED, Motion RESCHEDULED TO 12/14/17. RESCHEDULED TO: 12/14/17 9:00 AM;

12/07/2017  **Motion to Bifurcate** (3:00 AM) (Judicial Officer: Cory, Kenneth)
Plaintiff's Motion for Bifurcation and/or to Limit Issues for Trial Per NRCP 42(b)
Denied;
Journal Entry Details:
COURT ORDERS, Plaintiff's Motion for Bifurcation and/or to Limit Issues for Trial is DENIED, except to the extent that Plaintiff seeks to admit evidence of damages by representative sampling, pattern or practice evidence, or other approximation. NRS 608.115 requires, in relevant part, that employers keep records of its employees wages and hours worked for each pay period. Nev. Rev. Stat. Ann. 608.115 (West). Plaintiff argues that because Defendant failed to keep these records, and because employees do not have the records nor a duty to keep the records, Plaintiff should be allowed to present evidence of the employees average hours worked per shift. Defendant argues that it kept records of the actual hours its employees worked in the form of handwritten tripsheets, and that evidence of an approximation is inadmissible in lieu of the precise data. Defendant's tripsheets document the hours each of its employees worked during any given shift. Because the tripsheets are handwritten physical documents, compiling data from the records requires litigants to undertake the task of locating and compiling each employee's several tripsheets for each of the thousands of pay periods in question. Apparently, NRS 608.115 does not specify a particular medium in which employers must keep the records; however, an employer cannot avoid liability under Nevada's Minimum Wage Act by keeping records in a form that makes it virtually impossible for litigants to challenge the sufficiency of compensation paid. And at any rate, NRS 608.115 requires that employers keep a record of its employees hours per pay period; Defendant's tripsheets do not do so. In this case, an approximation would provide a reasonably expeditious means of calculating and allocating damages, whereas an individual calculation for each class member would impose impossible burdens on the litigants. See Bell v. Farmers Ins. Exch., 115 Cal. App. 4th 715, 753 (2004). Defendant understandably argues the disadvantages of such approximation evidence, and we acknowledge that such an approach necessarily yields an average figure that will overestimate or underestimate the right to relief of individual employees. See id. We have weighed the disadvantages of such evidence against the opportunity to vindicate an important constitutional mandate in a manner that does not impose an undue burden on the court or the litigants. See id. Like under-compensation cases that employees have brought under the Fair Labor Standards Act, calculation of damages on an individualized basis in this case would be impracticable and would undermine the purpose and utility of class actions. See Smith v. Lowe's Home Centers, Inc., 236 F.R.D. 354, 357 (S.D.

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Ohio 2006). For the foregoing reasons, and for other reasons argued by the Plaintiff, the Court **ORDERS** the following: Plaintiff may present at trial evidence of approximate damages so long as he makes an ultimate approximation (not merely advances a model by which damages could be approximated), so long as there is a sufficient basis from which a reasonable inference of damages could be drawn, and so long as the evidence is otherwise admissible. Defendant may counter by advancing evidence of its employees precise shift length, by advancing its own approximation and demonstrating its superior accuracy, or by advancing other evidence that would tend to negate the reasonableness of the inference to be drawn from Plaintiff's evidence. See *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 688 (1946). Ms. Rodriguez to prepare the Order. **CLERK'S NOTE:** The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt **CLERK'S NOTE:** Minutes Amended and re-circulated to all parties on 12/21/17. /mlt;

12/14/2017

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner
DCRR 10-4-17 - See Clerk's note

12/14/2017



Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)
Plaintiff's Motion for Partial Summary Judgment And Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare Nac 608.102(2)(B) Invalid
Granted in Part;
Journal Entry Details:
Mr. Greenberg argued as to factual issue of wages and listed the three facts. Ms. Rodriguez argued the plaintiff's argument is relied upon inadmissible evidence and argued Rule 56(e). The experts used by the plaintiff do not meet the Hallmark requirement and their reports are not admissible. Further arguments by counsel. **COURT ORDERED**, Plaintiff's Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(B) Invalid **DENIED** as to Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(B) Invalid and **GRANTED** only to the extent Plaintiff has established the liability claim; the only thing left are the damages. Mr. Greenberg to prepare the Order.;

01/02/2018



Motion for Summary Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)
Defendant's Motion for Summary Judgment
Denied;
Journal Entry Details:
Ms. Rodriguez argued there have been no calculations of damages and believe the Court should dismiss the case in its entirety as there is no evidence of actual damages for on individual, or a class of individuals. If the Court is not willing to dismiss entirely the defense request the dismissal of the claims against Mr. Nady. There is no evidence to support plaintiff's claims of civil conspiracy, aiding and abetting. Court **NOTED** bifurcation had been granted. Ms. Rodriguez argued the plaintiffs have not come up with any evidence while doing discovery to support a civil conspiracy, unjust enrichment, or punitive damages claim. The only response the plaintiffs put forth in their claim for punitive damages is the fraud claim. Plaintiffs accusation is that A Cab forced its drivers to write fraudulent break times into the trip sheet, but then they argue that its not a fraud claim. Ms. Rodriguez stated she has always argued this isn't a minimum wage claim, its a claim for unpaid hours and should only be considered through 2012. Mr. Greenberg argued The Sarvas case, Just Film case, Hanon case, Parsons, and East Texas Motor Freight case. Mr. Greenberg argued the U.S. Department of Labor made a finding in 2013 that the defendants were manipulating the trip sheets and were forcing drivers to put in break time in their trip sheets that were false to conceal the hours they worked. Mr. Greenberg argued the constitutional amendment's language which says "shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including, but not limited to back pay damages, reinstatement, or injunctive relief." It doesn't say compensatory damages, punitive damages, it just says damages. Mr. Greenberg suggested the Court look beyond the language to the broader circumstances of this case. Mr. Greenberg stated in there is a finding of liability against A Cab and A Cab satisfies that liability, there would be no claim against Mr. Nady, but if A Cab does not satisfy the judgment plaintiffs are prepared to proceed against Mr. Nady. The actual claim against Mr. Nady if they were to proceed would be a claim in equity, under a theory of unjust enrichment or alter ego. Mr. Greenberg further argued the question here is how much did the defense pay these people

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and how many hours did they work. Further arguments by Ms. Rodriguez. COURT ORDERED, Defendant's Motion seeking Summary Judgment in favor of defendants and complete dismissal DENIED. COURT ORDERED, Defendant's Motion seeking Dismissal of the Class Action/Decertification on the Class DENIED. COURT ORDERED, Defendant's Motion seeking Dismissal of the Punitive Damages DENIED. COURT FURTHER ORDERED, Dismissal of the Claims Made Against Defendant Nady DENIED WITHOUT PREJUDICE. Mr. Greenberg to prepare the Order.;

01/18/2018



Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth)

Trial Date Set;

Journal Entry Details:

Colloquy regarding trial time. COURT ORDERED, Trial date SET. COURT FURTHER ORDERED, Joint PreTrial Memorandum, Proposed Jury Instructions, and Proposed Voir Dire due 2/12/18. 2/26/18 1:30 PM JURY TRIAL;

01/25/2018

Motion in Limine (9:00 AM) (Judicial Officer: Cory, Kenneth)

Plaintiffs' Omnibus Motion in Limine #1-25

Off Calendar;

01/25/2018

Motion in Limine (9:00 AM) (Judicial Officer: Cory, Kenneth)

Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts

Off Calendar;

01/25/2018



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

PLAINTIFFS' OMNIBUS MOTION IN LIMINE #1-25...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' EXPERTS

Matter Heard;

Journal Entry Details:

PLAINTIFFS' OMNIBUS MOTION IN LIMINE #1-25...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' EXPERTS Court STATED the Motions in Limine would NOT be heard. Court STATED the purpose of today s hearing will be the subject of a motion filed by plaintiffs in May of 2015 to request the Court to appoint a special master paid for by the defendants to compile the hours of work information as contained in the trip sheets. Ultimately the Court denied the motion and the reason that the Court gave at that time was: The Court is not persuaded that the underlying reasons advanced by the plaintiffs provide a sufficient basis to place the entirety of the financial burden of such a process upon the defendants. The entirety of the litigation process since that time to the present convinces the Court that indeed is not only an appropriate way to resolve this issue, but is perhaps the only way to accurately resolve this issue and for that reason if that motion is renewed at this time, the Court is going to grant it. Mr. Greenberg advised they would not renew the request for the appointment of the special master if plaintiffs and the class had to bear the cost of the process. Court indicated if the motion is renewed as it was with the costs borne to the defendants it would be granted. If it is going to be done, it needs to be done immediately. The order needs to be entered so if the defendants choose to seek any appellate relief they can do so. Mr. Greenberg requested two additional items; if the Court has someone in mind that would be appropriate as a special master, to advise. Secondly, that the findings of the special master in respect to the hours worked per pay period be deemed established as the working time for purposes of this litigation. Defendants have continually insisted in this litigation that the trip sheets do contain an accurate statement of the time. Ms. Rodriguez argued the plaintiffs have had over two years to come up with a methodology for calculation. They ve had the trip sheets and other routes. They chose this Excel spreadsheet. At the end of the day that route and that methodology doesn t work and they have not met their burden. That was their decision and in-between there were a lot of red herrings, there was a lot of cost, and thousands of dollars to the defendant to chase W-4s, to chase cab manager data, to chase the trip sheets themselves and plaintiffs never even looked at any of it. Now the Court is saying plaintiffs have failed to meet their burden, shifting the burden now to the defendants financially now again to basically start over with what plaintiff should have done back in May of 2015. Ms. Rodriguez requested the Court to consider that this is a very large financial burden to the defendants that the plaintiffs should share in, due to everything else that the defendants have had to bear in-between there for two and a half years. Court STATED in the end if the Court found that there was not compliance with the Minimum Wage Act in our Constitution and therefore they prevailed to some extent in the lawsuit. Would not the costs that they would soak up at that time still shift to the defendant. Court cited NRS 608.115 and stated it is satisfied that this is a quest driven by or founded in the Constitution and therefore it must be accorded particular deference when it

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comes to the ways that the Court might use to enforce the Minimum Wage Act. Ms. Rodriguez advised the plaintiffs are willing to stipulate to not make a claim for the 8.25 an hour and inquired if the Court is asking the special master to look for any violations based on the 7.25 an hour as opposed to the 8.25 an hour. Secondly, the time frame the special master will be looking at. Mr. Greenberg argued the statute of limitations applicable to the class claims in their entirety extends from October of 2010 and the class period concludes under the Court's order at the end of 2015. Ms. Rodriguez argued she did not believe there was a dispute after July of 2014, why would they have a special master go through 18 months of thousands of trip sheets that are not in question. Mr. Greenberg argued they have been trying to litigate this case to judgment based upon the Court's rulings and how they can present the case within the confines of those rulings. Plaintiffs have looked extensively to the QuickBooks records from 2013 to 2015. Court inquired if the order on file cut it off at mid-2014. Mr. Greenberg stated no and advised defendants' expert conducted their own very limited study of trip sheets for that 2013 to 2015 period. Mr. Greenberg requested the study period by the special master be to the end of the class period of December 31, 2015. Further, Mr. Greenberg stated plaintiff's position is it would be more sensible to decertify the class to the limited extent of saying the only claims that will be adjudicated here on a class-wide basis are the class members' entitlement under the 7.25 an hour rate. If any individual class member believes that they are entitled to the higher rate, they would then be free to litigate that issue independently, but that would not be heard or determined as part of this proceeding. Court STATED it would be anticipating the order would be at the 7.25 rate. For purposes of what we're trying to accomplish here, the special master would be asked to provide this work at the 7.25 rate. Court DIRECTED counsel to submit the names of Special Masters by Thursday, February 1, 2018. COURT ORDERED, Trial date VACATED. 2/2/18 9:00 AM STATUS CHECK: APPOINTMENT OF SPECIAL MASTER ;

02/02/2018

**Status Check (9:00 AM)** (Judicial Officer: Cory, Kenneth)**STATUS CHECK: APPOINTMENT OF SPECIAL MASTER**

Matter Heard;

Journal Entry Details:


COURT ORDERS, Micahael Rosten and the firm of Piercy Bowler Taylor & Kern of Las Vegas, Nevada, **APPOINTED** as Special Master in this case. The purpose of such Special Master appointment is to determine for each class member, based upon the hours of work set forth in their trip sheets for each pay period, and the wages they were paid in each such pay period as set forth in A Cab's QuickBooks records, the unpaid minimum wages they are owed by A Cab pursuant to Article, 15, Section 16, of Nevada's Constitution (the "MWA") under the "lower tier" or "health insurance provided" minimum wage rate. That determination is to be made for all class members for all pay periods falling entirely within the class period of October 8, 2010 through December 31, 2015. That determination is also to be made for those class members who were granted a statute of limitations toll pursuant to this Court's Order entered on June 7, 2017 for all pay periods occurring entirely after the statute of limitations toll date listed for them in Exhibit "A" of that Order and prior to December 31, 2015. **COURT ORDERS**, in determining the hours of work shown by a trip sheet, the Special Master shall accept as correct the characterization of time as "breaks" or "meals" or non-working time in the trips sheet as accurate and subtract all such time from the interval between the start and end time for the shift as recorded on the trip sheet. The Special Master in their report shall also note the indicated start and end time of "break" or "meal" time entry on each trip sheet. In the event that no shift end time is recorded or fully legible on a trip sheet the Special Master shall indicate in their report the times on that trip sheet's copy of the printed receipt that included Meter Details and that trip sheet's copy of the printed fuel purchase receipt and use the earlier of each time arrive as a "shift end" time for purposes of calculating the hours worked during the shift. If no legible "Meter Details" or fuel purchase receipt time exists on that trip sheet the Special Master shall not calculate any hours of work for that trip sheet and that shift and shall record that they were unable to arrive at a working hours total, or perform a minimum wage underpayment calculation, for the class member during a pay period the Special Master shall include all items of taxable income paid by A Cab to the class member during the pay period as recorded in A Cab's QuickBooks records but shall not include any amounts identified as "Tips" or "Tips Supplemental." The Special Master shall rely on the parties' stipulated agreement as to the wages paid to the class members each period if the parties so agree to stipulate. **COURT ORDERS**, A Cab shall, forthwith, provide the Special Master all records necessary for the performance of its appointment and as the Special Master requests. The first meeting of the parties and the Special Master directed by NRCP 53(d)(1) is dispensed with. The Special Master shall deliver the report of their findings to the Court and parties no later than 45 days from the Special Master's receipt of the deposit specified in this Order. The report so furnished shall state the total amount of unpaid minimum wages so owed, if any, for each class member; the amount of hours each class member was found to have worked each pay period for A Cab;

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and the amount of wages within the meaning of the MWA they were paid each pay period by A Cab. The report shall also indicate every pay period for every class member that the Special Master finds the records reviewed contained incomplete or not fully legible information and for which no determination on whether proper minimum wages were paid could be made. At the request of any party, the Special Master shall provide the report's foregoing findings in an Excel file. COURT ORDERS, the costs of the Special Master shall be borne by the defendant A Cab who shall, within 10 days of the entry of this Order deposit with the Special Master the amount of \$25,000 for their services, the Court also expressly reserving the possibility that it may in the future direct some portion of the Special Master's cost be shifted to the plaintiffs if the Special Master's report documents circumstances that the Court finds warrant it doing so. COURT FURTHER ORDERS, the Court WILL NOT be entertaining a motion for reconsideration of this order by the defendants. ;

02/05/2018 **CANCELED Jury Trial (1:30 PM)** (Judicial Officer: Cory, Kenneth)
Vacated


02/13/2018  **Minute Order (11:04 AM)** (Judicial Officer: Cory, Kenneth)
Minute Order - No Hearing Held;
Journal Entry Details:

The Court has in its possession copies of the letter of Ms. Rodriguez to Michael Rosten of Piercy Bowler Taylor & Kerns, as well as the responsive letter from Mr. Greenberg. As of this writing it has been nineteen (19) days since the Court Ordered that a Special Master be appointed, and yet inadequate progress is being made toward implementation of that Order. The Court is extremely concerned with the passage of time in this matter for reasons previously expressed. In order to prevent one more issue from injecting itself into these proceedings, and in light of the possibility that any local firm may trigger another objection due to purported conflicts of interest, the Court rescinds its appointment and its selection of Mr. Rosten of Piercy Bowler Taylor & Kerns, and selects Dr. Ali Saad of Resolution Economics to be the Special Master in this case. Mr. Rosten and Piercy Bowler Taylor & Kerns may present their bill for services rendered to the Defendant who shall have 10 days to pay the same and this matter will proceed to its conclusion. Mr. Greenberg to prepare the Order in conformity herewith. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

02/15/2018  **Status Check (10:00 AM)** (Judicial Officer: Cory, Kenneth)
Appointment of Special Master
Matter Heard;
Journal Entry Details:

Ms. Rodriguez argued a conflict check should have been done by Mr. Rosten of Piercy Bowler as one of the cab drivers of A Cab has a brother who is a managing shareholder of Piercy Bowler and that is a conflict. Further argued as to a possible bill being submitted to the defendant by Piercy Bowler. Mr. Greenberg stated he cannot speak as to whether Mr. Rosten did or did not do a conflict, but can represent to the Court there were five or six nominees and every single one did inquire about any conflict based upon their firm's involvement in other matters. Mr. Greenberg advised they were all proved with a copy of the complaint. Mr. Greenberg further advised it was represented to him by Mr. Saad and his firm that a conflict check was done. Court STATED it has made its decision to use Dr. Saad, an out-of-state firm, and that way the possibility of knowing someone is limited. Court DIRECTED Defendants to overnight the materials they have in there possession to Dr. Saad and transmit a letter which inquires of him what conflicts check he has done. Mr. Greenberg clarified the materials that are available immediately to overnight are both the QuickBooks payroll information and the October 2010 later trip sheets. Ms. Rodriguez advised there are 300,000 trip sheets on an external hard drive that can be overnighed.;

02/26/2018 **CANCELED Jury Trial - FIRM (1:30 PM)** (Judicial Officer: Cory, Kenneth)
Vacated

03/06/2018  **Minute Order (4:14 PM)** (Judicial Officer: Cory, Kenneth)
Minute Order - No Hearing Held;
Journal Entry Details:

The Court has reviewed Defendant s Motion on OST for Stay, received on March 2, 2018, Plaintiffs Response to Defendant s Motion, Plaintiffs Motion on OST to enforce the Court s

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Orders, and the e-mail correspondence from counsel and the Special Master, Dr. Saad. For the reasons stated herein the Court grants a temporary stay to resolve the Defendants claimed inability to pay the Special Master the initial \$25,000 required by previous court order. In addition to Defendants protestations of their temporary inability to pay the initial \$25,000, the Court also GRANTS a temporary Stay due to health considerations of the Court. The Court has scheduled a necessary surgery for March 8, 2018, which surgery will require a relatively brief recuperation period. The Court is therefore entering an indefinite stay for both reasons, which the Court anticipates will not last longer than approximately 3 weeks. The Court has considered whether it would make more sense to recuse from the case, and/or request a reassignment by the Chief Judge of the Eighth Judicial District Court. However, the duplication of the time and effort it would take for another judge to become adequately conversant with this case would likely protract this case yet again, and would likely cost the parties more in attorney fees; nor would it facilitate an economical and fair management of this litigation. Recusal or reassignment would necessitate such delay that it should only come as a last resort. Inasmuch as the anticipated calendared surgery is laparoscopic in nature, the Court feels confident that it will be fully functional and able to proceed ahead within three weeks. In the meantime, the Special Master is directed to cease all efforts to complete the task previously ordered by this Court until further order of this Court. Additionally, because there will be a breathing space of approximately three weeks the Defendants should well be able to set aside the initial \$25,000 deposit, and are ordered to do so. The court anticipates setting a hearing date to accomplish the following: 1. Dissolve the stay; 2. Argue and rule on the various motions which have been filed; and 3. Reset the Rule 41(e), i.e., 5-year Rule, date by which this matter must be concluded. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) and Special Master Dr. Saad (ASaad@resecon.com). /mlt ;

03/15/2018

**Motion to Strike** (3:00 AM) (Judicial Officer: Cory, Kenneth)

*Plaintiffs' Motion to Strike Defendants Affirmative Defenses
Off Calendar;*

Journal Entry Details:

This case was Stayed on March 06, 2018, therefore COURT ORDERS, the Motion to Strike Defendants Affirmative Defenses OFF CALENDAR. Parties to re-notice their Motion once the Stay is lifted. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

04/26/2018

**Minute Order** (1:30 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

On April 17, 2018, Plaintiffs filed PLAINTIFFS MOTION ON OST TO LIFT STAY, HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER, GRANT PARTIAL SUMMARY JUDGMENT, DIRECT A PROVE UP HEARING, AND COORDINATE CASES. The Court signed an Order Shortening Time, setting the matter for hearing on April 27, 2018, nine days later, admittedly a shortened setting. Shortly after notifying counsel of the hearing, chambers received a telephone call from Esther Rodriguez advising that she would be out of the country, having reset a vacation which she had earlier canceled due to an earlier trial setting in this matter. Notwithstanding EDCR 2.22, the Court acted upon that request and reset the hearing for May 4, 2018, believing that a fuller response to this admittedly complex motion could be had. After the matter had been continued to May 4, Plaintiffs caused to be filed the same motion, bearing the caption of this case and the case sought to be coordinated by the motion: A721063, Jasminka Dubric v A Cab, et al. That motion bore the previous OST which set the hearing once again on April 27, 2018. On the next day, April 19, 2018, this Court received an un-filed chamber s copy of the same motion, this time bearing the caption of and Dubric v A Cab, A721063, which reflected that it was pending in Department 25. However, Odyssey does not reflect a filing of this document. Needless to say, the rapid-fire filing and service of these motions caused considerable confusion and consternation, not only for Defendants counsel but also for the Court. The Court decided to proceed on the April 27 hearing pertaining to the second, double-captioned version of the motion, simply for the purpose of having Plaintiffs counsel explain the intentions of the Plaintiffs. Accordingly, the Court determined that Ms. Rodriguez presence was not required and telephonically notified associate counsel, Michael Wall, to be present. Mr. Wall protested that he was on the case only as appellate counsel. Subsequently, on April 24, the Court receive a letter of strong objection from Ms. Rodriguez pertaining to the Court s going forward with any hearing on April, 27 (See Left Side Filing, Counsels facsimiles), which apparently prompted Mr. Greenberg to send a missive, pleading

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with the Court to proceed on April 27 on the entire motion ((See Left Side Filing, Counsels facsimiles). To avoid complicating this matter further, the Court will continue the hearing on the second filed double-captioned version of the motion to May 4. In the meantime, the Court would appreciate an explanation from Mr. Greenberg in a pleading filed with the Court as to why there are two court filings and one chambers copy of the same motion with three different captions. While the court believes that Plaintiffs effort was simply to make clear to all parties in both cases the coordination-of-cases aspect of the motion, further explanation would be appreciated. The Court will take up the matter on May 4, 2018. 5/4/18 9:00 AM PLAINTIFFS MOTION ON OST TO LIFT STAY, HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER, GRANT PARTIAL SUMMARY JUDGMENT, DIRECT A PROVE UP HEARING, AND COORDINATE CASES CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

05/01/2018



Minute Order (4:35 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

PLAINTIFFS MOTION ON OST TO LIFT STAY, HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER, GRANT PARTIAL SUMMARY JUDGMENT, DIRECT A PROVE UP HEARING, AND COORDINATE CASES was set to be heard on May 4, 2018. (See April 26, 2018 Minute Order). Due to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be VACATED until further order of this Court. Furthermore, the STAY IS TO REMAIN IN PLACE until further order of this Court. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt ;

05/04/2018

CANCELED Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated

Plaintiffs' Motion on OST to Lift Stay, Hold Defendants in Contempt, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Cases

05/22/2018



Minute Order (3:23 PM) (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:

This Court deems it advisable to make a record of the various events which led to this Court setting down a hearing on May 23, 2018 to hear Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Case. That recitation of events includes the deliberate actions of counsel for both sides and the circumstances beyond the control of counsel and this Court which have led to the hearing date of May 23, 2018. On February 16, 2017, this Court Granted a Preliminary Injunction enjoining Defendants from seeking settlement of any unpaid wage claims involving any class members except as part of this lawsuit. A Supplement to Order for Injunction Filed on February 16, 2017 was filed on February 17, 2017, providing the explanation required by NRCP 65. On March 6, 2018, this Court entered a Minute Order granting a temporary stay due to health considerations of the Court. The Court had scheduled a necessary surgery for March 8, 2018, anticipating being out of the office for approximately 3 weeks. On April 6, 2018, the Nevada Supreme Court entered an Order reversing this Court s Order granting of the preliminary injunction. On April 16, 2018, the Court granted an Order Shortening Time in connection with Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Cases, and set the hearing for April 27, 2018. When the Court was advised Defendants Counsel would be out of the country on April 27, 2018, the Court reset that Motion to be heard on May 4, 2018. On April 30, 2018, this Court s wife passed away unexpectedly. On May 1, 2018, the Court issued a Minute Order that [d]ue to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be vacated until further order of this Court. Furthermore, the Stay is to remain in place until further order of this Court. On May 17, 2018 the Court received a copy of a Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., wherein Plaintiffs Counsel declared that at a hearing on May 9, 2018 Department 25 had vacated the prior grant of partial summary judgment as to the only named Plaintiff in that lawsuit (Dubric) and set a hearing for the preliminary approval of a proffered class settlement proposal. Further, Plaintiffs Counsel argued that the Defendants actions, unless Department 1 would hear the Motion for Coordination prior to May 24, 2018, would inevitably result in a reverse auction described in

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this Court's Supplement to the Preliminary Injunction, thereby obstructing the proper administration of justice in this case. Plaintiff's Counsel further urged this Court to grant the coordination requested under EDCR 2.50 immediately in chambers prior to the next hearing in Department 25. Due to the unavailability of this Court due to the death of the Court's spouse, Department 1 law clerk sought guidance from the Chief Judge of the Eighth Judicial District Court pursuant to EDCR 7.10. As Senior Judge Bonaventure was scheduled to hear Department 1's cases while Judge Cory was unavailable, the Chief Judge requested that if Judge Cory remained unavailable that Judge Bonaventure hear so much of Plaintiff's Motion as Judge Bonaventure thought necessary. Accordingly, on May 17, 2018, the Court set a hearing date for May 23, 2018. Department 1 law clerk was advised by both counsel that they were available for the May 23, 2018 hearing. The Stay previously imposed by this Court is hereby LIFTED for the purposes of the May 23, 2018 hearing. Finally, the time of the hearing is continued from 10:30 a.m. to 1:30 p.m. so that Judge Cory may return to the bench to hear the Motion. CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Mark Bourassa, Esq. (mbourassa@blgwins.com) /mlt ;

05/23/2018



Motion (1:30 PM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion for Miscellaneous Relief

Denied in Part;

Journal Entry Details:

Counsel gave summary of case and the case in front of Judge Delaney. COURT ORDERED, Plaintiff's Motion for Miscellaneous Relief DENIED. The Court is not ruling on the suggested renewed motion for preliminary injunction. This case needs to go forward and the Court is disinclined to hold up the matter for non-payment to the special master. COURT FURTHER ORDERED, \$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to be present at the next hearing to show proof of the posting. 6/1/18 10:00 AM PLAINTIFF'S MOTION TO HOLD DEFENDANT IN CONTEMPT, STRIKE THEIR ANSWER;

06/01/2018



Motion (10:00 AM) (Judicial Officer: Cory, Kenneth)

PLAINTIFF'S MOTION TO HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER

Matter Heard;

Journal Entry Details:

Upon Court's inquiry, Mr. Greenberg confirmed the basis to find Defendants in contempt of court is the nonpayment of funds to the Special Master. Arguments by Mr. Greenberg and Ms. Rodriguez regarding whether or not Defendants have the money to pay the Special Master and the effects of litigation in another matter. Court noted it is hesitant to hold Defendants in contempt for failure to pay due to the Affidavit and Financial documents put forward by the Defendants. Court directed counsel to provide case authority, not necessarily in Nevada, where a court has proceeded to hold Defendant in contempt for failure to make payments but the Defendant claims it does not and will not have the money. Court advised it will revisit the issue at the upcoming court date; it will not hear further argument, but will announce if it will grant the Motion and what sort of sanction it may impose. If the issues are not resolved at that time, the Court will hear the Motion for Partial Summary Judgment. Colloquy regarding the next court date. Court directed counsel to submit case authorities by noon on Monday, June 4th. COURT ORDERED, matter SET for Motion for Partial Summary Judgment. 6/5/18 3:00 PM MOTION FOR PARTIAL SUMMARY JUDGMENT;

06/05/2018



Motion for Partial Summary Judgment (3:00 PM) (Judicial Officer: Cory, Kenneth)

Plaintiff's Motion for Partial Summary Judgment

Granted;

Journal Entry Details:

COURT STATED ITS FINDINGS and ORDERED, Plaintiff's Motion for Partial Summary Judgment GRANTED to the extent that not only is the time period of 2013-2015 granted, but using the rational and the evidence propounded by the plaintiffs, which they in turn claim is based on the evidence propounded by the defendants to grant the same summary judgment for the period of 2007-2012. It is the Courts understanding that amounts to approximately \$174,000.00; the Court does not have the precise amount. Mr. Greenberg advised the amount for 2013-2015 is itemized in precise amounts to identify the individuals and does amount to \$174,839.00 which is the amount requested, which is at least \$10.00 an hour owed to these individuals. If it is below \$10.00 an hour they are treating it as De Minimis and not bothering with it. COURT SO ORDERED. Additionally, COURT ORDERS, in the amount of

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\$804,000.00 for the period of 2007-2012. Court inquired if that was the correct amount. Mr. Greenberg stated the Court could recite that number and he would submit an order for the Court's approval. Mr. Greenberg indicated he would like to submit the actual pay periods and calculations for each individual with the documentation in conjunction with a final order that the Court could approve with an appendix of the judgment amounts for each individual. As to the interim fees is there any evidence before the Court or any recitation, or numbers that would show the Court how it was calculated. Mr. Greenberg advised on November 2nd he submitted to the Court a declaration that he had expended over 850 hours and \$35,000.00 at that time in costs. Court inquired as to the fee amount and based on what hourly rate. Mr. Greenberg stated if he was to be compensated for 500 hours at \$200.00 an hour it would be \$100,000.00. Court indicated this issue would be the subject of a separate motion. The Court is not stating interim fees should not be award, because this Court believes they should, but there has to be a basis for the calculation. Mr. Greenberg advised he had submitted a declaration in support of fees request on November 2nd; 850 hours spent on the prosecution of this case, \$27,200.00 for expert, witness, and technical consultant costs. Court requested the total fees and hours. Mr. Greenberg stated the fees request are \$35,200.00 and requested a round reward of \$100,000.00 in interim fees based on the fact at that time he had expended over 850 hours. The total time expenditures is 1,100 hours personally, Ms. Sniegocki has over 500 hours, and the costs are \$35,200.00 as of November 2; have requested \$135,000.00 in total. Mr. Greenberg inquired if he could include the \$135,000.00 interim award in the Order he would be presenting to the Court. Court indicated yes. Mr. Greenberg advised the Minimum Wage Act empowers the Court to award any relief that it is empowered to act to award in any civil action of an equitable injunctive type nature and referred to Texas State Teachers vs. Garland. Mr. Greenberg advised they would be before this Court on post-judgment motion for full fee award and a detailed itemization would be submitted. Court STATED it would review the authority given in the motion and make the determination whether an interim award would be awarded; Court is not making a ruling from the bench on that issue and would issue a minute order. Mr. Greenberg advised he would like to submit a final order in accordance with the other ruling made today so that a final judgment can be entered appropriately. Mr. Greenberg stated it is his understanding that the directions given today are to fashion an order that will constitute a final judgment in this case pursuant to the rulings today. Court inquired if Mr. Greenberg was stating the Court could dissolve the class and allow those former class members who wish to go forward to go forward on the higher amounts. Mr. Greenberg stated the judgment would be fashioned in individual amounts for each individual class member pursuant to the approach the Court has discussed today. This will constitute a final judgment of the Court to the extent any class member asserts they are owed amounts under the Minimum Wage Act or under NRS 608.040. There were NRS 608.040 claims that were made in this case and believe it would be more efficient to dismiss those claims without prejudice and if any class member wishes to pursue the claim they are entitled to compensation in excess of the Court has awarded, they would be free to do so. Court inquired if this would be a final judgment as to all defendants. Mr. Greenberg stated it would be final judgment as to all defendants and to the class representatives. Court inquired what happens to the conspiracy claim. Mr. Greenberg advised it would be dismissed without prejudice. Mr. Greenberg advised the claims against Mr. Nady personally have been severed; entering final judgment would be to the corporate defendants. Mr. Nady is not subject to that judgment and there would be no need for the claims against Mr. Nady to proceed. The Court could issue a stay of those claims pending entry of final judgment and if final judgment is not satisfied the claims against Mr. Nady would proceed separately. Mr. Wall argued severing claims does not make it a separate case and it would not be a final judgment. A final judgment is a judgment that resolves all claims against all parties that were asserted. Severing claims is just a matter by which method each claim is decided. If you bifurcate a case, you do not get a final judgment until you re done with the second half of the bifurcated case. You do not get multiple final judgments in Nevada and it is clear in Lee vs. GNLV. Mr. Greenberg argued Valdez vs. Cox. Further argument by Mr. Wall and Mr. Greenberg. Court directed Mr. Greenberg to submit authorities with the proposed order and Defendants will have 10 days to submit any countervailing authorities. Ms. Rodriguez inquired if the finding as to the 2007-2012 is based on the 9.21 average hours. Court indicated it was based on the argument put before the Court by plaintiff's counsel that the number is accurate. Court DIRECTED Mr. Greenberg to include with his briefing and proposed judgment the calculation basis on the 2007-2012 amount, and include the methodology of the calculation. Court STATED defendant's will have 10 days to submit any countervailing authorities or argument if they feel it is improper. ;

09/26/2018

Motion to Quash (9:00 AM) (Judicial Officer: Cory, Kenneth)**09/26/2018, 09/28/2018**

Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time

Continued;

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Denied;
Continued;
Denied;

09/26/2018

Opposition and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth)

09/26/2018, 09/28/2018, 11/29/2018

PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF

Continued;
Matter Heard;
Continued;
Continued;
Matter Heard;
Continued;
Continued;
Matter Heard;
Continued;

09/26/2018



All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)

ALL PENDINGS - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF

Matter Heard;
Journal Entry Details:

ALL PENDING - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF Kelly Dove, Esq. present on behalf of Wells Fargo. Mr. Shafer requested the Court quash the writ of execution as to third parties. Mr. Shafer argued the plaintiffs are not entitled to execute against independent entities and is a violation of NRS 86.296. Mr. Shafer further argued the defendant has not received the notice of writ of execution and proof of service has not been made. Mr. Nady advised as to how the entities and accounts are setup and paid out. Mr. Greenberg argued Nevada s LLC statute does not authorize the creation of series LLCs that can hold assets beyond the reach of a judgment against the master LLC that created them. There is evidence that exists that the funds at issue are the property of A Cab LLC. Further arguments by Mr. Shafer as to the independent entities. Statements by Mr. Wall. Statements by the Court. COURT ORDERED, Matter CONTINUED. Court DIRECTED A Cab and/or the series LLC to supply sufficient evidence to quash the writ of execution. CONTINUED TO: 9/28/18 10:00 AM;

09/28/2018



All Pending Motions (10:00 AM) (Judicial Officer: Cory, Kenneth)

ALL PENDINGS - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF


Matter Heard;
Journal Entry Details:

ALL PENDING - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF Kelly Dove, counsel for Wells Fargo present. Court NOTED it had received Defendant's exhibits in support to quash the writ of execution. COURT ORDERED, Defendant's Exhibits A-J ADMITTED. Statements by the Court regarding LLC series and review of numerous laws in Nevada and other states. Mr. Shafer argued as to the statutes regarding LLC's and operating agreements in Nevada. Further argued as to NRS 86.296. Statements by Ms. Rodriguez. Colloquy regarding LLC statutes. Statements by the Court regarding creating LLC's that are not identifiable to the

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public. Arguments by Mr. Greenberg regarding public notice and there being no business licenses for the entities. Ms. Dove advised if the Court wishes for a motion for interpleader be filed they would do so, or they would just follow the Court's direction. COURT ORDERED, Motion to Quash the Writ of Execution DENIED and the FUNDS BE TRANSFERRED TO THE CLERK OF THE COURT pending further action by this Court. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Appropriate Judgment Enforcement Relief CONTINUED. Court inquired if the defendant's would be seeking redress from the Supreme Court. Mr. Shafer advised that is one of the options they would be pursuing. The exemption process still remains to be done pursuant to the writ of execution statute. Mr. Shafer requested if the Court is denying they would request denying in part and granting in part as to the funds in the employee leasing company. If the Court is not inclined to do that, that the Court would preclude further execution of the funds against the company. Essentially, they maintain the status quo until such time as two week that they can have Mr. Ocean testify as to the records. Mr. Shafer requested the Court preclude further execution on the funds that may be deposited into Wells Fargo. Mr. Greenberg argued that to the extent the funds are being held under the same EIN# that is the same EIN# when they started the law suit, they believe they should be properly subject to execution and they are sufficient to identify them as funds in the judgment debtor A Cab LLC. There was never a writ served just on A Cab Series Leasing Company in generic form. An execution was served based on the designation of these funds being associated under the EIN# and there is no basis to restrain them from doing this. If A Cab wishes to stop the process execution they could post a bond in the amount of \$960,000.00 which is less than the judgment entered. Mr. Shafer stated they could not post the bond as the funds are being held and they do not have the collateral to secure a bond. Mr. Shafer stated Mr. Greenberg is correct a writ was served with an EIN#. The EIN# they are saying belongs to one company is incorrect as to who they are saying it belongs to and this issue has not been briefed before this Court, but anticipate it will be. Mr. Shafer requested until the Court returns in two weeks and additional briefing has been submitted that plaintiff doesn't take these unrelated companies and stay the proceedings on this particular writ. Defendant is not asking the Court to restrain the plaintiff's ability to file other motions or other proceedings, but just as to this account so that A Cab can continue to operate. Defendant is just asking for a stay on further execution on the writ that was served on Wells Fargo, not A Cab or A Cab Taxi, just as to these other separately named series LLC's. That money is not withheld from those accounts in the future. Court inquired if Mr. Shafer presently represents any of the series LLC's entities. Mr. Shafer advised he has not been presently retained, but believes he will when they file their requests for exemptions. Ms. Rodriguez stated she believed Mr. Wall was going to contact the entirety of Hutchinson and Steffen to make an appearance on 120 plus series individual entities if the Court was going to require representation for each of the entities and that she does not currently represent them. Court STATED the challenges come back to the attempted use of Nevada's relatively new series LLC's statutes and for all the reasons discussed this Court concludes they have not correctly, in such a way to ensure due process to the plaintiff's class members. The defendant is free to seek redress on the central issue of whether or not these separate entities have been created in such a way that it does not deny the rights of the plaintiff class members. The Court is only going to rule on the motion to quash the writ, which has been denied. The Court will allow further argument on the plaintiff's motion. CONTINUED TO: 10/22/18 10:00 AM (PLAINTIFF'S COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF) ;

10/22/2018	Motion to Amend Judgment (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>PLAINTIFF'S MOTION TO AMEND JUDGMENT</i> Granted;
10/22/2018	Motion For Reconsideration (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendants' Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims</i> Denied;
10/22/2018	Motion to Dismiss (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant's Motion for Dismissal of Claims on Order Shortening Time</i> Denied;
10/22/2018	 All Pending Motions (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>ALL PENDING - DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS PLAINTIFF'S MOTION TO AMEND JUDGMENT</i>

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Matter Heard;


Journal Entry Details:

ALL PENDING - DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME... DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS... PLAINTIFF'S MOTION TO AMEND JUDGMENT Mr. Wall argued as to Notice of Appeal, Honeycutt case, and new rules regarding tolling. Mr. Greenberg argued the motion to amend the judgment is proper before this Court. Statements by the Court as to Honeycutt. Mr. Wall stated he does not believe there is a Honeycutt issue. *DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME* Mr. Wall argued subject jurisdiction. Mr. Greenberg argued damages and cited Edwards case. Further arguments by Mr. Wall as to Edwards and Castillo cases. *COURT ORDERED, Motion DENIED. DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS* Arguments by Mr. Greenberg. Ms. Rodriguez argued as to name change. Statements by the Court. *COURT ORDERED, Motion DENIED. PLAINTIFF'S MOTION TO AMEND JUDGMENT* *COURT ORDERED, Motion GRANTED. ORDER SIGNED IN OPEN COURT.* Ms. Rodriguez requested a Stay pending appeal and advised any further garnishments are jeopardizing the company's existence . Mr. Nady and A Cab have actively sought a bond pending appeal and have been denied. Ms. Rodriguez advised she was intending on drafting Motion to Stay under hardship. If the garnishments continued the company will have to shut their doors and lay off hundreds of people. Mr. Greenberg argued against the Stay and stated he believes A Cab is able to pay the judgment. *COURT ORDERED, Matter STAYED for TEN (10) BUSINESS DAYS. ;*

11/29/2018 **Motion for Order (3:00 AM)** (Judicial Officer: Cory, Kenneth)
Plaintiffs' Motion for an Order Granting a Judgment Debtor Examination and for Other Relief
Continued;

11/29/2018 **Motion (3:00 AM)** (Judicial Officer: Cory, Kenneth)
Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution
Continued;

11/29/2018 **Hearing (3:00 AM)** (Judicial Officer: Cory, Kenneth)
Plaintiffs Objections to Claims of Exemption from Execution and Notice of Hearing
Continued;

11/29/2018  **All Pending Motions (3:00 AM)** (Judicial Officer: Cory, Kenneth)
ALL PENDING - PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF

Matter Heard;

Journal Entry Details:

PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF COURT ORDERS, Matter SET for Announcement of Decision. 12/4/18 9:00 AM CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt ;

12/04/2018  **Motion (9:00 AM)** (Judicial Officer: Cory, Kenneth)

12/04/2018, 12/13/2018

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
Continued;
Granted in Part;

CASE SUMMARY**CASE NO. A-12-669926-C****Journal Entry Details:**


Laurie Nady, defendant's wife present. Also present, Jonathan Wilson, representative for the Special Master. Mr. Greenberg advised the issue to be heard today are in regards to the TRO and the request for the transfer of those motor vehicles or an order coordinating the transfer, or assisting in having those motor vehicles transferred to the sheriff for sale on judgment execution. The other issue is the appointment of a receiver. Mr. Greenberg advised he had submitted two different proposed orders for the Court's consideration. One would be a limited form of receivership which would allow the receiver to take possession of assets that are under the control of the judgment debtor corporation, A Cab, LLC, and hold those assets, potentially pay liabilities in his discretion if the receiver thought it was important to preserve the business, and to gather information for a report to the Court and a proposal for actually managing the business in full for the purpose of satisfying the judgment. The receiver would not have the power to interfere or control any of the operations at this point, which is truly what a receiver does in the normal course. The receiver would also have the authority to withhold operation of the medallions which are possessed by the judgment debtor from the Series. The other form of order proposed to the Court is far more limited, which is based on his discussion with Mr. Swarts, who indicated a special master appointment would be more appropriate. The special master would not actually take possession of any assets of A Cab. He would have no authority to pay expenses. He would be essentially in charge of obtaining the records and reviewing the books and have access to the information of the company. He would have no power in respect to the taxi medallions as was proposed for the limited receiver. The special master proposal, which is far more limited of the two, is the model the defendants have proposed. Their variation does two things, which plaintiffs oppose. First it removes the provision that the special master would provide to plaintiffs' counsel information as to assets he located that are in the name of the judgment debtor. If there is going to be a special master appointed they are not going to have a receiver who's actually going to take possession of any assets. Plaintiffs' counsel should be told what assets he comes up with so they can take effective means to secure those assets for the benefit of the plaintiffs. Defendants have removed that power from their proposed special master appointment. The other thing they have done is they have capped the fee to be paid to the special master at \$5,000.00. That is an inadequate amount for anyone to be willing to accept the appointment. Mr. Greenberg suggested an amount more in the range of \$20,000.00. Court STATED it was this Court that appointed the special master and this Court is amenable to making sure the special master gets paid for the work that they've put into the project, up to the point where the Court found that it was going to be so cumbersome and so expensive that it was better to simply grant the plaintiffs' earlier motion for summary judgment that included approximations. Court FURTHER STATED to Mr. Nady it seemed to the Court it might have to put him in jail in order to get his attention. Rather than do that the Court believes it can accomplish this without putting him in jail. It is the Court's belief that with the proposals that have been put forth by plaintiff and the modified proposal by his counsel there is a way to get the special master paid. Therefore, the COURT GRANTS the relief the plaintiffs have asked for in the sense of having a special master appointed and APPOINTS MR. SWARTS. The COURT FURTHER ORDERS, the defendants and their agents to give full and complete disclosure of all the financial records that pertain to the company. Mr. Shafer advised one of the modifications proposed is for confidentiality, anything revealed to the plaintiff should not be revealed to the public at large. Mr. Shafer further advised they still stand by their objection to an appointment of a receiver or special master as it is an extraordinary remedy. Given the Court's inclination is to appoint a receiver, defendants would like to make that as limited as possible with the goal of accomplishing what the Court's concerns are, and that's to maintain the assets to make sure we now what the current status is. The defendants' request is to limit it just to receipt and review of the financial records of the company with the appropriate protective order. There is no objection to Mr. Swarts being appointed, but would like it to be limited and if further funds are need they must come back to the Court and ask for additional funds. Court NOTED the last issue is the temporary restraining order not to sell items. Mr. Shafer argued as to disposing of assets and the vehicles Mr. Shafer advised their only caveat would is nothing be sold off except in the ordinary course of business. With that exception and with a notification requirement they can be assured that the judgment debtor would receive equivalent value. Colloquy regarding the vehicles. Further arguments by counsel COURT ORDERS, The Request for Appointment of a Receiver GRANTED to a limited extent in the form of an appointment of a Special Master as Follows: 1. George C. Swarts is appointed as a Special Master pursuant to NRCP Rule 53; 2. The Special Master shall be provided by the judgment debtor A Cab LLC also known as A Cab Series LLC, including Creighton J. Nady and any other agents of judgment debtors, copies of all electronic and paper financial and business records of the judgment debtor A Cab LLC also known as A Cab Series LLC that the Special Master deems advisable to possess for the preparation of the report directed in this order, including, but not limited to, all such records involving, and all of its contracts or agreements with, any other entity or person including any series LLC it has issued pursuant to NRS 86.296. Upon being presented with a copy of this Order all persons and entities possessing any such records of the judgment debtor A Cab LLC

CASE SUMMARY**CASE NO. A-12-669926-C**

also known as A Cab Series LLC shall deliver them to the Special Master; 3. The Special Master shall promptly advise plaintiffs' counsel of all property of the judgment debtor A Cab LLC also known as A Cab Series LLC that it has identified and plaintiffs' counsel shall take no action to proceed with any legal execution upon such property to satisfy plaintiffs' judgment; 4. The Special Master shall issue a report by February 1, 2019 to the Court advising the Court of: (a) A proposed plan, to the extent that they deem it feasible, for the Special Master to be appointed Receiver pursuant to NRS Chapter 32 over the operations of judgment debtor A Cab LLC also known as A Cab Series LLC in a manner that will allow the profits from the operation of the taxi medallions authorized to it to be applied towards satisfaction of the plaintiffs' judgment. 5. Plaintiffs' counsel shall be required to make available to the Special Master, from the funds they have collected on the plaintiffs' judgment and are holding in their IOLTA account pursuant to this Court's prior Orders, a sum not to exceed \$20,000.00 to pay for the Special Master's services. The Special Master shall be entitled to be paid a fee not exceeding \$300.00 per hour for their services. The Special Master shall be authorized, in their discretion, to cease further work and present the report discussed in paragraph 4 to the Court, to the extent it is able to complete such a report, once the cost for their services have exceeded 90% of the amount specified in this paragraph that plaintiffs' counsel shall be required to make available to pay for such services. 6. The information and records received by the Special Master shall be kept confidential and subject to a protective order issued by the Court, precluding production to the general public except as directed by the Court. The Request for a Judgment Debtor Exam As the Court ruled at the December 4, 2018 hearing this issue is the subject of a separate motion and will be addressed by a separate order. The Request to Enjoin Certain Transfers of Funds The plaintiffs requested that A Cab and any series LLC it has issued (the "series LLCs" that defendants also refer to as "cells" of A Cab) be enjoined from transferring any funds to defendant Nady or any of his family members. At the December 4, 2018 hearing the Court was advised by counsel for A Cab that defendant Nady's prior deposition testimony about regular transfers of funds from the series LLCs to Nady was incorrect and such transfers were actually to a trust. This branch of plaintiffs' motion is granted to the limited extent of prohibiting the transfer of any monies or other property owned by judgment debtor A Cab LLC (also known as A Cab Series LLC) to defendant Nady, to any of his family members, or to any trust of which Nady or any of his family members is a trustor, trustee or beneficiary. To the extent plaintiffs' motion 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. COURT FURTHER ORDERS, Judgment Debtors shall not create any additional Series LLC s without further order of this Court. ;


Continued;
Granted in Part;

12/04/2018

 **Decision** (9:00 AM) (Judicial Officer: Cory, Kenneth)

ANNOUNCEMENT OF DECISION (PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF... PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING... PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION... PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF) Matter Heard;

12/04/2018

 **All Pending Motions** (9:00 AM) (Judicial Officer: Cory, Kenneth)

ALL PENDING - ANNOUNCEMENT OF DECISION (PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF... PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING... PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION... PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF) 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 Matter Heard;
Journal Entry Details:

ALL PENDING - ANNOUNCEMENT OF DECISION (PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and

CASE SUMMARY**CASE No. A-12-669926-C**

COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF... PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING... PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION... PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF) 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 ANNOUNCEMENT OF DECISION PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF Defendants argue there are a number of objections, including Plaintiffs' request is overbroad. The Court has determined at this juncture in the case it is sufficient that the interests that are argued in the defendant's opposition are protected by having in place a Protective Order. Accordingly, COURT ORDERED, Motion for Judgment Debtor Examination GRANTED. Counsel to fashion an appropriate Protective Order. COURT FURTHER ORDERED, none of the information which is turned over, or discovered through judgment debtor examination by the plaintiff may be revealed beyond anyone other than those directly involved with this case. The Protective Order applies to ALL personnel in Mr. Greenberg's firm. PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION COURT ORDERED, Motion GRANTED. The Court is awarding \$568,071.00 in attorneys' fees, pursuant to Article 15, Section 16 of the Nevada Constitution. The Court is satisfied over the objection of the defendants that the plaintiff has kept records. In response to the defendants' argument that the plaintiffs have failed to exceed an Offer in Judgment, the Court is issuing the following decision: Defendants contend that Plaintiffs did not beat the offer of judgment when Defendants offered \$7,500 to Plaintiff Michael Murray and \$15,000 to Plaintiff Michael Reno. Defendants argue that because Plaintiff Reno was ultimately awarded \$4,966.19, and Plaintiff Murray was awarded \$770.33, Plaintiffs failed to obtain a more favorable judgment. Without addressing the reasonableness of rejecting such an offer based on the filing of a Punitive Class Action, the Court's granting of class certification, and the fact that Plaintiffs secured a judgment in excess of \$1,000,000 on behalf of more than 900 defendants, the Court holds that Plaintiffs DID obtain a more favorable judgment pursuant to Article 15, Section 16, of the Nevada Constitution AND NRCP 68. Article 15, Section 16, of the Nevada Constitution states a prevailing plaintiff in a MWA action shall be awarded his or her reasonable attorney's fees and costs. At the time those offers of judgment were made, plaintiffs counsel had already expended more than 70 hours totaling at least \$20,000. The Offers of Judgment to Plaintiffs in the amount of \$7,500 and \$15,000 were inclusive of interest, costs, and attorney's fees. Again, we are dealing with Constitutional provisions, which provisions serve a compelling public purpose. The award of attorney's fees to a prevailing plaintiff is mandated by the constitution. Therefore, reading the MWA together with NRCP 68, the Court finds Plaintiffs obtained a more favorable judgment. As to Defendants' argument that Plaintiffs' request is untimely, the Court rules as follows: Defendant argues Plaintiffs request is untimely pursuant to NRCP 54(b). First, the quote provided by Defendant is actually NRCP 54 (d)(2)(B), which deals only with Attorney Fees and provides, the motion must be filed no later than 20 days after notice of entry of judgment is served. The rule also states, The time for filing the motion may not be extended by the court after it has expired. There is no provision within that rule which prohibits this Court from extending the time for filing the motion PRIOR to the expiration of the 20 days. Contained within the Court's ORDER GRANTING SUMMARY JUDGMENT, SEVERING CLAIMS, AND DIRECTING ENTRY OF FINAL JUDGMENT at page 34 paragraph E, the time for class counsel to apply for an award of fees and costs pursuant to Rule 54 was extended to 60 days after the service of that Order with Notice of Entry. The Order was filed on August 21, 2018, with the Notice of Entry filed on August 22, 2018. Therefore, the deadline for Plaintiffs to file their motion for attorney's fees was October 21, 2018. Plaintiffs filed their Motion for Attorney's Fees on October 12, 2018, which was well within the 60 day period afforded by this Court. Defendants argue that costs must be denied because Plaintiffs are seeking in excess of \$29,000 for experts who were never utilized, but more so were subject to being stricken as having not met the required standards for admissibility, citing to Defendants Motion in Limine to Exclude Plaintiffs Experts. First, the Court will note that the Court was prepared to DENY Defendants motion holding that the court is satisfied that (1) Charles Bass and Terrence Claurite have the requisite knowledge, skill, experience, training, or education to express expert opinions on the Plaintiff's model; (2) their testimony as to the reliability of the model, and the propriety of using such a model in the instant case, would assist the trier of fact in determining whether and to what extent wages are owed to the class members; (3) is appropriately limited in scope to each of their areas of expertise; (4) is based upon sufficiently reliable methodology; and (5) is largely based on particularized facts. In post summary judgment proceedings Defendants continue to allege they were blindsided by the Court's appointing a Special Master and subsequent granting of Plaintiff's Motion for Summary Judgment, as evident once again by their citation to their

CASE SUMMARY**CASE NO. A-12-669926-C**

*Motion in Limine. The Court will take this opportunity to explain to the Defendants the course and reasoning of the December and January proceedings. The Court heard Plaintiff's Motion for Partial Summary Judgment on December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has established liability. Thereafter, Plaintiff filed Plaintiff's Supplement in Support of Motion for Partial Summary Judgment arguing that damages and liability are inextricably related. Defendants also filed their Motion for Summary Judgment on November 27, 2017, and heard on January 2, 2018. Other motions before the Court in the end of December 2017 and early January 2018 included Plaintiff's Motion to Place Evidentiary burden on Defendant, Plaintiff's motion to bifurcate or limit issues at trial, Defendants objection to the Discovery Commissioners Report and Recommendation, both Defendants and Plaintiff's motions in limine, Defendants Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to 16.1(3), and Plaintiff's motions to strike affirmative defenses. It was upon review of all of these motions that the Court found that liability and damages were inextricably related. That is precisely why the Court gave Defendants one more opportunity to present evidence which would rebut that liability, and yet they could not. It was in preparation of those pretrial motions that the Court inquired into what evidence would be submitted and presented at trial. In that Defendants Motion in Limine, Defendants argued that Plaintiff's experts methodology was unreliable because it calculated damages derived from inaccurate information, despite Plaintiff's experts using information consisting of computer data files provided by A Cab. Defendants argued at that time that the Tripsheets were the only accurate information. That is precisely why this Court appointed a special master, who expended more than \$85,000 to review Tripsheets which did not comply with NRS 608.115, to make a determination on a precise calculation of hours. Defendants continued to use their noncompliance with the record keeping statute as both a sword and a shield. That is when this Court decided to apply the reasoning of Mt. Clemmons, which stated that the employer cannot be heard to complain that the damages lack the exactness of measurement that would be possible had he kept records. Contrary to the Defendants assertions that the experts were never utilized, Plaintiff's experts were necessary to this Court granting summary judgment. It was Defendants lack of evidence of the precise amount of work performed to negate the reasonableness of the inference to be drawn from the employees evidence, which warranted the granting of summary judgment. Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 687 (1946) (The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence *688 to negative the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the court may then award damages to the employee, even though the result be only approximate.) This Court gave Defendants every opportunity to come forward with precise evidence, and yet Defendants failed to provide the initial \$25,000 deposit as ordered by this Court. Defendants might have a colorable argument against Plaintiff's expert costs had the Special Master completed his work regarding the Tripsheets, and had the trial proceeded on that basis. However, that is not the case here. Plaintiff's experts were necessary and their expenses reasonable given the extent of the work performed in calculating damages based upon computer data information provided by ACAB. Therefore, costs are awarded in their entirety. The Court agrees with Plaintiff's analysis regarding their objections. Defendants Claims of Exemption are DENIED except as to the Nevada Wildcard pursuant to NRS 21.090 (1)(z). Therefore, the NRS 21.090(1)(z) exemption is applied and the Clerk of the Court shall remit \$10,000 to A Cab LLC. The Remainder of the funds deposited with the Clerk of the Court shall be remitted to plaintiff's counsel for placement in their IOLTA account. Now, having made those determinations, the Court goes back to not a boilerplate, but expansive motion, and that is, plaintiff's counter motion. When the defendants filed their Ex-Parte Motion to Quash the Writ of Execution, the plaintiff's filed a Counter-Motion for Appropriate Judgment Enforcement Relief in which they asked for a judgment debtor examination. The Court's already granted that from the specific order. In terms of the counter motion, COURT ORDERED, DENIED AS MOOT, as it was already granted in the specific motion filed by plaintiff's. Plaintiff's have asked the Court order the property in the possession of the series LLC's belonging to A Cab, LLC, be deposited with plaintiff's counsel. The Court is NOT going to Order this. The COURT will ORDER, it not be sold off or given away, the property MUST be maintained pending further Order of the Court. COURT FURTHER ORDERS, there is to be no transfer of funds from A Cab, LLC to any of its series LLC's, or to Defendant Nady, or any family members, without further order of the Court. The plaintiff also asked for an Order of Attachment of assets including the CPCN Medallion and the sale of same. The Court is NOT ordering this at this time. Arguments by Mr. Greenberg as to appointing a Receiver and vehicles to be seized towards judgment satisfaction. Mr. Shafer argued the plaintiff's are essentially asking for an injunction to shut down the business. They want every vehicle A Cab uses and are basically asking for injunctive relief not just to A Cab but all the other series. Without a hearing or a proper source of claim for exemption they could basically take anything or put the defendant in a significant risk of harm. Court DIRECTED plaintiff to submit an order by the end of the week to the Court and make it very precise as to what powers the*

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Receiver would have and the issue will be addressed on 12/13/18. . COURT ORDERED, TEMPORARY RESTRAINING ORDER TO REMAIN IN PLACE. COURT FURTHER ORDERED, Plaintiff's Motion to File Supplement in Support of an Award of Attorney's Fees and Costs as Per NRCF Rule 54 and the Nevada Constitution GRANTED. CONTINUED TO: 12/13/18 10:30 AM (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) ;

12/06/2018

CANCELED Motion (3:00 AM) (Judicial Officer: Cory, Kenneth)

Vacated

Plaintiff's Motion to File Supplement in Support of an Award of Attorney's Fees and Costs as Per NRCF Rule 54 and the Nevada Constitution

12/11/2018



Motion for Order (9:00 AM) (Judicial Officer: Cory, Kenneth)

Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt

Matter Heard;

Journal Entry Details:

Jonathan Wilson and Corey Gildart, representatives for the Special Master, also present. Mr. Dubowsky argued this is a motion for contempt. The defendants have not complied with orders going back to February, March, and May 27th where the Court ordered \$41,000.00 to be paid. Then on August 21st the Court found the defendants were in contempt. Mr. Dubowsky argued the Court brought his client into the case and they did an exhaustive amount of work, over \$85,000.00 in labor at the request of the Court. Mr. Dubowsky requested the Court find the defendant in contempt of Court and order whatever punishment necessary to get them to pay and comply with the Court's orders. Court NOTED the motion does not ask for anything specific and inquired if the special master was asking the Court to formally find the defendants in contempt of court. Mr. Dubowsky stated the Court has the discretion to order it, and if incarceration is necessary to compel them to comply with the Court's orders, then that is what is necessary. Ms. Rodriguez argued the defendants objected to the appointment of the special master and then at the first opportunity filed a motion with the Court to inform the Court and all the parties, including the special master that there was an inability to finance such a costly project by the special master. Ms. Rodriguez stated they have fully complied with everything the Court has ever ordered as it pertains to the special master, except for the money, as A Cab could not afford it. The Court did grant a stay and did allow the further opportunity to try to come up with the money. As the Court is fully aware, things quickly transformed to go down a different path and that path was the summary judgment motion, and then to utilize the spreadsheets that were prepared by Mr. Greenberg rather than anything from the special master. Ms. Rodriguez advised they have never seen any work, any data, or anything from the special master. All they have ever received is a bill for \$85,000.00 which was argued without showing any of data that either party could use, the bill is extremely excessive. Ms. Rodriguez further advised the issue of the special master is on appeal. Ms. Rodriguez further argued they overnighted all the trip sheets, downloaded everything onto a thumb drive and a drop box and sent it to the special master as the Court ordered. They had no idea they would be served with a bill for \$85,000.00 because as far as what the Court had ordered was the \$25,000.00 initial deposit. The special master was on alert immediately that there was an inability to even pay the \$25,000.00. If the Court is inclined to grant such a bill, they should have to turn something over to show what is worth \$85,000.00. Mr. Dubowsky argued this is very specialized work and that is why the bill may appear high, but in fact the bill is accurate as to what was earned and the work that was done at the Court's request. The Court ordered the defendants to pay \$41,000.00 and they not paid any of it. Court inquired of Mr. Dubowsky it was normal for the special master to begin by hiring temps and paying them to train them and perform the work. Mr. Wilson advised they try to refrain from hiring temps as much as possible, but with the time constraints the way they were; they did their best to make sure the work was quality. The Court stated it did make it clear in a number of the orders and statements that it was most concerned with the passage of time that it would take in order to accomplish this purpose and that it was important to get this done quickly. Mr. Gildart advised this was not minimum wage work. They do not just get temps off the streets, these are qualified individuals and they have to train them accordingly, which explains the rate. Mr. Wilson advised they were trying to do this as quickly as possible and as cost effective as possible. The Court STATED this Court determined that the defendants simply were not willing to produce any evidence on their own. At most every turn the response that the Court heard was it's only the time sheets. But the defendant did not put forward any calculations based on the time sheets, and so ultimately because of the passage of time in this litigation this Court determined that it was going to have to go back and revisit a motion that had been brought by the plaintiffs much earlier. And to say that the defendants

CASE SUMMARY**CASE NO. A-12-669926-C**

were blindsided by it is not really accurate. It was briefed and argued by both sides when it was first proposed by the plaintiff. It became more obvious to the Court ultimately that something as drastic and perhaps as expensive as this, was the only way that we were going to get down to having the best evidence of what was owed. And so the Court ordered it and ordered that the defendant would pay the cost. The Court had already at that point determined that there had been a violation of the constitutional provisions regarding minimum wage; that there was indeed liability and the question was what the amount of the damages would be. The Court FURTHER STATED in preparing for today the Court went back and looked at virtually all of the minute orders recounting the efforts of both sides and the Court in this case for the last at least year or perhaps more, and what the Court sees is that the Court ordered the defendant to pay the first \$25,000. The defendant came and protested and said that it couldn't and put forward some figures to try and show the Court that it couldn't. In hindsight what the Court saw was the defendants saying they it couldn't afford to, and that it didn't fit in their budget to pay such fees. Ultimately the Court realized that the defendant was simply refusing to pay it. The Court ordered \$25,000 and then later \$41,000 based upon an estimate. On March 6th the Court ordered that \$25,000 be paid. On May 23rd, the Court ordered that \$41,000 be paid. Still, there was nothing from the defendants to really show that the defendant was not able to pay. And ultimately the Court concluded that what the defendant was really saying was not that they didn't have the money but that they didn't want to pay it because they had other business expenses. Then on September 11th a writ of execution was filed and the defendants were in possession of somewhat over \$233,000 in cash. It is frankly ludicrous for the defendants to claim that they do not have the money. While the defendants may argue that it's all gone or that it was tied up, the defendant is still operating its business and still has income coming in. This record is devoid of evidence that shows the defendants could not pay the money or they did not have the money, and that is in the face of a Court order, several Court orders. As was already touched upon, there was a stay put in place. The Court was constantly trying not to kill the goose that lays the golden egg. The Court cannot help but find that in the course of protesting loudly having to pay anything, the defendant has just flat violated Court orders and refused to pay the \$25,000 or the \$41,000, or as was just argued by Mr. Dubowsky, in fact anything. Not a penny one has been paid and tendered. This is a willful violation of a Court order. Court NOTED Mr. Nady is not present today and if he were this Court would seriously consider putting him in jail for contempt. Ms. Rodriguez stated one very important point she forgot to mention, when the first \$25,000.00 was ordered following the stay Mr. Nady went to the Clerk with a check to attempt to make a deposit as the Court ordered and the Clerk refused it as there was no order in place ordering the \$25,000.00. The Court inquired if this was ever brought to the Court's attention. Ms. Rodriguez advised no. Court STATED it is simply amazing that the Court cannot seem to communicate with Mr. Nady that these are important responsibilities and that he's not going to avoid paying minimum wage. COURT FINDS, Mr. Nady and the corporate defendants HAVE WILLFULLY VIOLATED THE COURT ORDERS The Court is not going to order a bench warrant today but continue the hearing to determine how far this Court should go to exact payment. COURT ORDERED, Matter CONTINUED and Mr. Nady to PERSONALLY BE PRESENT. CONTINUED TO: 12/13/18 10:30 AM ;

12/18/2018

**Minute Order (4:19 PM)** (Judicial Officer: Cory, Kenneth)

Minute Order - No Hearing Held;

Journal Entry Details:


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


CASE SUMMARY

CASE NO. A-12-669926-C

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. 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. (leongreenberg@vertnetlaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegallgroup.com) and via the e- service list./mlt ;

01/02/2019 **CANCELED Objection** (10:00 AM) (Judicial Officer: Cory, Kenneth)
Vacated
Objections to Claims of Exemption from Execution and Notice of Hearing

01/17/2019  **Minute Order** (4:00 PM) (Judicial Officer: Cory, Kenneth)
 Minute Order - No Hearing Held;
 Journal Entry Details:
The Court is in receipt of Defendants Motion to Pay Special Master on Order Shortening Time. While the affidavit of counsel does not demonstrate adequate grounds for the Court to grant an order shortening time, the Court will expedite the handling of this Motion to this extent: the hearing on this Motion will be set for February 6, 2019 at 9:00 a.m. Any opposition shall be filed by January 30, 2019. The reply shall be filed by February 4, 2019 and shall be no more than five (5) pages. 2/6/19 9:00 AM DEFENDANTS MOTION TO PAY SPECIAL MASTER ON ORDER SHORTENING TIME CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@vertnetlaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegallgroup.com) and via the eservice list./mlt ;

02/05/2019  **Minute Order** (3:31 PM) (Judicial Officer: Cory, Kenneth)
 Minute Order - No Hearing Held;
 Journal Entry Details:

On December 19, 2018, the Court received a letter from Defendant s counsel relating that Defendants were re-submitting an order previously submitted but never signed by the Court. This order purports to be an order resolving Plaintiffs motion on order shortening time to 1) lift stay, 2) hold Defendants in contempt, 3) strike their answer, 4) grant partial summary judgment, 5) direct a prove-up hearing, and 6) coordinate cases. Counsel is correct that the Court did not sign the order submitted on July 19, 2018. The Court will now make this record

CASE SUMMARY

CASE NO. A-12-669926-C

indicating why that proposed order, which purports that the entirety of Plaintiffs Motion for Miscellaneous Relief is DENIED, was never signed. The bulk of Plaintiffs rather omnibus motion was not denied. The only portion of Plaintiffs miscellaneous motion resolved at the hearing on May 23, 2018 was that portion pertaining to the motion to coordinate cases, which was DENIED. The remainder of Plaintiffs motion, submitted on OST, was ruled on as follows: 1) The Motion to Lift Stay. The stay was lifted on May 22, 2018 via minute order. Subsequently, after the bulk of Plaintiffs compound motion was continued to June 5, 2018, there was colloquy regarding the stay and whether a stay would be appropriate. To be clear, the Court never imposed another stay. During the May 23, 2018 hearing, the Court made clear its intention NOT to hold up this case any longer and indicated this case needs to go forward. Thus, the Motion to Lift Stay was NOT denied. 2) The Motion to Hold Defendants in Contempt. As it is correctly indicated in the minutes from the May 23, 2018 hearing, that portion of Plaintiffs Motion to Hold Defendants in Contempt was continued to June 1, 2018. During the June 1, 2018 hearing, the Court noted it is hesitant to hold Defendants in contempt for failure to pay, due to the affidavit and financial documents put forward by the Defendants. The Court directed Plaintiffs counsel to provide case authority where a court has proceeded to hold a party in contempt for failure to make payments where the Defendant claims it does not and will not have the money. The Court then advised it will revisit the issue at the upcoming court date, and indicated that if the issues are not resolved at that time the Court will hear the Motion for Partial Summary Judgment. The Court then continued the matter to the next hearing date, which was set for June 5, 2018. Thus, the Motion to Hold Defendants in Contempt was NOT denied on May 23, 2018. 3) The Motion to Strike Defendants Answer. Similar to the contempt motion, this portion of Plaintiffs omnibus motion was continued to June 1, 2018. Because this portion of the motion related back to the contempt motion, this portion was also continued from June 1, 2018 to June 5, 2018. On June 5, 2018, the Court GRANTED Plaintiffs Motion for Partial Summary Judgment. The Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment, heard on June 5, 2018, and filed August 21, 2018, provides, given the deference this Court must give in enforcing the Constitution of the State of Nevada, the Court finds that Defendants persistent failure to comply with Court orders, and for reasons stated herein, warrants holding defendants in contempt and striking their answer. . . While this Court has been at pains to resolve important issues without resort to sanctions, the Court cannot avoid the conclusion that if other, less drastic bases were not available, it would proceed by way of sanction, strike the answer, and award judgment to Plaintiffs. The Order then goes through the analysis of the sanction under Young v. Johnny Ribeiro 787 P.2d 777 (Nev. 1990), however, the Court stated [d]espite plaintiffs warranted request to hold defendants in contempt and strike their answer, the Court has not viewed this as warranted to remedy this point, and therefore has declined to do so. As an alternative ruling, the Court is prepared to do so now. Thus, the Motion to Strike Defendants Answer was NOT denied on May 23, 2018, but was continued for further argument on June 1, 2018, June 5, 2018, and ultimately resolved via the order granting summary judgment. 4) The Motion to Grant Partial Summary Judgment. Similar to the analysis above, this portion of Plaintiffs compound motion was continued to June 5, 2018 and ultimately GRANTED at the June 5, 2018 hearing. Thus, this portion of Plaintiffs omnibus motion was NOT denied at the May 23, 2018 hearing. 5) The Motion to Direct a Prove-Up hearing. The same analysis above, regarding the Motion to Strike Defendants Answer, applies here. 6) The Motion to Coordinate Cases. This portion of Plaintiffs motion was resolved at the May 23, 2018 hearing. The Court DENIED Plaintiffs Motion to Coordinate Cases. The Court is clarifying the procedural history of the relief requested because the proposed orders submitted to chambers by both sides have not accurately identified and resolved all motions before the Court. CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenbergoverturnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) Jay Shafer, Esq. (jshafer@premierlegallgroup.com) and via the eservice list./mlt ;



02/06/2019 **Status Check** (9:00 AM) (Judicial Officer: Cory, Kenneth)
02/06/2019, 03/13/2019
 STATUS CHECK: SPECIAL MASTERS REPORT
 Continued;

02/06/2019 **Motion** (9:00 AM) (Judicial Officer: Cory, Kenneth)
02/06/2019, 03/13/2019
 Motion to Distribute Funds Held by Class Counsel
 Continued;

02/06/2019 **Motion** (9:00 AM) (Judicial Officer: Cory, Kenneth)

CASE SUMMARY

CASE NO. A-12-669926-C

	<p>02/06/2019, 03/13/2019</p> <p><i>Motion to Amend the Court's Order Entered on December 18, 2018</i></p> <p>Continued;</p>
02/06/2019	<p>Motion (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p>02/06/2019, 03/13/2019</p> <p><i>Defendants Motion to Pay Special Master on Order Shortening Time</i></p> <p>Continued;</p>
02/06/2019	<p>Response and Countermotion (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p>02/06/2019, 03/13/2019</p> <p><i>Plaintiffs Response in Opposition to Defendants Motion to Pay Special Master on an Order Shortening Time and Counter-motion for an Order to Turn Over Property</i></p> <p>Continued;</p>
02/06/2019	<p> All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth)</p> <p><i>STATUS CHECK: SPECIAL MASTERS REPORT... MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL MOTION TO AMEND THE COURT'S ORDER ENTERED ON DECEMBER 18, 2018... DEFENDANT'S MOTION TO PAY SPECIAL MASTER OST... PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO PAY SPECIAL MASTER OST AND COUNTERMOTION FOR AN ORDER TO TURN OVER PROPERTY</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>STATUS CHECK: SPECIAL MASTERS REPORT... MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL...MOTION TO AMEND THE COURT'S ORDER ENTERED ON December 18, 2018... DEFENDANT'S MOTION TO PAY SPECIAL MASTER OST... PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO PAY SPECIAL MASTER OST AND COUNTERMOTION FOR AN ORDER TO TURN OVER PROPERTY</i></p> <p><i>Following statements and arguments by counsel, COURT ORDERED, as follows: COURT ORDERED, Status Check: Special Masters Report, Motion to Distribute Funds Held by Class Counsel, Motion to Amend the Court's Order Entered on December 18, 2018, Defendant's Motion to Pay Special Master OST, and Plaintiff's Response in Opposition to Defendant's Motion to Pay Special Master OST and Countermotion for an Order to turn over property CONTINUED. COURT ORDERED, Special Master to retain the exhibits to the report and are to be kept in confidence. COURT ORDERED, Mr. Parson's oral Motion to be Retained by the Special Master and \$20,000.00 be disbursed to them GRANTED. COURT ORDERED, NO NEW Writs of Execution or RENEWAL of Writs of Execution to be issued before the February 27, 2019 hearing. COURT FURTHER ORDERED, Defendant A Cab may disburse a onetime disbursement of \$10,000.00 to Mr. Nady's Trust. Mr. Parson to prepare the Order. CONTINUED TO: 2/27/19 10:00 AM;</i></p>
03/01/2019	<p> Minute Order (3:38 PM) (Judicial Officer: Cory, Kenneth)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>The Court notes that a Notice of Firm Name Change was filed on February 27, 2019, which changes the name of one of the firms representing the Defendants from Premier Legal Group to Cory Reade Dows and Shafer. The Court has confirmed that his brother Timothy Cory has formed a law firm which places him in partnership with Jay Shafer, one of the attorneys for the Defendants. Pursuant to Rule 2.11(a)(2) of the Revised Nevada Code of Judicial Conduct, when a judge knows that the judge's brother is acting as a lawyer in the proceeding he should disqualify himself from presiding over the matter. Accordingly, the Court RECUSES itself from further hearings in this matter. The Court further notes that the three orders bearing today's date were previously heard and decided, and that the Court today simply approved the final draft of those orders. CLERK'S NOTE: A copy of this minute order was emailed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //ev 3/1/19;</i></p>
04/01/2019	<p>Motion For Reconsideration (3:00 AM) (Judicial Officer: Scotti, Richard F.)</p> <p><i>Defendants Motion For Reconsideration Of Judgment And Order Granting Resolution Economics Application For Order Of Payment Of Special Master's Fees And Order Of Contempt</i></p>

CASE SUMMARY**CASE NO. A-12-669926-C**

FINANCIAL INFORMATION

DATE

Defendant A Cab LLC	
Total Charges	647.00
Total Payments and Credits	647.00
Balance Due as of 3/7/2019	0.00
Defendant A Cab Taxi Service LLC	
Total Charges	224.00
Total Payments and Credits	224.00
Balance Due as of 3/7/2019	0.00
Defendant Nady, Creighton J	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 3/7/2019	0.00
Plaintiff Murray, Michael	
Total Charges	1,219.00
Total Payments and Credits	1,219.00
Balance Due as of 3/7/2019	0.00
Special Master/Parenting Coordinator Resolution Economics LLC	
Total Charges	5.00
Total Payments and Credits	5.00
Balance Due as of 3/7/2019	0.00
Special Master/Parenting Coordinator Rosten, Michael	
Total Charges	3.50
Total Payments and Credits	3.50
Balance Due as of 3/7/2019	0.00
Defendant A Cab LLC	
Appeal Bond Balance as of 3/7/2019	500.00
Defendant A Cab Taxi Service LLC	
Appeal Bond Balance as of 3/7/2019	500.00
Other Wells Fargo	
Writ Balance as of 3/7/2019	0.00

CIVIL COVER SHEET

A - 1 2 - 6 6 9 9 2 6 - C

Clark County, Nevada

XXVIII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): Michael P. Murray, 3555
Stober Blvd., Apt. 111, Las Vegas, NV 89103, Michael
Reno, 811 E. Bridger Avenue, #363, Las Vegas, NV 89101
Attorney (name/address/phone):

Leon Greenberg, 2965 S. Jones Blvd., Suite E-4, Las Vegas,
NV 89146, 702-383-6085

Defendant(s) (name/address/phone): A Cab Taxi Service, LLC, 3730
Pama Lane, Las Vegas, NV 89120

Attorney (name/address/phone):
Unknown

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input checked="" type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

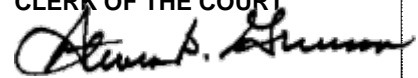
- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

October 8, 2012

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 ORDR
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

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

17 Defendants.
18
19
20
21

Case No.: A-12-669926-C

DEPT.: I

**ORDER GRANTING SUMMARY
JUDGMENT, SEVERING CLAIMS,
AND DIRECTING ENTRY OF FINAL
JUDGMENT**

**Hearing Date: June 5, 2018
Hearing Time: 3:00 p.m.**

22 On June 5, 2018, with all the parties appearing before the Court by their
23 respective counsel as noted in the record, the Court heard argument on plaintiffs'
24 motion filed on April 17, 2018 on an Order Shortening Time seeking various relief
25 ("Plaintiffs' Motion"), including the holding of defendants in contempt for their
26 violation of the Court's prior Orders appointing a Special Master; granting partial
27 summary judgment to the plaintiffs pursuant to their motion filed on November 2,
28 2017; striking defendants' answer, granting a default judgment, and directing a prove

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

1 up hearing. Certain portions of Plaintiffs' Motion, not further discussed in this Order,
2 were resolved pursuant to other Orders issued by the Court and at a hearing held on
3 May 23, 2018. The Court grants plaintiffs' motion, to the extent indicated in this
4 Order; it Orders a severance of the previously bifurcated claims against defendant
5 Creighton J. Nady ("Nady"); and it Orders entry of final judgment against defendants
6 A Cab Taxi Service LLC and A Cab, LLC (collectively "A Cab") and other relief as
7 indicated herein.
8

9 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

10
11 On February 10, 2016 the Court initially granted class action certification under
12 NRCP Rule 23(b)(2) and (b)(3) of claims made in this case pursuant to Article 15,
13 Section 16 of the Nevada Constitution, the Minimum Wage Amendment (the
14 "MWA") and for penalties under NRS 608.040 alleged to have arisen in favor of
15 certain class members as a result of such MWA violations. The class so certified in
16 that Order was, for purposes of damages under NRCP Rule 23(b)(3), composed of
17 current and former taxi driver employees of defendant A-Cab from July 1, 2007
18 through December 31, 2015, and for appropriate equitable or injunctive relief under
19 NRCP Rule 23(b)(2) from July 1, 2007 to the present and continuing into the future.
20 Via subsequent Orders the Court modified and amended that initial class certification
21 order pursuant to NRCP Rule 23(c)(1). Via its Order entered on November 21, 2016,
22 it granted class certification under NRCP Rule 23 of the third and fourth claims for
23 relief, first made in the Second Amended and Supplemental Complaint filed on
24 August 19, 2016 and made solely against defendant Nady based upon "alter ego" and
25 similar allegations. Via its Order entered on June 7, 2017, it limited the membership
26 in the class for the period of July 1, 2007 through October 8, 2010 and dismissed
27 certain class members and claims under the MWA accruing during that time period. It
28 did so consistent with the Nevada Supreme Court's ruling in *Perry v. Terrible Herbst*,

1 *Inc.*, 383 P.3d 257 (Nev. Sup. Ct. 2016) on the MWA's applicable statute of
2 limitations and what the Court found was the proper granting of an equitable toll of
3 the statute of limitations under the MWA for certain class members.
4

5 **FINDINGS SUPPORTING RELIEF GRANTED BY THE COURT**

6

7 The Court makes the following findings of fact and law supporting the relief
8 granted by this Order. The recited findings are not necessarily all of the findings that
9 would appropriately support the relief granted based upon the extensive record
10 presented, but they are the ones of fact and law that the Court believes provide at least
11 minimally sufficient support for its decision to grant the relief set forth in this Order:
12

- 13 1. A Cab was an employer of the class members during the time period at
14 issue and was required to pay the class members the minimum wage
15 specified by the MWA.
16
- 17 2. A Cab used Quickbooks computer software to prepare the paychecks
18 issued to the class members during the class period. A record of the
19 gross wages paid by A Cab to every class member during every pay
20 period exists in the Quickbooks computer files maintained by A Cab.
21 The Court Ordered A Cab to produce those records to the plaintiffs'
22 counsel and A Cab provided certain Excel files to the plaintiffs' counsel
23 in compliance with that Order.
24
- 25 3. A Cab used a computer software system called Cab Manager in which it
26 recorded the activities of its taxi cabs and the class members. The Cab
27 Manager software created a computer data file record indicating that a
28

1 particular class member worked, meaning they drove a taxi cab, on a
2 particular date. The Court Ordered A Cab to produce its Cab Manager
3 computer data file records to the plaintiffs' counsel and A Cab provided
4 those computer data files to the plaintiffs' counsel in compliance with that
5 Order.

- 6
- 7 4. Pursuant to NRS 608.115(1)(d), A Cab was required to maintain a record
8 of the total hours worked by each class member for both each day they
9 worked and for each pay period. NRS 608.115(2) required A Cab to
10 furnish to each employee the information required by that section within
11 10 days after the employee submits a request. A Cab had this obligation
12 throughout the entire period of July 1, 2007 through December 31, 2015
13 during which the class members' damages under the MWA are at issue
14 (the "Class Period").
- 15
- 16 5. Except for the period between January 1, 2013 and December 31, 2015, A
17 Cab has not produced any record of hours worked by the class members
18 that it can properly claim complies with any of the requirements of NRS
19 608.115(1)(d).
- 20
- 21 6. For the period between January 1, 2013 and December 31, 2015, the
22 Excel files produced by A Cab and discussed in ¶ 2 set forth an amount of
23 hours worked by each class member during each pay period. A Cab gave
24 testimony at an NRCP Rule 30(b)(6) deposition, the relevant excerpts
25 being placed in the record, that its Quickbooks records for that time
26 period contained an accurate statement of the total hours worked by each
27 class member during each pay period. Plaintiffs do not agree that such

1 Quickbooks hours of work are fully accurate, but insist A Cab should be
2 bound by its testimony that such hours of work are accurately set forth in
3 those Quickbooks records. The Court agrees and finds A Cab cannot
4 dispute that the Quickbooks records it produced for the period between
5 January 1, 2013 and December 31, 2015 contain an accurate statement of
6 the hours worked during each pay period by each class member.
7

- 8 7. Except for the Quickbooks records discussed in ¶ 6, the only information
9 that A Cab admits possessing on the hours worked by the class members
10 during the Class Period is information in paper "trip sheets" that its taxi
11 drivers are required to complete each work shift. Those trip sheets, when
12 properly completed and legible, will be time stamped with the taxi
13 driver's shift start time and shift end time for a workday and will also
14 indicate periods of time that the taxi driver recorded themselves as being
15 on a break and not working during that workday. A Cab has repeatedly
16 asserted that those trip sheets contain an accurate record of the hours
17 worked by every class member and can, and should, be relied upon to
18 determine their hours of work.
19
- 20 8. The trip sheets in the possession of A Cab, to the extent they contain
21 accurate information, do not meet the requirements of NRS 608.115(1)(d)
22 or NRS 608.115(2). They are not a record of a total amount of hours or
23 fractions thereof worked in a pay period or in a workday by an individual
24 taxi driver. They are, at most, a record from which such information
25 could be obtained by further examination and calculation, however such
26 examination and calculation could not, and was not, furnished within 10
27 days as required by NRS 608.115(2). Assuming a trip sheet is accurate,
28

1 by examining the start time and end time of each trip sheet and
2 calculating the interval between those two times a workday length could
3 be ascertained. After deducting any non-working break time recorded on
4 the trip sheet from that workday length, the total amount of time worked
5 by the taxi driver for that workday could be determined.
6

7 9. The requirements of NRS 608.115(1)(d) are mandatory for employers and
8 compliance with those requirements are of critical importance to the
9 MWA.¹ Whether an employer has paid the minimum wage required by
10 the MWA during a particular pay period requires an examination of both
11 the wages paid to the employee and the hours they worked during the pay
12 period.² A Cab's failure to maintain the records required by NRS
13 608.115(1)(d) prior to 2013, unless remedied, would render a pay period
14 by pay period accounting of its MWA compliance, based upon an exact
15 record of the hours worked by and wages paid to each individual class
16 member, impossible for the period prior to 2013.
17

18 10. The MWA, being a provision of the Nevada Constitution, commands and
19 requires vigorous enforcement by this Court. By its express language it
20 confers upon employees a right to "...be entitled to all remedies available
21

22
23 ¹ A Cab was also advised on April 30, 2009 by an investigator for the United States
24 Department of Labor that it "must keep a record of actual hours worked" of the class
25 members. *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015, Ex. "B."
26 While the absence of such an advisement would not relieve A Cab of its duty to keep
the records required by NRS 608.115(1)(d), such history would support a conclusion
that A Cab's failure to maintain those records was intentional and designed to render
any future minimum wage law enforcement less effective.

27 ² An exception exists if the wages paid are large enough to render an MWA violation
28 impossible. A week only contains 168 hours and a weekly wage of \$1,218 would
establish minimum wage compliance at \$7.25 an hour (168 x 7.25 = \$1,218).

1 under the law or in equity appropriate to remedy any violation..."³ of its
2 provisions. As a result, A Cab's failure to maintain the records required
3 by NRS 608.115(1)(d) can be neither minimized nor tolerated and cannot
4 be allowed to frustrate the enforcement of the class members' rights
5 secured by the MWA.
6

- 7
8 11. The Court, in response to its foregoing findings, and in furtherance of its
9 obligation under the MWA, via Orders entered on February 7, 2018 and
10 February 13, 2018, appointed a Special Master in this case who was
11 tasked with reviewing the trip sheets in the possession of A Cab and
12 creating the record of hours worked per pay period for each class member
13 required by NRS 608.115(1)(d). The Court directed that A Cab pay for
14 such Special Master because of A Cab's failure to maintain proper
15 records under NRS 608.115, and to deposit \$25,000 with the Special
16 Master as a payment towards the cost of their work. At that stage in
17 litigation, it would not have been equitable nor justified to require
18 Plaintiffs to pay for work performed by the Special Master when it was
19 Defendant A Cab's failure to comply with NRS.608.115. A Cab failed to
20 make such payment within the time period specified by the Court. As a
21 result, the Special Master advised the Court that they have incurred
22 \$41,000 in costs towards their completion of their assignment and will
23 not proceed further with that assignment until they are in receipt of
24 sufficient assurances that they will be paid for their work. The Special
25 Master has budgeted \$180,000 as the projected total cost to complete
26 their assignment.

27 ³ Nevada Constitution, Article 15, Section 16 (B).
28 7.

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12. In assessing the character of A Cab's conduct, it is instructive to note that A Cab did not make, or offer to make, an *admissible* showing of its financial position in order to evidence that it was unable to make such payment. Rather, it relied solely on its strenuous protests and summary balance sheet buttressed only by the self-serving affidavit of Defendant Nady.
 13. The Court, in a minute Order issued on March 6, 2018, noted its awareness of A Cab's failure to pay the then overdue \$25,000 deposit to the Special Master and A Cab's communication with the Court advising it was experiencing financial difficulties and claiming it did not currently possess the funds to make that payment. For unrelated reasons the Court in that Order stayed this case, suspended the Special Master's work, and granted A Cab additional time to raise the funds needed to pay the Special Master during the pendency of that stay. Via a minute Order on May 22, 2018 the Court lifted that stay.
 14. On May 23, 2018, June 2, 2018, and June 5, 2018 the Court conducted hearings in connection with Plaintiffs' Motion and also received various written submissions from A Cab and plaintiffs' counsel regarding A Cab's failure to pay the Special Master. The result of those hearings and submissions, in respect to the status of the Special Master and A Cab's payment to him for the completion of his work, was that A Cab either will not or cannot make any payment to the Special Master. Except for urging this Court to stay this case, and await the conclusion of certain other proceedings that A Cab asserts will narrow the class claims in this

1 case, A Cab proposed no cure for its violation of the Court's Orders
2 appointing the Special Master. It did not state when, if ever, it intended
3 to comply with those Orders or propose any other method for the Court to
4 properly, promptly and appropriately bring this case to conclusion.
5

- 6 15. The conduct of A Cab in violating the Court's Orders appointing a Special
7 Master is not the first instance of A Cab violating the Court's Orders or
8 engaging in documented litigation misconduct in this case. On March 4,
9 2016 the Court, over A Cab's objections, entered an Order adopting the
10 Report and Recommendation of the Discovery Commissioner sanctioning
11 A Cab \$3,238.95 for obstructing discovery. The Court made specific and
12 detailed findings in that Order in respect to A Cab's failure to produce the
13 Quickbooks and Cab Manager computer data files; A Cab's delay in
14 producing such materials during the eight months plaintiffs' motion to
15 compel their production had been pending; A Cab's compelling of the
16 unnecessary deposition of a non-party witness in respect to the production
17 of the Cab Manager records; and the abusive and inexcusable conduct of
18 defendant Nady as an NRCP Rule 30(b)(6) deposition witness. As
19 reflected at pages 2 and 3 in the transcript of the hearing held on
20 November 18, 2015 by the Discovery Commissioner that resulted in such
21 Order, the Discovery Commissioner's review of that deposition transcript
22 raised extremely serious concerns about the defendants' inexcusable
23 conduct.⁴
24

25 ⁴ The Discovery Commissioner advised defendants of her concern at that time that
26 defendant's conduct, if it continued, might result in some form of default judgment:
27 "It was inexcusable, what your client called Plaintiffs' counsel during the deposition,
28 which I will not repeat in open court. Inexcusable, almost to the point where I'm not
sure he should be allowed to be a Defendant in the 8th Judicial District Court-- that's
how serious this is-- because I have no confidence in what he's-- how he's answering
questions." 9.

1
2
3 16. The Court has made every effort to fashion a method for the fair, just, and
4 most precise disposition of the MWA claims in this case in light of A
5 Cab's failure to maintain a record of the hours worked per pay period of
6 each class members as required by NRS 608.115(1)(d). It is not disputed
7 that an accurate record exists in A Cab's Quickbooks computer files of the
8 amount of wages paid every pay period to every class member. If the
9 records required by NRS 608.115(1)(d) had been maintained, disposition
10 of the "lower tier" (currently \$7.25 an hour) MWA claims in this case
11 would be a matter of simple arithmetic. In response to A Cab's
12 insistence that the hours of work information required by NRS
13 608.115(1)(d) can be accurately ascertained by examining and performing
14 calculations on the trip sheets, albeit not within 10 days as required by
15 NRS 608.115(2), the Court appointed a Special Master. Yet A Cab's
16 failure to pay the Special Master, or propose any other process, such as
17 the application of statistical sample or other reasonable methodology as a
18 substitute would, unless other measures were taken by the Court, render a
19 recovery for the class members on their MWA claims impossible. That
20 would appear to be precisely what A Cab's conduct is designed to
21 achieve.

22
23 17. A Cab's argument that the only way to determine the class members'
24 hours of work is to examine every one of their trip sheets, and that it
25 should be the burden of the plaintiffs' themselves (or more properly their
26 appointed class counsel) to bear the expense of doing so, cannot be
27 adopted by the Court, and is inapposite under the guidance provided by
28 *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687 (1946),

1 superseded by statute on other grounds, 29 U.S.C. § 254(a) ("When the
2 employer has kept proper and accurate records the employee may easily
3 discharge his burden by securing the production of those records. But
4 where the employer's records are inaccurate or inadequate and the
5 employee cannot offer convincing substitutes a more difficult problem
6 arises. The solution, however, is not to penalize the employee by denying
7 him any recovery on the ground that he is unable to prove the precise
8 extent of uncompensated work. Such a result would place a premium on
9 an employer's failure to keep proper records in conformity with his
10 statutory duty; it would allow the employer to keep the benefits of an
11 employee's labors without paying due compensation"). Doing so would
12 serve to reward A Cab for its violation of NRS 608.115(1)(d) by shifting
13 the now considerable burden and cost of ascertaining the class members'
14 hours of work onto the plaintiffs' themselves. It is A Cab that should
15 properly bear that burden and expense and it was directed to do so
16 through the offices of the Special Master that it has failed to pay.

- 17
18
19 18. In resolving MWA claims where no record of the total hours of work of
20 the employees per pay period exists as required by NRS 608.115(1)(d), or
21 such an amount cannot be precisely calculated in every instance (in this
22 case as a result of A Cab's failure to pay the Special Master), the Court
23 must adopt a reasonable approximation of those hours of work and
24 fashion an award of unpaid minimum wages based upon that
25 approximation even though the amount so awarded is not exact. *See,*
26 *Anderson v. Mt. Clemons Pottery Co.*, 328 U.S. 680, 685-88 (1946) ("The
27 employer cannot be heard to complain that the damages lack the
28 exactness of measurement that would be possible had he kept records....")

1 *Bell v. Farmers Ins. Exchange*, 115 Cal. App. 4th 715, 750 (Cal. Ct. App.,
2 1st Dist. 2004) and other cases. Applying any approach other than the
3 one adopted by *Mt. Clemons* would frustrate the purposes of the MWA
4 and make effective enforcement of the Nevada Constitution's right to a
5 minimum wage impossible.
6

7
8 19. In support of their motion for partial summary judgment ("plaintiffs'
9 MPSJ"), filed on November 2, 2017, the plaintiffs rely on portions of an
10 Excel file that contain information for the time period of January 1, 2013
11 through December 31, 2015, such information for that time period being
12 compiled from the Quickbooks records produced by defendants. That
13 Excel file, "ACAB-ALL," was created by Charles Bass whose work
14 doing so was reviewed by Terrence Clauretie Ph.D. and the subject of his
15 report, at Ex. "B" of plaintiffs' MPSJ, which was furnished to A Cab
16 along with the "ACAB-ALL" Excel file. Both Dr. Clauretie and Charles
17 Bass were designated as expert witnesses by the plaintiffs and deposed by
18 the defendants in that capacity.

19
20 20. The "A CAB ALL" Excel file created by plaintiffs contains various types
21 of information taken from the Quickbooks and Cab Manager computer
22 data files produced by A Cab to plaintiffs. As germane to this Order, it
23 summarizes that information for the period October 8, 2010 through
24 December 31, 2015 and makes calculations on that information, in
25 respect to the following:

- 26
27 (a) In respect to every pay period, it sets forth the amount of
28 wages paid by A Cab to the class member as recorded in A

1 Cab's Quickbooks records and the number of shifts they
2 worked during the pay period as recorded in A Cab's Cab
3 Manager records (the "shifts worked");
4

5 (b) For the period January 1, 2013 through December 31, 2015,
6 it sets forth the amount of hours worked by the class member
7 for each pay period as recorded by A Cab's Quickbooks
8 records (the "payroll hours");
9

10 (c) By dividing the class member's wages paid per pay period by
11 the recorded payroll hours worked per pay, for the period
12 January 1, 2013 through December 31, 2015, it calculates the
13 amount, if any, that the class member's wages were below
14 the \$7.25 an hour requirement for each pay period;
15

16 (d) It allows the user of the Excel file to enter a "shift length"
17 amount that it applies as a uniform length to every shift
18 worked during every pay period from October 8, 2010
19 through December 31, 2012. It then, based upon that
20 selected shift length, calculates the amount, if any, that the
21 class members' wages were below the \$7.25 an hour
22 requirement for each pay period.
23

24 21. A Cab argues that the "A CAB ALL" Excel file is inaccurate and
25 the calculations it makes cannot be relied upon but it cites no error
26 in any calculation it purports to perform. That Excel file was
27 furnished to defendants and examined by their own expert, Scott
28

1 Leslie, who testified at his deposition, the relevant excerpts being
2 presented to the Court, that he concurred with Dr. Clauretie's
3 finding that the calculations it made were arithmetically correct. A
4 Cab also argues it cannot be sure the information contained in the
5 "A CAB ALL" Excel file and upon which its calculations rely (the
6 payroll hours worked recorded in the Quickbooks records from
7 January 1, 2013 through December 31, 2015, the wages paid, and
8 the shifts worked, during each pay period for each class member) is
9 accurately taken from A Cab's Quickbooks and Cab Manager
10 records. Yet it has not provided to the Court a single instance
11 where its records contain information that conflicts with the per
12 pay period information set forth in the "A CAB ALL" Excel file.
13

- 14 22. Plaintiffs assert the "ACAB ALL" Excel file, and the work of
15 Charles Bass in placing information from A Cab's Quickbooks and
16 Cab Manager files in that Excel file and performing calculations on
17 that information, is a "summary or calculation" of A Cab's
18 voluminous records pursuant to NRS 52.275 though Charles Bass
19 is also designated as an expert witness. It asserts the calculations
20 made by the "ACAB ALL" Excel file are properly considered on
21 that basis. A Cab asserts that the "ACAB ALL" Excel file's
22 calculations are not properly considered under NRS 52.275 or on
23 any other basis and that neither Charles Bass nor Dr. Clauretie are
24 properly qualified as expert witnesses. The calculations made by
25 the "ACAB ALL" Excel file are not the product of any expert
26 "opinion." They involve simple arithmetic, dividing an amount
27 paid per pay period by a number of hours worked per pay period
28

1 and calculating the amount, if any, that such resulting number is
2 less than \$7.25 an hour. The plaintiffs, based upon Dr. Clauretie's
3 report of the detailed review he conducted of how Charles Bass
4 assembled the "ACAB ALL" Excel file, and the declaration of
5 Charles Bass, have met their *prima facie* burden of showing that
6 such Excel file contains information properly assembled from the
7 Quickbooks and Cab Manager computer files produced by A Cab
8 pursuant to the Court's Order. A Cab has provided no contrary
9 evidence identifying even a single instance in the many thousands
10 of pay periods set forth in the "ACAB ALL" Excel file where it
11 contains either inaccurate information that does not match A Cab's
12 records or incorrect arithmetic calculations. Accordingly, the
13 Court finds that the calculations made by the "ACAB ALL" Excel
14 file are properly relied upon and constitute facts which are
15 undisputed by any evidence to the contrary and may be properly
16 relied upon by the Court, both to establish liability and to establish
17 the amount of damages..
18

- 19 23. Plaintiffs have also furnished to defendants on September 29, 2017
20 an Excel File "Damages 2007-2010" with the Supplemental Expert
21 Report (Declaration) of Charles Bass of September 27, 2017.⁵
22 That "Damages 2007-2010" Excel file, as discussed in the
23 September 27, 2017 declaration of Charles Bass, performs
24 calculations in a fashion identical to the "A CAB ALL" file by
25 allowing the assignment of a uniform "shift length" to every shift
26

27 ⁵ This document, but not the Excel file, is introduced into the record at Ex. "A" of the
28 declaration of class counsel filed on June 20, 2018.

1 worked by a class member during a pay period. It also contains the
2 same information in respect to wages paid and shifts worked for
3 that time period for each pay period for each class member, as
4 taken from A Cab's Quickbooks and Cab Manager computer files.
5 It was assembled using the same process reviewed by Dr. Clauretie
6 and discussed in his report in respect to the "A CAB ALL" file. A
7 Cab has not disputed the accuracy of any calculations made in, or
8 information contained in, the "Damages 2007-2010" Excel file.
9 For the reasons discussed in ¶ 22, the Court finds that the
10 calculations made by the "Damages 2007-2010" Excel file are
11 properly relied upon and constitute facts undisputed by any
12 counter evidence from A Cab.
13

- 14 24. The "ACAB ALL" Excel file, for the 14,200 pay periods it
15 examines for the time period January 1, 2013 through December
16 31, 2015, calculates that the class members' average shift length
17 (average working time per shift) was 9.21 hours. It arrived at that
18 figure based upon A Cab's payroll hours worked Quickbooks
19 records and the total number of shifts class members were recorded
20 as working by A Cab's Cab Manager records. A Cab does not
21 dispute that is an accurate figure and Dr. Clauretie, in his report,
22 verifies its accuracy. A Cab's expert, Scott Leslie, in connection
23 with his rebuttal expert report,⁶ for which he was paid \$47,203,⁷
24

25 ⁶ This report is introduced into the record at Ex. "B" of the declaration of class
26 counsel filed on June 20, 2018 who, in that declaration, also states the particulars
27 contained in the report regarding the average shift length shown by the trip sheet
28 review conducted by Mr. Leslie.

⁷ Ex. "B" of the declaration of class counsel filed on June 20, 2018.

1 undertook to examine the actual trip sheets of class members for 56
2 pay periods between January 1, 2013 and December 31, 2015 and
3 concluded that, on average, each shift worked by each class
4 member during those 56 pay periods consisted of 9.5 hours of
5 working time. He also undertook an examination of the actual trip
6 sheets of class members for 38 pay periods between October 8,
7 2010 and December 31, 2012 and concluded that, on average, each
8 shift worked by each class member during those 38 pay periods
9 consisted of 9.8 hours of working time. He concluded that the
10 average shift length was 9.7 hours of working time for all of the
11 trip sheets he examined for 123 pay periods. Plaintiffs submitted
12 declarations from three class members indicating that class
13 members were, in most instances, assigned to work 12 hour shifts;
14 they typically worked shifts of 11 hours or longer in length after
15 deducting their break time; that class members took few breaks
16 during their shifts or averaged breaks of less than one hour in
17 length during a shift; and unless a taxi broke down a shift was at
18 least 10 hours long. *See*, Ex "F" and "O" plaintiffs' motion for
19 class certification filed May 19, 2015, Ex. "B" of opposition to
20 defendants' motion for summary judgment filed December 14,
21 2017. A Cab, through Nady, pursuant to an NRCP Rule 30(b)(6)
22 deposition notice directed to the topic, testified it could only
23 provide a "guess" as to the average amount of time worked by the
24 class members each shift. *See*, plaintiffs' motion in limine filed
25 December 22, 2017 at Ex. "J" and "K."

26
27 25. Plaintiffs' MPSJ includes the calculations made by the "ACAB
28

1 ALL" Excel file using A Cab's Quickbooks payroll hours for the
2 2013-2015 time period in respect to unpaid minimum wages owed
3 at the \$7.25 an hour "lower tier" minimum wage rate (Column "K"
4 to Ex. "D" to that motion, showing its examination of each of
5 14,200 pay period and consisting of 375 pages). It also includes a
6 consolidated statement of the amount, if any, of unpaid minimum
7 wages owed to each class member at \$7.25 an hour (Column "D" to
8 Ex. "E" listing 548 class members stretching over 19 pages).

9
10 26. Plaintiffs have introduced into the record the following:

- 11
12 (a) The amounts owed at \$7.25 an hour, if any, using the
13 "ACAB ALL" Excel file for the period October 8, 2010
14 through December 31, 2012 for each of 9,759 pay periods
15 and to each of 527 class members when a constant shift
16 length of 9.21 hours per shift is used to make those
17 calculations;⁸
18
19 (b) The amounts owed at \$7.25 an hour, and prior to July 1,
20 2010 at the applicable "lower tier" minimum wage which
21 was less than \$7.25 an hour, if any, using the "Damages
22 2007-2010" Excel file for the period July 1, 2007 through
23 October 7, 2010 for each of 13,948 pay periods and to each
24 of 378 class members when a constant shift length of 9.21
25

26
27 ⁸ These are introduced into the record at Ex. "3" and Ex. "4" to Ex. "C" of the
28 declaration of class counsel filed on June 20, 2018.

1 hours per shift is used to make those calculations;⁹

2
3 (c) A consolidated chart listing the amounts owed to each class
4 member when the amounts detailed in ¶ 25 and ¶ 26(a) and
5 ¶ 26(b) are combined.¹⁰
6

7 27. On November 5, 2014, A Cab and Nady entered into a consent
8 judgment in the United States District Court for the District of
9 Nevada with the United States Department of Labor that provided
10 for the payment by A Cab of \$139,988.80 to resolve certain claims
11 for unpaid minimum wages owed under the Fair Labor Standards
12 Act for the time period October 1, 2010 through October 1, 2012.
13 *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015,
14 Ex. "A." That consent judgment included a list of persons, A Cab
15 employees who are also class members in this case, who were
16 subject to that consent judgment and were to receive portions of
17 such \$139,988.80 payment in amounts determined by the United
18 States Secretary of Labor. *Id.* Such consent judgment does not, by
19 its terms, or by operation of law, either preempt or resolve the
20 MWA claims made in this case. A Cab, in its Answers filed with
21 the Court, has raised a Twenty-Third Affirmative defense of accord
22 and satisfaction. Plaintiffs served an interrogatory request seeking
23 details of that defense, including the amounts paid to the class
24

25 ⁹ These are introduced into the record at Ex. "1" and Ex. "2" to Ex. "C" of the
26 declaration of class counsel filed on June 20, 2018.

27 ¹⁰ These are introduced into the record at Ex. "5" to Ex. "C" of the declaration of
28 class counsel filed on June 20, 2018.

1 members alleged by A Cab to support such defense.¹¹ A Cab
2 referenced the consent judgment case in its interrogatory answer,
3 but provided no information on the amounts so paid under the same
4 to any particular class members. It also referred to its production
5 of documents that it implied may contain such information.
6 Plaintiffs' counsel asserts it has not been provided with
7 documentation from A Cab of the amounts so paid, in respect to
8 the exact amount paid to each individual involved class member
9 and not the entire \$139,988.80, though it does believe some such
10 amounts were paid.¹²
11

- 12 28. In response to plaintiffs' counsel's assertions regarding the United
13 States Department of Labor ("USDOL") settlement, A Cab, in its
14 "Supplemental Authority In Response to Declaration of June 20,
15 2018," filed on July 10, 2018, asserts it provided relevant
16 documentation regarding that settlement at Response 7 to
17 plaintiffs' Fifth Set of Interrogatories. That response to plaintiffs'
18 request that A Cab specify the amounts paid to each involved class
19 member under the USDOL settlement consists of three words:
20 "Please see attached." A Cab provides "attached" to that
21 interrogatory response seven pages of documents with the names of
22 various persons, and associated amounts that, facially, would seem
23 to indicate a record of payments made to those persons. It offers no
24 explanation, in its interrogatory response, of what those documents
25

26 ¹¹ That interrogatory and defendants' response, No. 26, is introduced into the record at
27 Ex. "D" of the declaration of class counsel filed on June 20, 2018.

28 ¹² This is set forth at ¶ 5 of the declaration of class counsel filed on June 20, 2018.
20.

1 are. Nor in its July 10, 2018 filing did A Cab include any
2 declaration corroborating and authenticating those seven pages of
3 documents that, facially, seem to indicate payments of itemized
4 amounts to certain class members from the USDOL settlement. In
5 a further supplement filed by plaintiffs' counsel on July 13, 2018
6 plaintiffs' counsel noted that A Cab's supplement filed on July 10,
7 2018 lacked any proper corroboration or authentication of the
8 facially relevant documents. Plaintiffs' counsel also noted that
9 those documents only itemized payments totaling \$77,178.87 of the
10 total \$139,988.80 paid under the USDOL settlement, meaning A
11 Cab could not, from those documents, corroborate which class
12 members may have received an additional \$62,800.43 from that
13 settlement. In a further supplement filed on July 18, 2018 A Cab's
14 counsel furnished their declaration (Ex. "F" thereto) purporting to
15 authenticate the previously provided documents from the USDOL
16 and certain additional, and not previously furnished, USDOL
17 documents provided with that supplement.
18

- 19 29. Plaintiffs, upon review of the July 18, 2018 supplement filed by A
20 Cab, filed a further supplement with the Court on August 3, 2018.
21 In that August 3, 2018 Supplement and the Ex. "A" declaration of
22 plaintiffs' counsel thereto, plaintiffs have established to the Court's
23 satisfaction that A Cab has demonstrated the disposition of
24 \$81,852.19 from the USDOL settlement. The Court is further
25 satisfied that Ex. "B" of such supplement, based upon that
26 \$81,852.19 from the USDOL settlement, properly applies a set off
27 in A Cab's favor of the judgment amounts owed to the class
28

1 members previously submitted to the Court and discussed at ¶ 26.
2 As further detailed by that supplement, \$58,136.61 of the
3 \$139,988.80 USDOL settlement paid by A Cab remains
4 unaccounted for. That \$58,136.61 is potentially, in whole or in
5 part, an additional amount that A Cab can set off against the
6 judgments to be awarded by the Court to the class members if A
7 Cab can itemize the amounts of that \$58,136.61 paid to the
8 involved class members.
9

10 **DISCUSSION OF RELIEF GRANTED**

11 **Plaintiffs' Motion for Summary Judgment**

12
13
14 The Court notes we are dealing with important rights, important because the
15 people of Nevada have said so by virtue of inserting what would have otherwise been
16 a statutory provision into the Constitution of the State of Nevada. The Court has great
17 respect for the constitutions and constitutional law. The Court believes that they form
18 the basic backbone of the laws and government enumerated therein, both for the
19 United States of America and for the State of Nevada. If the people of this state have
20 said that there is a minimum wage act which entitles employees to be paid a certain
21 amount, in conformity therewith, it is incumbent upon the Court to assure that at the
22 end of the day justice is done, even though the justice that is done turns out to be of a
23 somewhat imprecise nature.
24

25 Plaintiffs filed three (3) versions of their motion for partial summary judgment
26 (filed on January 11, 2017, November 2, 2017, and April 17, 2018) each of which was
27 opposed by defendants, fully briefed and argued through several hours of oral
28 argument. Although fashioned as a motion for partial summary judgment, by the time
22.

1 Plaintiffs reached oral argument on the present motion it became clear that application
2 of their arguments regarding the Quickbooks records and the *Mt. Clemens* rationale
3 effectively resolved not only the period January 1, 2013 to December 31, 2015, but
4 also July 1, 2007 to January 1, 2013, effectively resolving all issues in the case and
5 that therefore final summary judgment is warranted.¹³ The Court finds that because
6 the Defendants could not or would not pay for the special master then pursuant to *Mt.*
7 *Clemens* the burden of proof shifted to the defense. The Court is satisfied that the
8 rationale of the *Mt. Clemens* case not only provides ample authority and justification
9 for this result, but also provides an avenue for this Court to do essential justice to the
10 parties.

11 Even under *Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005), the
12 Defendants, as the nonmoving party, had the burden to “‘do more than simply show
13 that there is some metaphysical doubt’ as to the operative facts in order to avoid
14 summary judgment being entered in the moving party’s favor.” *Id* quoting *Matsushita*
15 *Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). The Court
16 finds there is an absence of evidence to support the Defendants’ arguments and to
17 demonstrate a triable issue of fact. Defendants failed to transcend the pleadings by
18 putting forth admissible evidence to show a genuine issue of material fact exists given
19 the aforementioned posture of the case. *See Cuzze v. U. and Community College*
20 *System of Nevada*, 172 P.3d 131, 134 (Nev. 2007).

21 Furthermore, under *Mt. Clemens Pottery Co.*, 328 U.S. 680, 687–88 (1946) “the
22 burden then shifts to the employer to come forward with evidence of the precise
23 amount of work performed or with evidence to negative the reasonableness of the
24

25 ¹³ On June 5, 2018, during the hours-long oral argument regarding A Cab’s failure to
26 comply with the Court’s Orders and Plaintiffs’ basis for their calculations, Plaintiffs’
27 counsel moved the Court for summary judgment on the entire case applying an
28 approximation to the time period July 1, 2007, to January 1, 2013, based on A Cab’s
Quickbooks records. 23.

1 inference to be drawn from the employee's evidence. If the employer fails to produce
2 such evidence, the court may then award damages to the employee, even though the
3 result be only approximate.”

4 Upon the filing of plaintiffs’ first motion for partial summary judgment, and its
5 attendant evidence showing the class members performed work for which they were
6 improperly compensated, filed on January 11, 2017, defendants had the burden to
7 either put forth evidence of the precise amount of work performed, or negate the
8 reasonableness of the inference to be drawn by plaintiffs’ evidence in order to create a
9 genuine issue of material fact. *See Anderson v. Mt. Clemens Pottery Co.*, 328 U.S.
10 680, 688 (1946); *see also Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005).
11 However, the defendants have failed to do so. Thus, to ensure a both equitable and just
12 determination of the calculation of damages, the Court appointed a Special Master to
13 review the tripsheets in order to determine the precise amount of damages. However,
14 the defendants failed to comply with the Court’s orders and failed to pay for the
15 special master. Therefore, the Court finds that summary judgment is appropriate as “it
16 would be a perversion of fundamental principles of justice to deny all relief to the
17 injured person[s], and thereby relieve the wrongdoer from making any amend for his
18 acts.” *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 688 (1946) quoting *Story*
19 *Parchment Co. v. Paterson Parchment Co.*, 282 U.S. 555, 563, 51 S.Ct. 248, 250, 75
20 L.Ed. 544. Plaintiffs have put forth enough evidence to prove that the class members
21 have performed work and have not been paid in accordance with the MWA; the
22 uncertainty lies only in the amount of damages arising from the Defendants’
23 violations. *See Id.* It is enough for this Court to follow *Mt. Clemens* in that it is enough
24 under these circumstances for this Court to find a reasonable inference as to the extent
25 of the damages and grants summary judgment accordingly as set forth in this order.
26 *See Id.*

27 The Court made effort to provide fair, equitable, and precise justice to the
28

1 drivers and to the defendant business. However, it was the Defendants, through a
2 claimed but unproven inability to pay for the special master, whom continued to
3 frustrate the Court's intent to provide precise justice, thereby requiring the Court to
4 deviate from an exact calculation and instead rely upon an approximation as set forth
5 by *Mt. Clemens*.

6 No disputed triable issues of material fact are presented by A Cab warranting a
7 denial of the plaintiffs' Motion for Summary Judgment. The motions involve a
8 review of every pay period, 14,200 in total, contained in A Cab's Quickbooks records
9 for the time period from January 1, 2013 through December 31, 2015. The question
10 presented by the motions, is whether A Cab during those 14,200 pay periods
11 complied with the MWA during the period in question. The Court is satisfied that
12 information, furnished by A Cab, was accurately placed in the "ACAB ALL" Excel
13 file upon which plaintiffs' rely. The Court is also satisfied that the "ACAB ALL"
14 Excel file performs the correct arithmetical calculation to determine the underpaid
15 minimum wage amount, if any, at \$7.25 an hour, for each of the 14,200 pay periods.
16 The Court is also satisfied it provides an accurate resulting statement of the total
17 amount, if any, owed for that reason to each class member.

18 A Cab's assertions that the amounts calculated and presented by plaintiffs' are
19 unreliable is speculative. A Cab does not set forth even a single instance where the
20 calculations presented in those Exhibits is performed upon information that is not set
21 forth in A Cab's Quickbooks records or that involves erroneous arithmetic. Its
22 opposition to the plaintiffs' MPSJ is based upon pure speculation (or an assertion it
23 should be relieved of its admissions that the Quickbooks records contained accurate
24 information) and the MPSJ is granted.

25 The primary principle upon which the Court relies in entering the judgment
26 specified, *infra*, is derived from *Mt. Clemens*. A Cab cannot successfully oppose the
27 entry of such a judgment in the summary judgment context under the principles set
28

1 forth in *Mt. Clemons*. There is no other practical means by which the Court can
2 resolve the MWA claims in this case, except by applying a reasonable approximation
3 of hours worked to render substantial, though inexact, justice as in *Mt. Clemons*. As
4 discussed in ¶ 24, the Court's application of an average shift length of 9.21 hours to
5 fashion a judgment for the class members under the MWA for the time period prior to
6 January 1, 2013 is a proper, albeit perhaps too favorable to A Cab, application of the
7 *Mt. Clemons* principles. That 9.21 hours long average shift length is taken from the
8 very records (the 2013-2015 Quickbooks records) that defendant Nady swore under
9 oath were *more* accurate than the trip sheets. The class members assert their hours of
10 work per shift were, on average, considerably longer. Defendants' own expert came
11 up with *longer* average shift lengths (9.5 and 9.8 hours) based upon his review of 56
12 and 38 trips sheets for two periods and a 9.7 hours long average shift length for 123
13 pay periods that he studied. A Cab is bound by its NRCP Rule 30(b)(6) testimony
14 that it can only "guess" at the proper average shift length of the class members.
15 Accordingly, it has no competent evidence it can present as to the proper average shift
16 length prior to January 1, 2013 that should be adopted by the Court and applied under
17 *Mt. Clemons*. As a result, plaintiffs' request that the Court, as discussed at the June 5,
18 2018 hearing, enter a final judgment in this matter applying the *Mt. Clemons*
19 principals, and using an average shift length of 9.21 hours for the class members'
20 claims accruing prior to January 1, 2013, is properly adopted by the Court and it is
21 granting a judgment accordingly. Such judgment shall also include interest on each
22 amount as calculated from January 1, 2016 given the difficulty of applying NRS
23 17.130 to all of the class members' MWA claims, some of which did not arise until
24 after the service of the summons and complaint.¹⁴ there is no material issue of fact
25

26
27 ¹⁴ The judgment amounts, with interest, so calculated for each class member are at
28 Column "G" of Ex. "5" to Ex. "C" of class counsel's declaration of June 20, 2018, that
chart being annexed hereto as Ex. "A." 26.

1 that A Cab can dispute in respect to the Court's entry of judgment using the *Mt.*
2 *Clemons* principles given A Cab's inability to proffer any competent evidence on the
3 class members' average shift length prior to January 1, 2013.

4 A Cab's assertion, made in its affirmative defense and interrogatory response,
5 that it is entitled to some measure of satisfaction of the class members' MWA claims
6 based upon the payments it made under the U.S. Department of Labor's consent
7 judgment (§ 27) would be properly ignored as a sanction. Such action by the Court
8 would be justified and appropriate in light of A Cab's documented litigation abuses in
9 this case and its failure to properly respond to plaintiffs' interrogatory seeking such
10 information. Such action by the Court would also be justified in light of its need to
11 enter a judgment under the *Mt. Clemons* principles in response to A Cab's conduct, a
12 judgment that does not afford the class members the full, and precise, measure of
13 justice they would be entitled to, and receive, if A Cab had complied with NRS
14 608.115(1)(d). In the exercise of discretion, the Court will, nonetheless, afford A Cab
15 an opportunity to proffer proof of such payments post judgment and receive
16 appropriate satisfactions of the judgment amounts entered by this Order for the
17 involved class members. The Court will not delay entry of final judgment over this
18 issue, involving a potential offset to A Cab of less than 20% of the amount it is
19 awarding to the class, and only involving claims accruing to certain identified class
20 members during the period October 1, 2010 to October 1, 2012. But it has fashioned,
21 *infra*, provisions that afford A Cab a very fair opportunity to receive the offset it
22 claims from the consent judgment.

23 In connection with the MPSJ the plaintiffs have asked that the Court forego
24 entering judgment in favor of any class member when the amount so indicated by Ex.
25 "E" to the MPSJ is less than \$10.00, on the basis that amounts of under \$10.00 are *de*
26 *minimis*. Accordingly, the final judgment to be entered in this case for the amount of
27 unpaid minimum wages owed to the class members for the period January 1, 2013

1 through December 31, 2015 shall be the amounts calculated to be owed to every class
2 member in Column "D" of Ex. "E" of the MPSJ if such amount is at least \$10.00. As
3 discussed at ¶ 25 and ¶ 26 plaintiffs have introduced into the record calculations
4 showing the total amount (if any) owed to each A Cab taxi driver in unpaid minimum
5 wages for the January 1, 2013 through December 31, 2015 time period, based upon
6 the Quickbooks time worked records as sought in the MPSJ, and for the period of time
7 from July 1, 2007 through January 1, 2013 based upon the application of *Mt. Clemons*
8 principles as discussed further *infra*. The Court has found those calculations to be
9 accurate as discussed at ¶¶ 19-24. Accordingly, attached to this Order as Ex. "A," as
10 discussed further, *infra*, are the total amounts the Clerk of the Court shall enter as
11 Judgment amounts for each class member.¹⁵ Those total owed amounts are based
12 upon the reasoning of the MPSJ which is adopted by the Court to grant judgment to
13 the class members for the period January 1, 2013 through December 31, 2015 and the
14 application of the *Mt. Clemons* principles for the time period prior to January 1, 2013.
15

16 **Plaintiffs' Motion to Hold Defendants in Contempt for Their Violation**
17 **of the Court's Prior Orders Appointing a Special Master and Striking**
18 **Defendants' Answer and Directing a Prove Up Hearing.**

19 Alternatively, given the deference this Court must give in enforcing the
20 Constitution of the State of Nevada, the Court finds that Defendants' persistent failure
21 to comply with Court orders, and for reasons stated herein, warrants holding
22 defendants in contempt and striking their answer. Plaintiffs have argued strenuously
23 for the Court to strike Defendants' answer and award judgment accordingly. While
24 this Court has been at pains to resolve important issues without resort to sanctions, the
25 Court cannot avoid the conclusion that if other, less drastic bases were not available, it
26

27 ¹⁵ These amounts are the same amounts as Ex. "5" to Ex. "C" of the declaration of class
28 counsel filed on June 20, 2018 28.

1 would proceed by way of sanction, strike the answer, and award judgment to
2 Plaintiffs.¹⁶

3
4 Accordingly, the following alternative basis is offered.

5
6 While Plaintiffs' Motion uses the term contempt it does not seek an arrest for
7 civil contempt but an appropriate remedy, sanction, against A Cab for its failure to
8 comply with the Court's Orders appointing a Special Master. If those Orders had been
9 complied with, the Special Master's work would now be complete. The Court would
10 be proceeding to fashion an appropriate final judgment for the class members based
11 upon that report and the precise findings, in respect to the hours of work, wages paid,
12 and minimum wage amounts owed to the class members, it would have contained. A
13 Cab's failure to comply with those Orders has prevented that result. Plaintiffs do not
14 propose an order of civil contempt and imprisonment against defendant Nady, A Cab's
15 principal, as a remedy for that failure. Nor does the Court believe such an Order,
16 while within the Court's power, is sensible or will serve the interests of justice. As the
17 Plaintiffs' Motion requests, the Court should fashion some sort of alternative relief,
18 and judgment, that will resolve this litigation and render substantial justice, albeit not
19 in the precise form that would have been arrived at if A Cab had complied with the
20 Court's Orders appointing the Special Master.

21 The Court has inherent power to appropriately sanction, and tailor remedies for,
22

23 ¹⁶ The Court finds no prove up hearing is necessary under NRCP Rule 55(b)(2) as A
24 Cab admits it has no evidence to present on the proper average shift length to be used
25 by the Court in fashioning a judgment. The Court also finds A Cab is properly
26 prohibited from presenting further evidence on the proper amount of a default
27 judgment even if it possessed any germane evidence on that issue as a sanction under
28 *Young* for the reasons already stated. *See, Blanco v. Blanco*, 311 P.3d 1170, 1176
(Nev. Sup. Ct. 2013) *citing Foster v. Dingwall*, 227 P.3d 1042, 1050 (Nev. Sup. Ct.
2010) (Recognizing such a sanction is proper under *Young*).

1 violations of its Orders and in response to a party's improper conduct. *See, Young v.*
2 *Johnny Ribeiro* 787 P.2d 777, 779 (Nev. Sup. Ct. 1990) ("Litigants and attorneys alike
3 should be aware that these [inherent] powers may permit sanctions for discovery and
4 other litigation abuses not specifically proscribed by statute.") As discussed in *Young*
5 and the subsequent cases from the Nevada Supreme Court that follow *Young*, this
6 Court should make appropriately detailed and thoughtful written findings when
7 imposing such sanctions, which can include the striking of an answer and the granting
8 of a default judgment. Some of the factors the Supreme Court has said may be
9 considered in determining whether to impose such sanctions are the degree of
10 willfulness of the offending party, the feasibility and fairness of lesser sanctions, and
11 the prejudice sustained by the non-offending party. *Id.*, 787 P.2d at 780. It is also
12 apparent from *Bahena v. Goodyear Tire & Rubber Co.*, 235 P.3d 592, 599 (Nev. Sup.
13 Ct. 2010) citing and quoting *Foster v. Dingwall*, 227 P.3d 1042, 1047, 1048 (Nev.
14 Sup. Ct. 2010) that a demonstrated course of "repetitive, abusive and recalcitrant"
15 conduct by a party can justify the imposition of such sanctions. *Bahena*, further
16 discussing *Foster* and approving of its holding, also stated: "[w]e further concluded
17 [in *Forster*] that entries of complete default are proper where "litigants are
18 unresponsive and engaged in abusive litigation practices that cause interminable
19 delays." *Id.*

20 The Court concludes that the record in this case is sufficient under *Young* and
21 the other controlling precedents to warrant an award of relief in the form requested by
22 plaintiffs, a striking of defendant A Cab's answer and the entry of a default judgment.
23 A Cab's improper conduct in violating the Court's Orders appointing a Special Master
24 is not an isolated incident but "repetitive." Its prior history of improper conduct is
25 discussed in ¶ 15. That improper conduct has also caused "interminable delays" in the
26 production of A Cab's critically important Cab Manager and Quickbooks records,
27 delays A Cab may well have intended to foster in pursuit of an NRCP Rule 41(e)

1 dismissal. The willfulness of A Cab in disregarding the Court's Orders appointing a
2 Special Master is apparent and A Cab's assertion its failure to comply with those
3 Orders is a result of a financial inability to pay the Special Master cannot be properly
4 considered and its evidence to establish same is deficient. If A Cab truly lacks the
5 financial resources to comply with those Orders it has a remedy under the United
6 States Bankruptcy Code to seek the protection of the Bankruptcy Court which is
7 empowered to relieve it from those Orders and oversee the proper disposition of
8 whatever financial resources it does possess. It has declined to do so and continues to
9 do business and defend this case in this Court. Having elected to do so, it must
10 comply with this Court's Orders or face the consequences of its failure to do so.

11 If the Court did not grant summary judgment pursuant to the burden shifting
12 under Mt. Clemens, the Court would find there are no feasible or fair lesser sanctions
13 that it can properly impose in lieu of the judgment it is granting *infra*, and the
14 prejudice sustained by the non-offending party in this case, the class members, would
15 be too great if it failed to grant that judgment. A Cab has violated its obligations
16 under NRS 608.115(1)(d), obligations which, if met, would allow the Court to render
17 full, complete, and precise justice in this matter on the class members' MWA claims.
18 In response to that violation, the Court directed A Cab to pay a Special Master to
19 correct such deficiencies in its NRS 608.115(1)(d) compliance. It has failed to do so
20 and proposed no alternative approach to bring this case to a proper conclusion. The
21 Court cannot envision any sanction or any other feasible means to justly and properly
22 redress constitutional grievances, and resolve this case under the circumstances
23 presented, except through directing entry of the judgment specified, *infra*.

24 The prejudice that would inure to the class members if the Court failed to enter
25 the judgment specified, *infra*, is manifest and extreme. A Cab's proposal that the
26 Court await the outcome of other proceedings that may or may not impact some
27 amount of the class members' claims seeks to have the Court abdicate its

1 responsibility to hear and resolve the claims before it, something it cannot do.
2 Alternatively, A Cab postures it is entitled to rely on its failure to create the records
3 required by NRS 608.115(1)(d) and place upon the plaintiffs the burden, which they
4 should not have to meet and clearly cannot meet, to specify from their trip sheets their
5 precise hours of work for each pay period. Indeed, A Cab paid its expert in excess of
6 \$47,000 to produce a report asserting that position in its defense.

7 Despite plaintiffs' warranted request to hold defendants in contempt and strike
8 their answer, the Court has not viewed this as warranted to remedy this point, and
9 therefore has declined to do so. As an alternative ruling, the Court is prepared to do so
10 now.

11 12 **THE COURT'S JUDGMENT AND THE RELIEF ORDERED**

13
14 For the foregoing reasons, the Court hereby Orders the following relief and
15 enters a Final Judgment in this case in the following form:

- 16
17 A. The Court, pursuant to NRCP Rule 23(c)(1) amends the class claims
18 certified for disposition pursuant to NRCP Rule 23(b)(3). Those claims,
19 in respect to defendant A Cab, are now limited to the claims of the
20 previously identified class members arising under the MWA against A
21 Cab prior to January 1, 2016 but only to the extent A Cab failed to pay
22 such class members the "lower tier" (health benefits provided) minimum
23 wage required by the MWA; only in the amounts specified and arrived at
24 in this Order based upon the hours of work used by the Court to
25 determine such amounts; and only for interest owed on those claims on
26 and after January 1, 2016. Individual class members who seek to collect
27 "higher tier" minimum wage payments under the MWA; or amounts
28

1 owed under the MWA based upon them having actually worked more
2 hours in a pay period than the Court used in making the award to them in
3 this Order; or to collect the penalties proscribed by NRS 608.040; or for
4 additional amounts in interest that may be owed to them on their MWA
5 claims from A Cab may pursue those claims individually. Such claims
6 are dismissed from this case for all class members without prejudice;
7

8 B. All claims made against the defendant Nady are severed from the claims
9 against A Cab pursuant to NRCP Rule 21;
10

11 C. The Clerk of the Court shall enter judgment for each individual class
12 member in the amount specified in Column "F" in Ex. "A" as annexed
13 hereto against defendants A CAB TAXI SERVICE LLC and A CAB,
14 LLC. Such judgment shall conclude the class claims for damages
15 certified for disposition pursuant to NRCP Rule 23(b)(3) and constitute a
16 final judgment on such claims;
17


18 D. The Court retains continuing jurisdiction over the class claims it has
19 certified for disposition pursuant to NRCP Rule 23(b)(2), and for
20 enforcement of the monetary judgments it has rendered in favor of the
21 class members, and appoints class counsel, Leon Greenberg, Dana
22 Sniegocki, Christian Gabroy and Kaine Messer, as counsel for the class
23 member judgment creditors listed on Exhibit "A" and for whom the Court
24 is directing entry of judgment. Defendants, their agents, and their
25 attorneys, are prohibited from communicating with the class member
26 judgment creditors about their judgments granted by this Order or
27 securing any release or satisfaction of those judgments without first
28

securing a further Order of this Court in this case. Class counsel is authorized to proceed with whatever remedies it deems advisable to enforce the money judgments rendered for the class members but shall hold in their IOLTA account any amounts collected on such judgments and only release such monies as specified by a further Order of this Court in this case. Class counsel is also authorized to use all of the judgment enforcement remedies provided for by NRS Chapter 21 in the name of "Michael Murray as Judgment Creditor" for the total amount of the unsatisfied judgments rendered in favor of all class members, they need not seek or issue writs of judgment execution or levy individually for each judgment creditor class member. Class counsel is also prohibited, in light of the potential for A Cab to receive satisfaction of certain judgment amounts as provided for under G, *infra*, until further Order is issued by the Court, from taking action to collect more than \$960,000 of the combined judgment value of \$1,033,027.81 that is entered under this Order;

- E. The time for class counsel to apply for an award of fees and costs pursuant to NRCPC Rule 54 is extended to 60 days after the service of this Order with Notice of Entry;
- F. The court stays the severed case against defendant Nady for 60 days from the date of entry of this Order. That case shall remain stayed after that date until the Court issues an Order lifting such stay, the Court not anticipating doing so, or receiving any request from the parties to do so, until expiration of that 60 day period.

1 G. A Cab may present to the Court, at anytime after entry of this Order, a
2 motion to have the Court enter satisfactions towards each class member
3 judgment creditor's judgment amount for the amounts A Cab paid them
4 under the consent judgment that are a portion of the \$58,136.61 paid
5 under the consent judgment but not previously accounted for (§ 29). . It
6 shall also have the right, within 60 days from the date of service of this
7 Judgment and Order with Notice of Entry, to present to class counsel
8 evidence of how the \$58,136.61 paid under the consent judgment but not
9 previously accounted for (§ 29) should be set off against each class
10 member judgment creditor. Class counsel shall be obligated to advise A
11 Cab within 30 days thereafter if it agrees that A Cab it is entitled to a
12 judgment satisfaction based upon such evidence. If it so agrees, class
13 counsel must submit a motion to the Court within 10 days thereafter
14 seeking an Order entering such agreed upon satisfactions. If after that
15 date A Cab, after completing that process of conferral with class counsel,
16 must still file a motion with the Court to secure any such judgment
17 satisfactions, the Court will, if it grants that motion and also finds class
18 counsel did not act reasonably in cooperating with A Cab on determining
19 the amount of the satisfactions, award A Cab attorney's fees in connection
20 with the bringing of such a motion.
21

22 **IT IS SO ORDERED.**

23
24 
25 Honorable Kenneth Cory
26 District Court Judge
27
28

Date 8-21-18

EXHIBIT "A"

	A	B	C	D	E	F	G	H
1	Totals for All Class Members			\$900,317.34	\$132,710.47	\$1,033,027.81	\$975,666.16	\$75,348.82
2	EE Number	Last Name	First Name	Total Lower Tier Minimum Wages Owed 7/1/2007 - 12/31/2015 After Set Off and Over \$10.00	Interest from 1/1 2016 through 6/30/2018	Total with Interest	Total 2007- 2015 Shortage	Set Off From USDOL Settlement
3	3861	Abarca	Enrique	\$815.12	\$120.15	\$935.27	\$815.12	
4	3638	Abdella	Juhar	\$178.63	\$26.33	\$204.96	\$319.03	\$140.40
5	3331	Abdulahi	Faud	\$286.07	\$42.17	\$328.23	\$286.07	
6	105408	Abdulle	Abdirashid	\$165.36	\$24.38	\$189.74	\$165.36	
7	3606	Abebe	Tamrat	\$3,010.66	\$443.78	\$3,454.44	\$3,010.66	
8	3302	Abraha	Tesfalem	\$669.17	\$98.64	\$767.81	\$669.17	
9	105813	Abt	Daniel	\$891.35	\$131.39	\$1,022.74	\$891.35	
10	2640	Abuel	Alan	\$148.52	\$21.89	\$170.41	\$380.83	\$232.31
11	3513	Abuhay	Fasil	\$529.05	\$77.98	\$607.03	\$720.06	\$191.01
12	100221	Ackman	Charles	\$385.21	\$56.78	\$441.99	\$385.21	
13	3853	Acosta	Lorrie	\$135.08	\$19.91	\$154.99	\$135.08	
14	3257	Adam	Elhadi	\$522.90	\$77.08	\$599.98	\$522.90	
15	3609	Adamian	Robert	\$794.61	\$117.13	\$911.74	\$995.17	\$200.56
16	3896	Adams	Michael	\$193.46	\$28.52	\$221.98	\$283.69	\$90.23
17	3641	Adamson	Nicole	\$1,012.32	\$149.22	\$1,161.54	\$1,306.43	\$294.11
18	3035	Adem	Sued	\$731.28	\$107.79	\$839.07	\$731.28	
19	25411	Adhanom	Tewoldebrhan	\$124.16	\$18.30	\$142.46	\$124.16	
20	3846	Agacevic	Ibnel	\$299.99	\$44.22	\$344.21	\$299.99	
21	100821	Agostino	Nicholas	\$1,436.35	\$211.72	\$1,648.07	\$1,436.35	
22	3684	Ahmed	Ahmed	\$926.12	\$136.51	\$1,062.63	\$1,290.23	\$364.11
23	3678	Alemayehu	Tewodros	\$42.09	\$6.20	\$48.30	\$42.09	
24	3692	Alessi	Anthony	\$13.62	\$2.01	\$15.63	\$13.62	
25	3712	Alexander	Darvious	\$63.13	\$9.30	\$72.43	\$63.13	
26	3869	Alfaro	Joe	\$300.71	\$44.33	\$345.03	\$300.71	

	A	B	C	D	E	F	G	H
27	3661	Ali	Abraham	\$2,224.87	\$327.95	\$2,552.82	\$2,224.87	
28	104525	Allegue	Yusnier	\$1,414.77	\$208.54	\$1,623.31	\$1,414.77	
29	2903	Allen	Otis	\$9,556.92	\$1,408.73	\$10,965.65	\$9,556.92	
30	25979	Alnaif	Abdul	\$926.14	\$136.52	\$1,062.65	\$958.49	\$32.35
31	3787	Altamura	Vincent	\$503.89	\$74.28	\$578.17	\$503.89	
32	103822	Alvarado	Santiago	\$94.08	\$13.87	\$107.95	\$94.08	
33	3106	Alvero	Jose	\$105.62	\$15.57	\$121.18	\$105.62	
34	3769	Alves	Mary	\$988.61	\$145.72	\$1,134.33	\$988.61	
35	2968	Amato	Richard	\$4,000.14	\$589.64	\$4,589.78	\$4,000.14	
36	3645	Ameha	Samuale	\$244.82	\$36.09	\$280.91	\$244.82	
37	24038	Anantagul	Kamol	\$154.39	\$22.76	\$177.15	\$154.39	
38	3564	Anastasio	James	\$111.24	\$16.40	\$127.63	\$111.24	
39	2834	Anders	Matthew	\$417.90	\$61.60	\$479.50	\$417.90	
40	29709	Andersen	Jason	\$1,224.18	\$180.45	\$1,404.63	\$1,995.14	\$770.96
41	3672	Anderson	Roosevelt	\$2,114.65	\$311.71	\$2,426.36	\$2,787.37	\$672.72
42	106828	Anderson	Calvin	\$1,353.44	\$199.50	\$1,552.95	\$1,353.44	
43	3943	Anderson	William	\$289.40	\$42.66	\$332.06	\$289.40	
44	3650	Anif	Janeid	\$1,406.55	\$207.33	\$1,613.88	\$1,406.55	
45	2662	Antoine	Albert	\$310.19	\$45.72	\$355.91	\$310.19	
46	2942	Appel	Howard	\$23.47	\$3.46	\$26.93	\$23.47	
47	3614	Applegate	Angela	\$260.97	\$38.47	\$299.44	\$319.42	\$58.45
48	3730	Arar	Isam	\$1,726.82	\$254.54	\$1,981.36	\$2,235.96	\$509.14
49	104910	Archer	Bert	\$362.37	\$53.41	\$415.78	\$362.37	
50	3037	Archuleta	Alex	\$2,031.51	\$299.45	\$2,330.96	\$2,031.51	
51	3709	Arell	Roger	\$42.41	\$6.25	\$48.66	\$92.02	\$49.61
52	3931	Arena	Francis	\$527.13	\$77.70	\$604.83	\$527.13	
53	26553	Arnwine	Howard	\$2,020.90	\$297.89	\$2,318.78	\$2,185.05	\$164.15
54	2439	Artigue	David	\$315.09	\$46.45	\$361.53	\$315.09	
55	3676	Asad	Tassawar	\$28.49	\$4.20	\$32.69	\$28.49	
56	31622	Asefa	Wossen	\$456.31	\$67.26	\$523.57	\$456.31	
57	3828	Aseffa	Mulubahan	\$1,992.18	\$293.66	\$2,285.84	\$2,431.45	\$439.27
58	3741	Assena	Zenebech	\$41.86	\$6.17	\$48.02	\$41.86	
59	3873	Atanasov	Nikolay	\$154.17	\$22.73	\$176.90	\$154.17	

	A	B	C	D	E	F	G	H
60	3406	Atoigue	Marco	\$259.34	\$38.23	\$297.57	\$259.34	
61	3825	Atterbury	Joseph	\$159.92	\$23.57	\$183.49	\$159.92	
62	110476	Auberry Jr.	Glenn	\$309.98	\$45.69	\$355.67	\$309.98	
63	2432	Auckermar	Katherine	\$215.32	\$31.74	\$247.06	\$215.32	
64	3667	Aurich	Juan	\$1,489.26	\$219.52	\$1,708.78	\$2,508.20	\$1,018.94
65	2926	Awalom	Alemayehu	\$8,201.42	\$1,208.92	\$9,410.35	\$8,201.42	
66	3707	Azmoudeh	Bobby	\$208.23	\$30.69	\$238.92	\$208.23	
67	3605	Azzouay	El	\$135.48	\$19.97	\$155.45	\$135.48	
68	20210	Ba	Awa	\$1,270.02	\$187.21	\$1,457.22	\$1,270.02	
69	2555	Babinchak	Blaine	\$15.52	\$2.29	\$17.80	\$15.52	
70	108404	Baca	James	\$105.93	\$15.61	\$121.54	\$105.93	
71	27358	Baca-Paez	Sergio	\$2,124.87	\$313.21	\$2,438.08	\$2,501.92	\$377.05
72	2708	Badillo	Cesar	\$280.24	\$41.31	\$321.55	\$280.24	
73	3130	Bafrdu	Solomon	\$221.55	\$32.66	\$254.21	\$221.55	
74	3838	Baker	Timothy	\$2,135.81	\$314.83	\$2,450.64	\$2,431.20	\$295.39
75	27315	Bakhtiari	Marco	\$2,118.28	\$312.24	\$2,403.53	\$3,284.38	\$1,166.10
76	112015	Bambenek	Matthew	\$337.56	\$49.76	\$387.31	\$337.56	
77	112193	Bandi	Pedram	\$11.21	\$1.65	\$12.86	\$11.21	
78	2523	Banuelos	Ruben	\$150.22	\$22.14	\$172.36	\$150.22	
79	3909	Barbu	Ion	\$2,507.70	\$369.64	\$2,877.34	\$2,562.29	\$54.59
80	3760	Bardo	Timothy	\$746.65	\$110.06	\$856.71	\$746.65	
81	3369	Barich	Edward	\$1,270.10	\$187.22	\$1,457.31	\$1,270.10	
82	100158	Barnes	Benjamin	\$5,936.88	\$875.12	\$6,812.00	\$5,936.88	
83	2993	Barr	Kenneth	\$574.03	\$84.61	\$658.64	\$615.48	\$41.45
84	107792	Barramede	Danilo	\$56.83	\$8.38	\$65.20	\$56.83	
85	3601	Barseghyan	Artur	\$373.48	\$55.05	\$428.54	\$488.18	\$114.70
86	3887	Barstow	Lance	\$131.44	\$19.37	\$150.81	\$131.44	
87	3829	Bartunek	Johnny	\$19.47	\$2.87	\$22.34	\$19.47	
88	3649	Bataineh	Ali	\$218.35	\$32.18	\$250.53	\$218.35	
89	2454	Batista	Eugenio	\$49.03	\$7.23	\$56.25	\$49.03	
90	3926	Bauer	William	\$217.42	\$32.05	\$249.47	\$217.42	
91	2063	Bean	Ronald	\$214.50	\$31.62	\$246.12	\$214.50	
92	2786	Bekele	Abraham	\$77.01	\$11.35	\$88.36	\$77.01	

	A	B	C	D	E	F	G	H
93	2856	Bell	Arthur	\$328.15	\$48.37	\$376.52	\$328.15	
94	25454	Bell	Jeffrey	\$26.45	\$3.90	\$30.34	\$26.45	
95	3594	Bellegarde	Josue	\$11.51	\$1.70	\$13.21	\$11.51	
96	3622	Benel	Christian	\$1,457.21	\$214.80	\$1,672.01	\$1,589.84	\$132.63
97	110687	Berger	James	\$58.09	\$8.56	\$66.65	\$58.09	
98	103219	Berichon	Mike	\$947.14	\$139.61	\$1,086.75	\$947.14	
99	23373	Bey	Ronald	\$3,483.14	\$513.43	\$3,996.57	\$3,483.14	
100	2960	Bialorucki	Richard	\$6,538.58	\$963.81	\$7,502.40	\$6,776.93	\$238.35
101	2986	Black	Burton	\$1,658.10	\$244.41	\$1,902.51	\$1,658.10	
102	29914	Bliss	Valerie	\$124.09	\$18.29	\$142.38	\$124.09	
103	112455	Blum III	Arthur	\$47.07	\$6.94	\$54.01	\$47.07	
104	3072	Blumenthal	Alan	\$1,925.31	\$283.80	\$2,209.10	\$1,925.31	
105	3101	Bly	Vertito	\$3,955.45	\$583.05	\$4,538.50	\$3,955.45	
106	3180	Bolden	Quincy	\$284.99	\$42.01	\$327.00	\$284.99	
107	2487	Boling	Freddy	\$2,571.76	\$379.09	\$2,950.85	\$2,571.76	
108	2814	Booth	Sean	\$643.34	\$94.83	\$738.17	\$643.34	
109	2802	Borja	Virginia	\$3,665.99	\$540.38	\$4,206.37	\$3,955.31	\$289.32
110	3003	Borowski	Edwin	\$227.27	\$33.50	\$260.77	\$227.27	
111	3723	Bowen	Christopher	\$674.72	\$99.46	\$774.17	\$674.72	
112	2767	Boyd	Kevin	\$862.73	\$127.17	\$989.90	\$862.73	
113	3508	Bozic	Nebojsa	\$1,242.08	\$183.09	\$1,425.17	\$1,242.08	
114	28324	Bradley	Leroy	\$2,391.80	\$352.56	\$2,744.36	\$2,810.40	\$418.60
115	2056	Brauchle	Michael	\$6,402.82	\$943.80	\$7,346.62	\$7,112.38	\$709.56
116	3254	Breault	Ronald	\$208.05	\$30.67	\$238.72	\$208.05	
117	2806	Brennan	Sheila	\$78.89	\$11.63	\$90.52	\$78.89	
118	3697	Briggs	Andrew	\$52.36	\$7.72	\$60.08	\$52.36	
119	3716	Brimhall	Tracy	\$3,804.84	\$560.85	\$4,365.69	\$3,804.84	
120	3621	Brisco	Allen	\$3,226.36	\$475.58	\$3,701.93	\$3,226.36	
121	100299	Briski	Louis	\$704.15	\$103.79	\$807.94	\$892.62	\$188.47
122	110579	Brooks	Jose	\$46.30	\$6.83	\$53.13	\$46.30	
123	3067	Brown	Maurice	\$1,528.59	\$225.32	\$1,753.91	\$1,528.59	
124	3949	Brown	Daniel	\$730.19	\$107.63	\$837.82	\$730.19	
125	2704	Buergey	Christopher	\$1,051.28	\$154.96	\$1,206.24	\$1,051.28	

	A	B	C	D	E	F	G	H
126	28249	Bunns	Tommy	\$564.89	\$83.27	\$648.16	\$564.89	
127	3340	Burgema	Kelemework	\$1,408.98	\$207.69	\$1,616.67	\$1,408.98	
128	111670	Burns	Brittany	\$122.95	\$18.12	\$141.08	\$122.95	
129	3327	Butler	Bonnie	\$984.83	\$145.17	\$1,129.99	\$984.83	
130	3160	Butts	Phillip	\$315.09	\$46.45	\$361.54	\$315.09	
131	3537	Cadman	Linda	\$43.84	\$6.46	\$50.31	\$43.84	
132	109309	Caldwell Jr	Paul	\$364.22	\$53.69	\$417.90	\$364.22	
133	3892	Calise	Domenic	\$57.13	\$8.42	\$65.55	\$57.13	
134	3791	Cancio-Bet	Rene	\$282.86	\$41.69	\$324.55	\$282.86	
135	3070	Canelstein	Glen	\$168.33	\$24.81	\$193.14	\$168.33	
136	106463	Capone	Gary	\$1,177.79	\$173.61	\$1,351.40	\$1,177.79	
137	3733	Carr	Jamaal	\$127.11	\$18.74	\$145.84	\$127.11	
138	2660	Carracedo	Sonny	\$380.97	\$56.16	\$437.13	\$380.97	
139	3899	Casiello	Anthony	\$552.19	\$81.39	\$633.58	\$703.35	\$151.16
140	102334	Castellano	Joaquin	\$419.56	\$61.84	\$481.40	\$419.56	
141	2850	Castillo	Franzes	\$32.11	\$4.73	\$36.84	\$32.11	
142	2740	Cater	Leslie	\$863.76	\$127.32	\$991.09	\$863.76	
143	3463	Catoera	Nestor	\$327.05	\$48.21	\$375.25	\$327.05	
144	2531	Catoggio	Alfred	\$143.11	\$21.10	\$164.21	\$143.11	
145	3843	Caymite	Luc	\$221.02	\$32.58	\$253.60	\$221.02	
146	2907	Cease	Alan	\$367.94	\$54.24	\$422.18	\$367.94	
147	2969	Champigny	Paul	\$133.62	\$19.70	\$153.31	\$133.62	
148	104310	Chana	Chen	\$658.00	\$96.99	\$754.99	\$658.00	
149	3420	Chang	Yun-Yu	\$1,093.43	\$161.18	\$1,254.60	\$1,093.43	
150	3831	Charouat	Malek	\$412.11	\$60.75	\$472.86	\$412.11	
151	24737	Charov	Ivaylo	\$67.83	\$10.00	\$77.83	\$67.83	
152	3663	Chasteen	Jeffery	\$38.80	\$5.72	\$44.52	\$38.80	
153	3714	Chatrizeh	Shahin	\$744.82	\$109.79	\$854.61	\$950.52	\$205.70
154	2420	Chau	Phi	\$45.97	\$6.78	\$52.74	\$45.97	
155	112394	Chavez	Rosemarie	\$13.29	\$1.96	\$15.25	\$13.29	
156	3249	Chico	David	\$3,982.14	\$586.98	\$4,569.12	\$3,982.14	
157	3258	Child	Gregg	\$232.80	\$34.32	\$267.11	\$232.80	
158	3729	Choudhary	Krishna	\$1,694.88	\$249.83	\$1,944.71	\$1,694.88	

	A	B	C	D	E	F	G	H
159	3588	Christense	Rosa	\$1,878.35	\$276.88	\$2,155.22	\$1,878.35	
160	3881	Christodou	Panos	\$584.13	\$86.10	\$670.23	\$584.13	
161	26783	Clark	Dennis	\$513.57	\$75.70	\$589.27	\$513.57	
162	31467	Clarke	Michael	\$69.42	\$10.23	\$79.65	\$69.42	
163	2994	Clift	Daniel	\$519.14	\$76.52	\$595.67	\$519.14	
164	2679	Clores	Edgardo	\$363.66	\$53.60	\$417.26	\$363.66	
165	107430	Cobon	Karl	\$1,023.14	\$150.81	\$1,173.95	\$1,023.14	
166	3802	Cobos	Aaron	\$258.72	\$38.14	\$296.85	\$258.72	
167	3885	Cohoon	Thomas	\$2,087.12	\$307.65	\$2,394.77	\$2,261.53	\$174.41
168	3552	Coizeau	Leonardo	\$3,285.52	\$484.30	\$3,769.81	\$3,433.58	\$148.06
169	2527	Colello	Robert	\$123.39	\$18.19	\$141.58	\$123.39	
170	3321	Collier	Samuel	\$326.95	\$48.19	\$375.15	\$326.95	
171	102415	Collier	Ella	\$293.00	\$43.19	\$336.19	\$447.70	\$154.70
172	3862	Collins	Lincoln	\$408.91	\$60.27	\$469.18	\$520.42	\$111.51
173	2676	Collins	Donald	\$297.17	\$43.80	\$340.97	\$297.17	
174	2481	Colon	James	\$999.75	\$147.37	\$1,147.12	\$999.75	
175	108041	Comeau	Brian	\$70.76	\$10.43	\$81.19	\$70.76	
176	3596	Conde	Carlos	\$103.01	\$15.18	\$118.19	\$103.01	
177	3900	Coney-Cun	Keisha	\$531.04	\$78.28	\$609.32	\$531.04	
178	3738	Conway	James	\$3,480.75	\$513.08	\$3,993.82	\$3,980.61	\$499.86
179	3546	Cook	Eugene	\$1,466.17	\$216.12	\$1,682.29	\$1,466.17	
180	3284	Cook	Robert	\$1,223.89	\$180.41	\$1,404.29	\$1,223.89	
181	112398	Corona	Fernando	\$775.97	\$114.38	\$890.35	\$775.97	
182	2051	Costello	Brad	\$2,277.69	\$335.74	\$2,613.44	\$2,668.39	\$390.70
183	3550	Craddock	Charles	\$1,473.65	\$217.22	\$1,690.87	\$1,473.65	
184	3935	Craffey	Richard	\$672.27	\$99.09	\$771.36	\$672.27	
185	23774	Crawford	Darryl	\$395.48	\$58.29	\$453.77	\$478.70	\$83.22
186	21457	Crawford	Maximillian	\$156.56	\$23.08	\$179.64	\$156.56	
187	30300	Cruz-Decas	Antonio	\$47.37	\$6.98	\$54.35	\$47.37	
188	3301	Csorba	Laszlo	\$512.50	\$75.54	\$588.04	\$512.50	
189	109796	Curtin	Ronald	\$1,891.68	\$278.84	\$2,170.52	\$1,891.68	
190	109130	Dacayanan	Liza	\$515.01	\$75.91	\$590.92	\$515.01	
191	23948	Daffron	Daniel	\$1,242.13	\$183.10	\$1,425.23	\$1,242.13	

	A	B	C	D	E	F	G	H
192	32238	Daggett Jr.	Rudolph	\$618.68	\$91.20	\$709.87	\$618.68	
193	3231	Dagley	Darryl	\$429.11	\$63.25	\$492.36	\$429.11	
194	3777	Daniels	Donald	\$3,274.58	\$482.69	\$3,757.26	\$3,274.58	
195	3480	Daniels	Katherine	\$645.94	\$95.21	\$741.15	\$2,170.19	\$1,524.25
196	110936	Daniels	James	\$57.14	\$8.42	\$65.56	\$57.14	
197	3511	Danielsen	Danny	\$508.57	\$74.97	\$583.54	\$508.57	
198	3428	D'Arcy	Timothy	\$5,450.15	\$803.37	\$6,253.52	\$5,450.15	
199	101103	Davila-Ron	Monica	\$58.85	\$8.67	\$67.52	\$58.85	
200	28065	Davis	Bradley	\$2,249.11	\$331.53	\$2,580.64	\$2,249.11	
201	2590	Davis	Nancy	\$71.07	\$10.48	\$81.54	\$71.07	
202	3419	Degefa	Dejene	\$385.27	\$56.79	\$442.06	\$385.27	
203	3548	Degracia	Bob	\$342.00	\$50.41	\$392.42	\$342.00	
204	3675	Deguzman	Leloi	\$619.41	\$91.30	\$710.71	\$619.41	
205	2573	Deguzman	Fermin	\$294.22	\$43.37	\$337.59	\$294.22	
206	3027	Dein	Fred	\$97.00	\$14.30	\$111.29	\$97.00	
207	111137	Dejacto	Giovanna	\$660.42	\$97.35	\$757.77	\$660.42	
208	25935	Delgado	Carlos	\$105.26	\$15.52	\$120.78	\$105.26	
209	2057	DeMarco	William	\$581.36	\$85.69	\$667.05	\$581.36	
210	3566	Deocampo	Michael	\$198.88	\$29.31	\$228.19	\$222.51	\$23.63
211	3936	Dial	Donald	\$811.92	\$119.68	\$931.60	\$811.92	
212	111062	Diamond	Jeffrey	\$273.19	\$40.27	\$313.46	\$273.19	
213	3719	Diaz	Aiser	\$22.90	\$3.38	\$26.28	\$22.90	
214	3657	Dibaba	Desta	\$958.68	\$141.31	\$1,099.99	\$958.68	
215	3905	Dillard	Corey	\$904.27	\$133.29	\$1,037.56	\$978.27	\$74.00
216	2031	Dinok	Ildiko	\$3,031.54	\$446.86	\$3,478.41	\$3,031.54	
217	6832	Dionas	John	\$87.73	\$12.93	\$100.66	\$87.73	
218	3756	Disbrow	Ronald	\$2,475.64	\$364.92	\$2,840.56	\$2,858.43	\$382.79
219	3395	Dixon	Julius	\$702.55	\$103.56	\$806.11	\$702.55	
220	2812	Djapa-Ivos	Davor	\$1,028.61	\$151.62	\$1,180.23	\$1,028.61	
221	3704	Dobszewic	Gary	\$2,278.69	\$335.89	\$2,614.57	\$3,064.20	\$785.51
222	3024	Donahoe	Stephen	\$998.20	\$147.14	\$1,145.34	\$998.20	
223	2811	Donleycott	Kevin	\$622.75	\$91.80	\$714.55	\$622.75	
224	3478	Dontchev	Nedeltcho	\$3,455.50	\$509.36	\$3,964.86	\$3,561.35	\$105.85

	A	B	C	D	E	F	G	H
225	3378	Dotson	Eugene	\$590.77	\$87.08	\$677.85	\$656.43	\$65.66
226	3830	Dotson	Contessa	\$49.54	\$7.30	\$56.84	\$49.54	
227	2067	Doughty	Michael	\$308.33	\$45.45	\$353.78	\$308.33	
228	2919	Downing	Jennifer	\$133.31	\$19.65	\$152.96	\$133.31	
229	2839	Downs	David	\$324.58	\$47.85	\$372.43	\$324.58	
230	106763	Doyle	William	\$304.91	\$44.94	\$349.85	\$304.91	
231	2871	Draper	Ivan	\$5,002.36	\$737.37	\$5,739.72	\$6,105.13	\$1,102.77
232	2874	Dreitzer	Gail	\$294.20	\$43.37	\$337.56	\$294.20	
233	3754	Dudek	Anthony	\$1,421.81	\$209.58	\$1,631.39	\$1,421.81	
234	3084	Duff	Tommy	\$215.34	\$31.74	\$247.09	\$215.34	
235	3916	Duna	Lawrence	\$760.98	\$112.17	\$873.15	\$760.98	
236	3617	Durey	Robert	\$795.00	\$117.19	\$912.19	\$1,086.96	\$291.96
237	2006	Durtschi	Jeffrey	\$496.97	\$73.26	\$570.23	\$585.98	\$89.01
238	100046	Dymond	Ernest	\$62.96	\$9.28	\$72.24	\$62.96	
239	3220	Dyson	Edward	\$237.76	\$35.05	\$272.81	\$237.76	
240	1095	Eckert	Michael	\$44.98	\$6.63	\$51.61	\$44.98	
241	3907	Eddik	Muhannad	\$31.60	\$4.66	\$36.26	\$31.60	
242	2637	Edwards	Jeffrey	\$2,251.54	\$331.89	\$2,583.42	\$2,735.54	\$484.00
243	3381	Egan	Joseph	\$3,566.11	\$525.66	\$4,091.77	\$3,566.11	
244	3595	Ekoue	Ayi	\$2,813.75	\$414.76	\$3,228.50	\$2,813.75	
245	3125	Elam	Damon	\$2,368.35	\$349.10	\$2,717.46	\$2,368.35	
246	111822	Elgendy	Mohamed	\$96.88	\$14.28	\$111.17	\$96.88	
247	18678	Eliades	George	\$272.83	\$40.22	\$313.04	\$272.83	
248	3242	Eljawhary	Farid	\$233.11	\$34.36	\$267.47	\$233.11	
249	3771	Ellis	Charles	\$763.81	\$112.59	\$876.40	\$763.81	
250	109641	Emling	Paul	\$146.38	\$21.58	\$167.95	\$470.16	\$323.78
251	106698	Emter	Christopher	\$124.52	\$18.36	\$142.88	\$124.52	
252	2975	English	David	\$419.94	\$61.90	\$481.84	\$419.94	
253	3567	Ernst	William	\$2,071.00	\$305.27	\$2,376.27	\$3,661.62	\$1,590.62
254	3937	Esfarjany	Mahmood	\$61.93	\$9.13	\$71.06	\$61.93	
255	3689	Eshaghi	Mohammad	\$243.90	\$35.95	\$279.85	\$347.00	\$103.10
256	2865	Esser	David	\$57.32	\$8.45	\$65.77	\$57.32	
257	3889	Estrada	Michael	\$217.71	\$32.09	\$249.80	\$217.71	

	A	B	C	D	E	F	G	H
258	3628	Evans	Steven	\$23.51	\$3.46	\$26.97	\$23.51	
259	3703	Fadlallah	Michel	\$675.34	\$99.55	\$774.88	\$857.18	\$181.84
260	29981	Fair	Kirby	\$496.57	\$73.20	\$569.77	\$496.57	
261	3795	Farah	Yohannes	\$391.88	\$57.76	\$449.64	\$391.88	
262	2758	Feakes	Curtis	\$57.53	\$8.48	\$66.01	\$57.53	
263	2682	Fears	Thomas	\$4,474.10	\$659.50	\$5,133.60	\$5,067.14	\$593.04
264	3591	Feleke	Melak	\$979.78	\$144.42	\$1,124.20	\$1,190.60	\$210.82
265	3324	Ferrall	Edwin	\$240.80	\$35.49	\$276.29	\$240.80	
266	3549	Fesehazior	Teabe	\$2,143.08	\$315.90	\$2,458.98	\$2,702.14	\$559.06
267	111068	Filatov	Andrey	\$20.19	\$2.98	\$23.16	\$20.19	
268	3877	Filfel	Kamal	\$3,138.25	\$462.59	\$3,600.84	\$3,138.25	
269	3528	Fitz-Patrick	Michael	\$150.98	\$22.26	\$173.24	\$150.98	
270	109381	Fitzsimmon	Marc	\$327.92	\$48.34	\$376.25	\$327.92	
271	111729	Flanders	Mary	\$208.19	\$30.69	\$238.88	\$208.19	
272	3705	Fleming	Gary	\$3,227.44	\$475.74	\$3,703.17	\$4,079.24	\$851.80
273	2583	Foley	John	\$324.12	\$47.78	\$371.90	\$324.12	
274	3939	Ford	Todd	\$982.51	\$144.83	\$1,127.33	\$982.51	
275	3927	Fox	Gordon	\$258.33	\$38.08	\$296.41	\$258.33	
276	3860	Frankenbe	Grant	\$625.40	\$92.19	\$717.58	\$625.40	
277	2614	Franklin	David	\$530.60	\$78.21	\$608.81	\$530.60	
278	3196	Fredrickson	Steven	\$221.29	\$32.62	\$253.90	\$221.29	
279	3184	Friedman	Robert	\$384.78	\$56.72	\$441.50	\$384.78	
280	3774	Furst III	James	\$48.51	\$7.15	\$55.66	\$48.51	
281	107590	Galtieri	Frank	\$269.32	\$39.70	\$309.02	\$269.32	
282	2782	Garcia	John	\$10,117.38	\$1,491.34	\$11,608.72	\$10,275.94	\$158.56
283	3652	Garcia	Miguel	\$1,119.02	\$164.95	\$1,283.96	\$1,119.02	
284	3522	Gardea	Alfred	\$2,589.33	\$381.68	\$2,971.01	\$2,589.33	
285	3694	Gared	Yaekob	\$76.99	\$11.35	\$88.34	\$76.99	
286	3793	Garras	Bill	\$160.33	\$23.63	\$183.97	\$160.33	
287	26636	Garrett	Kathleen	\$20.07	\$2.96	\$23.03	\$20.07	
288	3642	Gaumont	Gerard	\$197.50	\$29.11	\$226.61	\$197.50	
289	3503	Gebrayes	Henock	\$582.20	\$85.82	\$668.02	\$582.20	
290	2870	Gebregiorg	Tewodros	\$57.35	\$8.45	\$65.81	\$57.35	

	A	B	C	D	E	F	G	H
291	3300	Gebrehan	Kebere	\$1,330.65	\$196.14	\$1,526.79	\$1,330.65	
292	3801	Gebremari	Meley	\$200.99	\$29.63	\$230.61	\$200.99	
293	3580	Gebreyes	Fanuel	\$513.28	\$75.66	\$588.93	\$933.43	\$420.15
294	3328	Gelane	Samuel	\$4,752.58	\$700.55	\$5,453.13	\$5,898.98	\$1,146.40
295	3589	Gessese	Worku	\$81.57	\$12.02	\$93.59	\$81.57	
296	3153	Getnet	Girma	\$151.67	\$22.36	\$174.03	\$151.67	
297	3865	Ghuri	Azhar	\$205.23	\$30.25	\$235.48	\$205.23	
298	3759	Gianopoul	Samuel	\$1,133.49	\$167.08	\$1,300.57	\$1,406.99	\$273.50
299	3016	Giatropoul	John	\$68.57	\$10.11	\$78.68	\$68.57	
300	3696	Gillett	David	\$519.94	\$76.64	\$596.58	\$1,435.64	\$915.70
301	3600	Gilmore	Paula	\$16.54	\$2.44	\$18.98	\$82.81	\$66.27
302	3924	Gilo	Hobart	\$645.59	\$95.16	\$740.75	\$645.59	
303	31076	Glaser	Stephen	\$153.87	\$22.68	\$176.55	\$153.87	
304	3121	Gleason	John	\$4,310.08	\$635.32	\$4,945.41	\$5,660.07	\$1,349.99
305	3540	Glogovac	Goran	\$1,243.82	\$183.34	\$1,427.16	\$1,792.54	\$548.72
306	3762	Godsey	Kelly	\$1,233.95	\$181.89	\$1,415.83	\$1,233.95	
307	3739	Godsey	Thomas	\$90.55	\$13.35	\$103.89	\$90.55	
308	106897	Goettsche	Dale	\$31.60	\$4.66	\$36.26	\$31.60	
309	2064	Gohlke	James	\$381.88	\$56.29	\$438.17	\$381.88	
310	31840	Gokcek	Guney	\$99.83	\$14.72	\$114.55	\$99.83	
311	3688	Golden	Theresa	\$686.85	\$101.24	\$788.10	\$686.85	
312	3538	Goldman	Kevin	\$334.92	\$49.37	\$384.28	\$334.92	
313	3646	Golla	Dawit	\$72.45	\$10.68	\$83.12	\$72.45	
314	3848	Gomez-Go	Arlene	\$138.32	\$20.39	\$158.70	\$138.32	
315	3903	Gonzalez	Luis	\$1,355.04	\$199.74	\$1,554.78	\$1,355.04	
316	3586	Gonzalez	Ramon	\$503.17	\$74.17	\$577.33	\$503.17	
317	111390	Gonzalez	Pedro	\$263.79	\$38.88	\$302.67	\$263.79	
318	3929	Gonzalez-F	Jose	\$178.96	\$26.38	\$205.34	\$178.96	
319	3794	Goolsby	Victor	\$933.19	\$137.56	\$1,070.74	\$933.19	
320	3391	Grafton	Natasha	\$2,352.74	\$346.80	\$2,699.54	\$2,352.74	
321	3219	Gramatiko	Petko	\$88.94	\$13.11	\$102.05	\$88.94	
322	24757	Granchelle	Andrew	\$700.68	\$103.28	\$803.96	\$700.68	
323	19253	Gray	Gary	\$3,124.58	\$460.58	\$3,585.16	\$3,790.84	\$666.26

	A	B	C	D	E	F	G	H
324	3197	Green	Tony	\$3,009.20	\$443.57	\$3,452.77	\$4,198.23	\$1,189.03
325	2755	Greever	Rickey	\$3,835.37	\$565.35	\$4,400.72	\$3,886.18	\$50.81
326	2843	Gregg	Gary	\$532.59	\$78.51	\$611.10	\$532.59	
327	2971	Gross	Timothy	\$1,831.66	\$269.99	\$2,101.65	\$1,831.66	
328	2868	Gross	Daniel	\$936.11	\$137.99	\$1,074.10	\$936.11	
329	3346	Gross	Mark	\$99.84	\$14.72	\$114.55	\$99.84	
330	2897	Gruttadauri	Martin	\$46.47	\$6.85	\$53.32	\$46.47	
331	18964	Guerrero	Daniel	\$1,211.23	\$178.54	\$1,389.76	\$1,211.23	
332	3655	Guinan	William	\$318.19	\$46.90	\$365.09	\$552.49	\$234.30
333	2832	Guinto	Philip	\$285.36	\$42.06	\$327.43	\$285.36	
334	3296	Gutierrez	Jose	\$196.73	\$29.00	\$225.73	\$196.73	
335	2841	Gutierrez	Michael	\$69.27	\$10.21	\$79.48	\$69.27	
336	3895	Gyuro	John	\$343.12	\$50.58	\$393.70	\$343.12	
337	103550	Habte	Amanuel	\$1,165.61	\$171.82	\$1,337.43	\$1,165.61	
338	3636	Habtom	Ermias	\$663.42	\$97.79	\$761.21	\$663.42	
339	3799	Hadley	Aaron	\$221.75	\$32.69	\$254.44	\$333.64	\$111.89
340	3827	Haigh III	Walter	\$202.61	\$29.87	\$232.48	\$202.61	
341	2619	Haley	Thomas	\$157.70	\$23.25	\$180.94	\$157.70	
342	111568	Hammoud	Wissam	\$618.64	\$91.19	\$709.83	\$618.64	
343	21446	Handlon	Michael	\$649.91	\$95.80	\$745.71	\$649.91	
344	2571	Hanley	David	\$188.29	\$27.75	\$216.04	\$188.29	
345	3734	Hanna	Christopher	\$353.39	\$52.09	\$405.48	\$353.39	
346	3402	Hansen	Jordan	\$1,997.58	\$294.45	\$2,292.03	\$2,169.31	\$171.73
347	2695	Hansen	Diana	\$104.28	\$15.37	\$119.66	\$104.28	
348	29609	Haralambc	Valko	\$260.48	\$38.40	\$298.88	\$260.48	
349	3519	Harms	Michael	\$1,568.25	\$231.17	\$1,799.42	\$1,568.25	
350	3761	Harrell	Mark	\$1,070.06	\$157.73	\$1,227.79	\$1,484.83	\$414.77
351	3855	Harris	Dennis	\$2,455.84	\$362.00	\$2,817.84	\$2,846.89	\$391.05
352	2564	Harris	Jay	\$1,894.66	\$279.28	\$2,173.95	\$2,053.65	\$158.99
353	3811	Harris III	Reggie	\$19.13	\$2.82	\$21.95	\$19.13	
354	3941	Harrison	Andrew	\$297.76	\$43.89	\$341.65	\$297.76	
355	24039	Hart	Brandi	\$162.45	\$23.95	\$186.40	\$162.45	
356	3656	Harun	Idris	\$114.58	\$16.89	\$131.47	\$114.58	

	A	B	C	D	E	F	G	H
357	3515	Hasen	Akmel	\$483.59	\$71.28	\$554.87	\$557.40	\$73.81
358	3742	Haskell	William	\$3,803.40	\$560.64	\$4,364.03	\$4,896.30	\$1,092.90
359	2206	Hay	Mark	\$3,837.98	\$565.73	\$4,403.72	\$3,837.98	
360	3808	Hays	Larry	\$2,054.93	\$302.91	\$2,357.84	\$2,293.24	\$238.31
361	109457	Hearne	Stephen	\$188.99	\$27.86	\$216.85	\$188.99	
362	110194	Henderson	Lloyd	\$467.13	\$68.86	\$535.98	\$467.13	
363	3933	Hendricks	Mark	\$352.95	\$52.03	\$404.97	\$352.95	
364	3634	Herbert	Christopher	\$1,177.50	\$173.57	\$1,351.06	\$1,177.50	
365	3763	Herga	Ryan	\$299.22	\$44.11	\$343.32	\$408.57	\$109.35
366	3283	Hernandez	Luis	\$1,247.20	\$183.84	\$1,431.04	\$1,247.20	
367	3094	Hernandez	Norberto	\$608.82	\$89.74	\$698.56	\$608.82	
368	101555	Hernandez	Rene	\$272.18	\$40.12	\$312.30	\$272.18	
369	107072	Hernandez	Amilcar	\$219.91	\$32.42	\$252.33	\$219.91	
370	3100	Hilbert	Edward	\$1,307.11	\$192.67	\$1,499.78	\$1,307.11	
371	112038	Hill	Douglas	\$294.63	\$43.43	\$338.06	\$294.63	
372	2913	Hill	Fred	\$165.97	\$24.46	\$190.43	\$165.97	
373	109792	Hinds	Monroe	\$304.22	\$44.84	\$349.06	\$304.22	
374	2097	Hinks	Dana	\$970.54	\$143.06	\$1,113.61	\$1,119.76	\$149.22
375	3765	Hirsi	Kamal	\$533.66	\$78.66	\$612.33	\$533.66	
376	2464	Hodge	Lee	\$1,173.17	\$172.93	\$1,346.10	\$1,173.17	
377	2490	Hoffman	Gery	\$30.38	\$4.48	\$34.86	\$30.38	
378	2017	Holcomb	Dalton	\$1,162.76	\$171.40	\$1,334.16	\$1,162.76	
379	3864	Holler	Alfonso	\$491.70	\$72.48	\$564.18	\$586.05	\$94.35
380	3809	Hollis	James	\$92.91	\$13.70	\$106.61	\$252.73	\$159.82
381	3509	Holloway	Maynard	\$94.89	\$13.99	\$108.88	\$94.89	
382	3822	Holt	John	\$2,920.16	\$430.44	\$3,350.60	\$2,920.16	
383	3653	Hooper	Donald	\$528.58	\$77.92	\$606.50	\$709.80	\$181.22
384	3026	Hoopes	Bryant	\$110.98	\$16.36	\$127.33	\$110.98	
385	2022	Hopkins	Robert	\$191.91	\$28.29	\$220.20	\$191.91	
386	3607	Hoschouer	Christina	\$1,321.54	\$194.80	\$1,516.33	\$1,321.54	
387	109584	Hosley	Tracie	\$185.20	\$27.30	\$212.50	\$185.20	
388	2560	Houlihan	Beth	\$59.77	\$8.81	\$68.57	\$59.77	
389	2191	Howard	Robert	\$658.09	\$97.01	\$755.10	\$658.09	

	A	B	C	D	E	F	G	H
390	2863	Howard	Thomas	\$325.57	\$47.99	\$373.56	\$325.57	
391	31648	Hu	Karl	\$137.49	\$20.27	\$157.76	\$137.49	
392	3849	Huerena	Samuel	\$51.18	\$7.54	\$58.72	\$51.18	
393	2289	Huffman	Britton	\$1,911.79	\$281.81	\$2,193.60	\$1,911.79	
394	2400	Hughes	Jerry	\$2,720.00	\$400.94	\$3,120.94	\$4,056.02	\$1,336.02
395	3780	Hunter	James	\$320.69	\$47.27	\$367.96	\$320.69	
396	3120	Huntington	Walter	\$1,078.23	\$158.94	\$1,237.17	\$1,078.23	
397	27788	Hurd	Donald	\$1,527.27	\$225.13	\$1,752.39	\$1,786.78	\$259.51
398	3782	Hurley	Robert	\$246.55	\$36.34	\$282.89	\$246.55	
399	2751	Hurtado	Hubert	\$6,197.96	\$913.61	\$7,111.57	\$6,197.96	
400	3835	Hussien	Leykun	\$568.36	\$83.78	\$652.14	\$568.36	
401	3529	Hyman	Irving	\$56.35	\$8.31	\$64.65	\$56.35	
402	17189	Imran	Muhammad	\$104.12	\$15.35	\$119.46	\$104.12	
403	3187	Isaac	Edsel	\$263.62	\$38.86	\$302.48	\$263.62	
404	108273	Isanan	Claro	\$199.02	\$29.34	\$228.35	\$199.02	
405	107191	Ivanov	Yordan	\$74.55	\$10.99	\$85.54	\$74.55	
406	2114	Ivey	Timothy	\$1,046.55	\$154.27	\$1,200.82	\$1,505.32	\$458.77
407	108839	Jackson	Frederick	\$2,776.86	\$409.32	\$3,186.18	\$3,154.65	\$377.79
408	3701	Jackson	Willie	\$2,678.80	\$394.87	\$3,073.67	\$3,577.43	\$898.63
409	3928	Jackson	Anthony	\$495.57	\$73.05	\$568.62	\$495.57	
410	107992	Jacobi	Donald	\$1,157.97	\$170.69	\$1,328.66	\$1,157.97	
411	20466	Jafarian	Moharram	\$13.55	\$2.00	\$15.55	\$13.55	
412	3020	Jarmosco	John	\$54.71	\$8.07	\$62.78	\$224.90	\$170.19
413	2483	Javelona	Mario	\$3,199.71	\$471.65	\$3,671.36	\$3,199.71	
414	2412	Jelancic	Vladko	\$1,366.25	\$201.39	\$1,567.64	\$1,773.01	\$406.76
415	3851	Jellison	Charles	\$327.35	\$48.25	\$375.60	\$513.14	\$185.79
416	2083	Jennings	Stanley	\$331.46	\$48.86	\$380.32	\$331.46	
417	3315	Jimenez	Michael	\$3,308.60	\$487.70	\$3,796.31	\$3,504.64	\$196.04
418	3109	Jin	Casey	\$2,255.12	\$332.41	\$2,587.54	\$2,255.12	
419	3151	Johnson	Kennard	\$1,657.18	\$244.28	\$1,901.46	\$2,649.47	\$992.29
420	3602	Johnson	Tony	\$377.73	\$55.68	\$433.41	\$377.73	
421	3844	Johnson	Richard	\$162.40	\$23.94	\$186.34	\$162.40	
422	3898	Johnson	Cary	\$91.90	\$13.55	\$105.44	\$91.90	

	A	B	C	D	E	F	G	H
423	3539	Johnson	Brian	\$81.93	\$12.08	\$94.00	\$81.93	
424	2127	Johnson	Rodney	\$44.73	\$6.59	\$51.32	\$206.39	\$161.66
425	2253	Jones	Glenn	\$3,712.11	\$547.18	\$4,259.29	\$4,106.08	\$393.97
426	2639	Jones	James	\$247.93	\$36.55	\$284.48	\$247.93	
427	1058	Jones	Doug	\$223.09	\$32.88	\$255.98	\$223.09	
428	3784	Joseph	Leroy	\$2,440.47	\$359.74	\$2,800.21	\$2,570.69	\$130.22
429	3239	Joseph	Loradel	\$172.42	\$25.41	\$197.83	\$172.42	
430	2849	Justice	Jason	\$479.91	\$70.74	\$550.65	\$479.91	
431	3919	Kabbaz	David	\$76.92	\$11.34	\$88.26	\$76.92	
432	111813	Kadir	Tura	\$23.88	\$3.52	\$27.39	\$23.88	
433	106642	Kadri	Abdelkrim	\$10.24	\$1.51	\$11.75	\$10.24	
434	3772	Kaiyooraw	Chaipan	\$3,065.66	\$451.89	\$3,517.55	\$3,065.66	
435	101942	Kalimba	Gaston	\$530.48	\$78.19	\$608.67	\$530.48	
436	29542	Kang	Chong	\$219.01	\$32.28	\$251.30	\$219.01	
437	3631	Karner	Adam	\$873.51	\$128.76	\$1,002.27	\$1,141.88	\$268.37
438	3819	Keba	Woldmarim	\$569.14	\$83.89	\$653.03	\$998.90	\$429.76
439	3303	Keber	Yilma	\$116.56	\$17.18	\$133.74	\$116.56	
440	2482	Keith	Marcus	\$190.51	\$28.08	\$218.60	\$190.51	
441	106153	Keller	Roger	\$390.90	\$57.62	\$448.52	\$390.90	
442	3531	Kelley	Jared	\$253.10	\$37.31	\$290.41	\$253.10	
443	2736	Kenary	Brian	\$3,450.45	\$508.61	\$3,959.06	\$4,804.46	\$1,354.01
444	3484	Kern	Gary	\$9,231.17	\$1,360.71	\$10,591.89	\$10,171.83	\$940.66
445	3637	Key	Roy	\$174.71	\$25.75	\$200.46	\$174.71	
446	3651	Khan	Zaka	\$53.04	\$7.82	\$60.86	\$53.04	
447	105794	Kimler	Ryan	\$198.87	\$29.31	\$228.19	\$198.87	
448	3798	King Jr.	John	\$115.51	\$17.03	\$132.54	\$179.87	\$64.36
449	2901	Kingsley	David	\$49.73	\$7.33	\$57.06	\$49.73	
450	111283	Kissel	Sean	\$51.23	\$7.55	\$58.78	\$51.23	
451	3893	Klein	Phillip	\$3,633.02	\$535.52	\$4,168.54	\$3,633.02	
452	3837	Knight	Tyree	\$262.37	\$38.67	\$301.04	\$262.37	
453	3215	Koch	Frederick	\$379.05	\$55.87	\$434.93	\$379.05	
454	3630	Kogan	Martin	\$6,773.74	\$998.48	\$7,772.22	\$7,609.17	\$835.43
455	3273	Kolasienksi	Aemon	\$595.28	\$87.75	\$683.03	\$595.28	

	A	B	C	D	E	F	G	H
456	2789	Krouse	Stephen	\$906.46	\$133.62	\$1,040.07	\$1,187.50	\$281.04
457	103826	Kull Jr.	William	\$135.94	\$20.04	\$155.98	\$135.94	
458	3662	Kunik	Robert	\$301.44	\$44.43	\$345.87	\$301.44	
459	3878	Laico	Paul	\$102.52	\$15.11	\$117.63	\$102.52	
460	111231	Lant	Mark	\$694.00	\$102.30	\$796.29	\$694.00	
461	3535	Lantis	Glen	\$1,045.93	\$154.17	\$1,200.10	\$1,045.93	
462	3435	Laspada	Brian	\$746.94	\$110.10	\$857.04	\$746.94	
463	25362	Lathan	Joseph	\$269.57	\$39.73	\$309.30	\$269.57	
464	111290	Lay	Gilbert	\$139.80	\$20.61	\$160.40	\$139.80	
465	3013	Lazarov	Vasilije	\$205.51	\$30.29	\$235.80	\$205.51	
466	1053	Leacock	Brian	\$1,191.71	\$175.66	\$1,367.37	\$2,396.09	\$1,204.38
467	3685	Leal	Jill	\$2,181.82	\$321.61	\$2,503.43	\$2,592.70	\$410.88
468	2635	Ledbetter	Ernest	\$11.17	\$1.65	\$12.81	\$11.17	
469	3702	Lee	Thomas	\$2,952.81	\$435.26	\$3,388.06	\$2,952.81	
470	18960	Lee	Melvin	\$469.33	\$69.18	\$538.51	\$469.33	
471	3159	Lefevre	Stephen	\$405.67	\$59.80	\$465.47	\$405.67	
472	3666	Legesse	Dereje	\$555.76	\$81.92	\$637.68	\$776.75	\$220.99
473	2160	Leonardo	Vito	\$1,567.29	\$231.02	\$1,798.31	\$1,567.29	
474	3816	Ligus	Thomas	\$219.63	\$32.37	\$252.01	\$219.63	
475	25522	Link	Peter	\$1,068.46	\$157.50	\$1,225.96	\$1,372.28	\$303.82
476	3681	Linzer	Steven	\$42.56	\$6.27	\$48.83	\$42.56	
477	15804	Little	Dennis	\$742.99	\$109.52	\$852.50	\$1,016.34	\$273.35
478	3267	Liu	David	\$181.81	\$26.80	\$208.61	\$181.81	
479	3510	Lloyd	Mark	\$30.64	\$4.52	\$35.15	\$30.64	
480	3945	Lombana	Francisco	\$51.80	\$7.63	\$59.43	\$51.80	
481	3858	Lonbani	Khosro	\$607.51	\$89.55	\$697.06	\$829.71	\$222.20
482	111405	Lopez-Silve	Fidel	\$81.02	\$11.94	\$92.96	\$81.02	
483	3752	Lorenz	Dierdra	\$866.03	\$127.66	\$993.69	\$866.03	
484	3813	Lovelady	Warren	\$11.90	\$1.75	\$13.65	\$11.90	
485	2963	Lovett	Patrick	\$598.72	\$88.25	\$686.98	\$598.72	
486	1065	Lovin	Charles	\$247.32	\$36.46	\$283.77	\$422.42	\$175.10
487	3295	Lowe	John	\$767.67	\$113.16	\$880.82	\$767.67	
488	3006	Loyd	Gary	\$3,050.25	\$449.62	\$3,499.87	\$3,050.25	

	A	B	C	D	E	F	G	H
489	3326	Lucero	Arturo	\$1,825.80	\$269.13	\$2,094.93	\$1,825.80	
490	3339	Luo	Yue	\$490.93	\$72.36	\$563.29	\$490.93	
491	3778	Macato	Jaime	\$2,456.61	\$362.11	\$2,818.73	\$2,859.72	\$403.11
492	20936	Madi	Adam	\$137.47	\$20.26	\$157.74	\$137.47	
493	24918	Magana	Luis	\$565.73	\$83.39	\$649.12	\$749.60	\$183.87
494	3224	Magazin	Milorad	\$33.12	\$4.88	\$38.00	\$33.12	
495	107940	Maharit	Khamkhung	\$63.98	\$9.43	\$73.41	\$63.98	
496	2912	Mahmud	Omar	\$2,459.87	\$362.59	\$2,822.46	\$2,459.87	
497	2738	Mahoney	Kevin	\$638.30	\$94.09	\$732.39	\$638.30	
498	3096	Mainwarin	David	\$4,352.12	\$641.52	\$4,993.64	\$4,352.12	
499	2757	Majors	John	\$10,258.22	\$1,512.10	\$11,770.32	\$10,258.22	
500	3312	Mandefro	Nebiyu	\$1,046.39	\$154.24	\$1,200.63	\$1,046.39	
501	22809	Manitien	Ted	\$13.83	\$2.04	\$15.87	\$13.83	
502	3890	Manor	Quincy	\$1,366.55	\$201.44	\$1,567.99	\$1,544.98	\$178.43
503	3583	Maras	Maria	\$2,195.44	\$323.62	\$2,519.05	\$2,614.23	\$418.79
504	110053	Martinez	Francisco	\$1,713.26	\$252.54	\$1,965.80	\$1,713.26	
505	106666	Martinez	Arturo	\$63.48	\$9.36	\$72.83	\$63.48	
506	3866	Martinez-F	Eduardo	\$757.35	\$111.64	\$868.98	\$1,043.05	\$285.70
507	100287	Martins	Julio	\$298.27	\$43.97	\$342.24	\$298.27	
508	1033	Masetta	Ronald	\$593.06	\$87.42	\$680.48	\$593.06	
509	3088	Massey	Michael	\$752.45	\$110.91	\$863.36	\$752.45	
510	3325	Mastilovic	Branislav	\$296.04	\$43.64	\$339.68	\$296.04	
511	3698	Mastrio	Angelo	\$287.39	\$42.36	\$329.75	\$287.39	
512	110618	Mastrio	Pamela	\$234.23	\$34.53	\$268.76	\$234.23	
513	110108	Mathis	George	\$297.42	\$43.84	\$341.26	\$297.42	
514	3669	Maza	Inez	\$349.93	\$51.58	\$401.51	\$349.93	
515	111284	McCall	Melvin	\$169.85	\$25.04	\$194.88	\$169.85	
516	111199	McCarroll-	Claudia	\$17.52	\$2.58	\$20.11	\$17.52	
517	2587	McCarter	Patrick	\$3,774.48	\$556.37	\$4,330.85	\$3,893.89	\$119.41
518	3690	McCarthy	John	\$3,474.77	\$512.20	\$3,986.97	\$4,182.28	\$707.51
519	3654	McConnell	Therral	\$873.55	\$128.77	\$1,002.32	\$873.55	
520	3743	McCoubre	Earl	\$1,347.94	\$198.69	\$1,546.63	\$1,347.94	
521	107427	McDougle	Jeffrey	\$124.87	\$18.41	\$143.27	\$124.87	

	A	B	C	D	E	F	G	H
522	3111	McGarry	James	\$1,615.01	\$238.06	\$1,853.07	\$1,615.01	
523	3745	McGowan	Sean	\$228.69	\$33.71	\$262.40	\$228.69	
524	3547	McGregor	Matthew	\$1,725.05	\$254.28	\$1,979.33	\$1,725.05	
525	2178	McIntyre	Kelly	\$1,180.66	\$174.03	\$1,354.69	\$1,180.66	
526	3722	McNeece	James	\$147.35	\$21.72	\$169.07	\$147.35	
527	25641	McSkimmi	John	\$901.92	\$132.95	\$1,034.87	\$901.92	
528	2054	Mears	John	\$22.75	\$3.35	\$26.11	\$22.75	
529	3098	Medlock	Michael	\$93.32	\$13.76	\$107.08	\$93.32	
530	3345	Mekonen	Solomon	\$557.43	\$82.17	\$639.60	\$557.43	
531	3066	Melesse	Abebe	\$529.55	\$78.06	\$607.60	\$529.55	
532	3665	Melka	Tariku	\$27.31	\$4.03	\$31.34	\$27.31	
533	2596	Meloro	Paul	\$4,927.61	\$726.35	\$5,653.96	\$5,177.64	\$250.03
534	3262	Mengesha	Alemayehu	\$521.70	\$76.90	\$598.60	\$861.06	\$339.36
535	3568	Menocal	Pedro	\$1,029.70	\$151.78	\$1,181.48	\$1,029.70	
536	2838	Mersal	Beth	\$2,597.07	\$382.82	\$2,979.89	\$2,597.07	
537	102328	Meyer	Ronald	\$53.72	\$7.92	\$61.64	\$53.72	
538	26609	Mezzenasc	Pedro	\$1,317.06	\$194.14	\$1,511.19	\$1,523.84	\$206.78
539	3542	Michaels	Terry	\$110.59	\$16.30	\$126.89	\$110.59	
540	110334	Michilena	Luis	\$66.26	\$9.77	\$76.03	\$66.26	
541	2959	Miller	Darryl	\$5,060.89	\$746.00	\$5,806.88	\$5,060.89	
542	30196	Miller	Jason	\$983.37	\$144.95	\$1,128.32	\$983.37	
543	3275	Miller	John	\$472.50	\$69.65	\$542.15	\$472.50	
544	22514	Miller	Michelle	\$88.70	\$13.08	\$101.78	\$88.70	
545	2875	Miller	Florence	\$87.31	\$12.87	\$100.17	\$87.31	
546	17855	Milliron	Darrol	\$2,152.74	\$317.32	\$2,470.06	\$3,924.93	\$1,772.19
547	3314	Milton	Shawn	\$959.25	\$141.40	\$1,100.64	\$959.25	
548	3620	Mindyas	James	\$579.57	\$85.43	\$665.00	\$855.65	\$276.08
549	3904	Mirkulovsk	Danny	\$550.09	\$81.09	\$631.18	\$550.09	
550	2933	Mitchell	Jimmy	\$4,570.58	\$673.72	\$5,244.30	\$4,570.58	
551	31966	Mitrikov	Ilko	\$2,230.42	\$328.77	\$2,559.19	\$2,414.03	\$183.61
552	104887	Miyazaki	Nisaburo	\$912.41	\$134.49	\$1,046.90	\$912.41	
553	2759	Moffett	Larry	\$1,118.37	\$164.85	\$1,283.23	\$1,118.37	
554	3317	Mogeeth	Ehab	\$323.43	\$47.67	\$371.10	\$323.43	

	A	B	C	D	E	F	G	H
555	3318	Mohr	Donald	\$135.02	\$19.90	\$154.92	\$135.02	
556	105284	Monforte	Peter	\$5,074.87	\$748.06	\$5,822.92	\$5,074.87	
557	3882	Monteagu	Oscar	\$937.81	\$138.24	\$1,076.04	\$937.81	
558	3735	Montoya V	Francisco	\$551.62	\$81.31	\$632.93	\$1,112.68	\$561.06
559	30777	Moore	Jimmy	\$1,597.64	\$235.50	\$1,833.13	\$1,597.64	
560	2110	Moore	Jerry	\$1,429.18	\$210.67	\$1,639.85	\$1,471.54	\$42.36
561	3913	Moore	Aileen-Louise	\$328.57	\$48.43	\$377.01	\$328.57	
562	3664	Moreno	James	\$4,373.10	\$644.61	\$5,017.71	\$5,220.56	\$847.46
563	3626	Moretti	Bryan	\$1,422.89	\$209.74	\$1,632.63	\$1,422.89	
564	3411	Morley	David	\$1,407.06	\$207.41	\$1,614.46	\$1,610.99	\$203.93
565	8321	Morris	Thomas	\$4,599.67	\$678.01	\$5,277.68	\$4,599.67	
566	2162	Morris	Robert	\$2,890.99	\$426.14	\$3,317.13	\$2,890.99	
567	106703	Mosely	David	\$1,143.38	\$168.54	\$1,311.92	\$1,143.38	
568	3282	Mosley	Rory	\$177.21	\$26.12	\$203.33	\$177.21	
569	3785	Mostafa	Ahmed	\$500.20	\$73.73	\$573.93	\$500.20	
570	28917	Motazedi	Kamran	\$181.66	\$26.78	\$208.44	\$181.66	
571	27059	Mottaghia	Joseph	\$30.98	\$4.57	\$35.54	\$30.98	
572	107704	Muhtari	Abdulrahman	\$615.74	\$90.76	\$706.50	\$615.74	
573	3518	Muldoon	Thomas	\$345.81	\$50.97	\$396.78	\$345.81	
574	2735	Mumma	Donald	\$388.18	\$57.22	\$445.40	\$388.18	
575	3847	Murawski	Richard	\$1,593.10	\$234.83	\$1,827.93	\$1,593.10	
576	2018	Murray	MichaelP	\$4,393.97	\$647.69	\$5,041.65	\$4,393.97	
577	2642	Murray	MichaelJ	\$2,654.68	\$391.31	\$3,045.99	\$2,654.68	
578	2018	Murray	Michael P.	\$770.33	\$113.55	\$883.88	\$770.33	
579	2717	Murray	Melinda	\$523.81	\$77.21	\$601.02	\$523.81	
580	3856	Murray	Mark	\$23.74	\$3.50	\$27.24	\$23.74	
581	3255	Mutia	Junno	\$173.69	\$25.60	\$199.29	\$173.69	
582	107440	Nantista	Peter	\$212.28	\$31.29	\$243.57	\$212.28	
583	3859	Nazarov	Mikael	\$2,455.84	\$362.00	\$2,817.84	\$2,736.49	\$280.65
584	3804	Ndichu	Simon	\$366.18	\$53.98	\$420.16	\$366.18	
585	102656	Nedyalkov	Atanas	\$321.59	\$47.40	\$369.00	\$321.59	
586	3530	Negashe	Legesse	\$1,456.47	\$214.69	\$1,671.16	\$1,792.40	\$335.93
587	3335	Negussie	Berhanu	\$177.66	\$26.19	\$203.85	\$177.66	

	A	B	C	D	E	F	G	H
588	111494	Nemeth	Zoltan	\$353.54	\$52.11	\$405.65	\$353.54	
589	25190	Ngo	Tuan	\$1,607.52	\$236.95	\$1,844.47	\$1,607.52	
590	3545	Nichols	Keith	\$937.37	\$138.17	\$1,075.54	\$937.37	
591	2990	Nick	Harry	\$1,427.52	\$210.42	\$1,637.94	\$1,427.52	
592	1098	Nicol	Thaddeus	\$2,390.59	\$352.38	\$2,742.98	\$2,390.59	
593	3122	Niculescu	Adrian	\$1,081.63	\$159.44	\$1,241.06	\$1,081.63	
594	3823	Nigussie	Gulilat	\$480.17	\$70.78	\$550.95	\$620.79	\$140.62
595	3000	Nolan	Jeffrey	\$455.61	\$67.16	\$522.77	\$455.61	
596	28989	Nolan	Eamonn	\$107.87	\$15.90	\$123.77	\$107.87	
597	3639	Norberg	Christopher	\$919.23	\$135.50	\$1,054.73	\$996.85	\$77.62
598	3876	Norvell	Chris	\$4,691.89	\$691.60	\$5,383.49	\$4,691.89	
599	2713	Novaky	Adam	\$811.29	\$119.59	\$930.88	\$811.29	
600	3841	Ocampo	Leonardo	\$882.56	\$130.09	\$1,012.66	\$967.99	\$85.43
601	30295	Ogbazghi	Dawit	\$489.50	\$72.15	\$561.65	\$1,075.06	\$585.56
602	109172	O'Grady	Francis	\$404.46	\$59.62	\$464.08	\$404.46	
603	3836	Ohlson	Ryan	\$752.25	\$110.89	\$863.14	\$924.94	\$172.69
604	3753	Olen	Virginia	\$2,224.07	\$327.84	\$2,551.91	\$2,224.07	
605	3748	Oliveros	Mario	\$671.02	\$98.91	\$769.93	\$671.02	
606	3868	Olson	Eric	\$514.53	\$75.84	\$590.38	\$514.53	
607	3271	O'Neill	Terry	\$84.85	\$12.51	\$97.35	\$84.85	
608	3644	Ontura	Tesfalem	\$259.20	\$38.21	\$297.41	\$259.20	
609	3308	Orellana	Byron	\$829.67	\$122.30	\$951.96	\$829.67	
610	3934	Orr	Mark	\$147.62	\$21.76	\$169.38	\$147.62	
611	3863	Ortega	Saul	\$439.49	\$64.78	\$504.27	\$439.49	
612	104938	Ortega	Paul	\$47.24	\$6.96	\$54.20	\$47.24	
613	3894	O'Shea	Kevin	\$163.81	\$24.15	\$187.96	\$163.81	
614	25832	Osterman	Victor	\$209.00	\$30.81	\$239.81	\$683.24	\$474.24
615	3783	Overson	Michael	\$636.00	\$93.75	\$729.74	\$636.00	
616	3789	Oyebade	Vincent	\$116.31	\$17.14	\$133.45	\$116.31	
617	3717	Ozgulgec	Tunc	\$1,477.21	\$217.75	\$1,694.95	\$1,626.46	\$149.25
618	3618	Pak	Kon	\$374.87	\$55.26	\$430.13	\$374.87	
619	3099	Pannell	Norbert	\$167.92	\$24.75	\$192.68	\$167.92	
620	106025	Paone	Chris	\$1,093.84	\$161.24	\$1,255.08	\$1,093.84	

	A	B	C	D	E	F	G	H
621	2810	Paranhos	Eurico	\$1,750.43	\$258.02	\$2,008.45	\$1,750.43	
622	3597	Pariso	David	\$4,792.27	\$706.40	\$5,498.67	\$5,508.79	\$716.52
623	109637	Park	Danny	\$38.85	\$5.73	\$44.58	\$38.85	
624	16676	Parker	Gary	\$1,387.79	\$204.57	\$1,592.35	\$1,387.79	
625	3750	Parker	Shawnette	\$481.18	\$70.93	\$552.10	\$713.53	\$232.35
626	3884	Parmenter	William	\$1,713.94	\$252.64	\$1,966.58	\$1,713.94	
627	3659	Paros	Nicholas	\$14.71	\$2.17	\$16.88	\$14.71	
628	19858	Passera	Charles	\$65.93	\$9.72	\$75.64	\$65.93	
629	3624	Patry	Michael	\$2,186.37	\$322.28	\$2,508.64	\$2,583.67	\$397.30
630	2647	Patterson	Robert	\$489.44	\$72.15	\$561.59	\$489.44	
631	3932	Patton	Dorothy	\$43.03	\$6.34	\$49.37	\$43.03	
632	112811	Peace	Kimberly	\$241.57	\$35.61	\$277.18	\$241.57	
633	29536	Peacock	Paula	\$118.57	\$17.48	\$136.04	\$118.57	
634	3806	Pearson	Jon	\$988.94	\$145.77	\$1,134.71	\$1,150.94	\$162.00
635	31112	Peer	Yuda	\$1,613.84	\$237.89	\$1,851.73	\$1,613.84	
636	3396	Penera	Eric	\$143.90	\$21.21	\$165.11	\$298.45	\$154.55
637	2776	Pepitone	Leonard	\$1,687.56	\$248.75	\$1,936.31	\$1,687.56	
638	3834	Perrotti	Dominic	\$343.23	\$50.59	\$393.82	\$421.61	\$78.38
639	111257	Petculescu	Ciprian	\$28.97	\$4.27	\$33.24	\$28.97	
640	1076	Peterson	Steven	\$3,638.58	\$536.34	\$4,174.92	\$3,638.58	
641	15968	Peterson	Kenneth	\$978.12	\$144.18	\$1,122.30	\$978.12	
642	3736	Petrie	Theodore	\$49.32	\$7.27	\$56.59	\$49.32	
643	3740	Petrossian	Robert	\$678.86	\$100.07	\$778.92	\$678.86	
644	2440	Pettaway	Marvin	\$589.60	\$86.91	\$676.51	\$589.60	
645	2473	Phillips	Gordon	\$3,008.26	\$443.43	\$3,451.69	\$3,008.26	
646	106089	Phillips	Larry	\$881.80	\$129.98	\$1,011.78	\$881.80	
647	3281	Phonesava	Paul	\$1,217.26	\$179.43	\$1,396.68	\$1,217.26	
648	3523	Pilkington	Margaret	\$2,165.08	\$319.14	\$2,484.22	\$2,988.83	\$823.75
649	107617	Pineda	Carlos	\$2,994.17	\$441.35	\$3,435.52	\$2,994.17	
650	2826	Pitts	Amir	\$967.07	\$142.55	\$1,109.62	\$1,202.20	\$235.13
651	2407	Platania	John	\$556.69	\$82.06	\$638.75	\$1,038.00	\$481.31
652	3265	Pletz	David	\$4,184.29	\$616.78	\$4,801.08	\$5,203.24	\$1,018.95
653	3647	Pohl	Daniel	\$186.19	\$27.45	\$213.64	\$186.19	

	A	B	C	D	E	F	G	H
654	26679	Polchinski	Paul	\$111.37	\$16.42	\$127.78	\$111.37	
655	3017	Polk	Craig	\$96.33	\$14.20	\$110.53	\$96.33	
656	31149	Pony	David	\$51.52	\$7.59	\$59.11	\$51.52	
657	3563	Portillo	Mario	\$593.50	\$87.48	\$680.98	\$593.50	
658	3287	Portillo-Sa	Carlos	\$417.87	\$61.60	\$479.46	\$417.87	
659	1030	Poulton	Todd	\$11.77	\$1.73	\$13.50	\$11.77	
660	3129	Povolotsky	Anatoly	\$227.53	\$33.54	\$261.07	\$227.53	
661	3152	Prather	Robert	\$445.01	\$65.60	\$510.60	\$445.01	
662	3201	Presnall	Darryl	\$2,341.64	\$345.17	\$2,686.80	\$2,471.47	\$129.83
663	2568	Price	James	\$3,555.64	\$524.12	\$4,079.75	\$5,036.02	\$1,480.38
664	3800	Price	Allen	\$630.95	\$93.00	\$723.95	\$630.95	
665	3449	Prifti	Ilia	\$418.70	\$61.72	\$480.42	\$418.70	
666	26363	Punzalan	Luciano	\$236.08	\$34.80	\$270.87	\$236.08	
667	3687	Purdue	Robert	\$210.21	\$30.99	\$241.20	\$312.22	\$102.01
668	2122	Purvis	James	\$58.24	\$8.58	\$66.83	\$58.24	
669	3556	Pyles	Joseph	\$682.49	\$100.60	\$783.09	\$682.49	
670	3307	Qian	Jie	\$376.94	\$55.56	\$432.51	\$376.94	
671	3002	Rabara	Antino	\$698.55	\$102.97	\$801.52	\$698.55	
672	107548	Rainey	James	\$219.28	\$32.32	\$251.60	\$219.28	
673	3883	Ramirez	Erney	\$760.59	\$112.11	\$872.70	\$760.59	
674	2180	Ramos	Lawrence	\$122.19	\$18.01	\$140.20	\$122.19	
675	3085	Ramsey	Gary	\$1,312.85	\$193.52	\$1,506.37	\$1,312.85	
676	3525	Rasheed	Willie	\$4,450.03	\$655.95	\$5,105.98	\$4,450.03	
677	3812	Ray	William	\$12.61	\$1.86	\$14.47	\$12.61	
678	2857	Reevell	Jeffrey	\$15.47	\$2.28	\$17.75	\$15.47	
679	108758	Regans	Mark	\$379.98	\$56.01	\$435.99	\$379.98	
680	2805	Reina	Linda	\$77.46	\$11.42	\$88.88	\$77.46	
681	2237	Relopez	Craig	\$2,166.42	\$319.34	\$2,485.76	\$2,933.59	\$767.17
682	3544	Reno	Michael	\$4,966.19	\$732.04	\$5,698.22	\$4,966.19	
683	2266	Reynolds	James	\$289.68	\$42.70	\$332.38	\$289.68	
684	14261	Riipi	Karl	\$126.47	\$18.64	\$145.11	\$126.47	
685	109502	Rios-Lopez	Oscar	\$189.76	\$27.97	\$217.73	\$189.76	
686	107701	Risby	Clifford	\$1,060.42	\$156.31	\$1,216.73	\$1,060.42	

	A	B	C	D	E	F	G	H
687	111756	Risco	Pedro	\$554.56	\$81.74	\$636.30	\$554.56	
688	3191	Rivas	Victor	\$1,763.13	\$259.89	\$2,023.03	\$1,763.13	
689	104109	Rivero-Ver	Raul	\$288.88	\$42.58	\$331.46	\$288.88	
690	101317	Rivers	Willie	\$642.53	\$94.71	\$737.24	\$642.53	
691	3575	Roach	Jayson	\$665.36	\$98.08	\$763.44	\$665.36	
692	3305	Roberson	Ronnie	\$108.61	\$16.01	\$124.61	\$108.61	
693	2842	Roberts	James	\$1,756.75	\$258.95	\$2,015.70	\$1,756.75	
694	104171	Robinson	Mikalani	\$398.94	\$58.81	\$457.75	\$398.94	
695	3526	Robinson	William	\$383.59	\$56.54	\$440.14	\$383.59	
696	3629	Robles	Mark	\$49.78	\$7.34	\$57.11	\$49.78	
697	3744	Rockett Jr.	Roosevelt	\$81.28	\$11.98	\$93.26	\$81.28	
698	31847	Rodriguez	Armando	\$30.79	\$4.54	\$35.33	\$30.79	
699	3814	Rohlas	Polly	\$2,985.34	\$440.05	\$3,425.39	\$3,615.12	\$629.78
700	2666	Rojas	David	\$68.35	\$10.07	\$78.42	\$68.35	
701	3874	Romano	Anthony	\$1,169.52	\$172.39	\$1,341.91	\$1,306.60	\$137.08
702	3587	Romero	Ruben	\$687.24	\$101.30	\$788.54	\$687.24	
703	3104	Rosenthal	John	\$2,113.74	\$311.57	\$2,425.31	\$3,513.66	\$1,399.92
704	108742	Ross	Lee	\$174.37	\$25.70	\$200.07	\$174.37	
705	3225	Ross	Larry	\$74.22	\$10.94	\$85.15	\$74.22	
706	3850	Rothenber	Edward	\$239.11	\$35.25	\$274.36	\$239.11	
707	3504	Rotich	Emertha	\$2,099.57	\$309.49	\$2,409.06	\$2,099.57	
708	3912	Rousseau	James	\$657.44	\$96.91	\$754.35	\$657.44	
709	3021	Rubino	Joseph	\$103.47	\$15.25	\$118.72	\$103.47	
710	3693	Ruby	Melissa	\$265.99	\$39.21	\$305.20	\$265.99	
711	3477	Ruiz	Travis	\$1,117.07	\$164.66	\$1,281.73	\$1,117.07	
712	2965	Russell	Mark	\$1,239.03	\$182.64	\$1,421.67	\$1,239.03	
713	3875	Russell	Darrell	\$657.42	\$96.91	\$754.33	\$657.42	
714	2260	Sackett	Kathryn	\$203.37	\$29.98	\$233.34	\$203.37	
715	3944	Sadler	James	\$82.91	\$12.22	\$95.13	\$82.91	
716	3323	Saevitz	Neil	\$2,364.73	\$348.57	\$2,713.30	\$2,364.73	
717	3169	Salameh	George	\$2,142.47	\$315.81	\$2,458.27	\$2,702.72	\$560.25
718	3042	Saleh	Jemal	\$8,393.73	\$1,237.27	\$9,630.99	\$8,393.73	
719	103096	Sam	Phea	\$625.84	\$92.25	\$718.09	\$625.84	

	A	B	C	D	E	F	G	H
720	21811	Sameli	Sabino	\$921.22	\$135.79	\$1,057.01	\$921.22	
721	100128	Sampson	James	\$644.31	\$94.97	\$739.28	\$644.31	
722	109349	Sanchez-R	Natasha	\$288.44	\$42.52	\$330.96	\$288.44	
723	3570	Sanders	Acy	\$737.61	\$108.73	\$846.33	\$737.61	
724	2859	Sandoval	Yolanda	\$421.83	\$62.18	\$484.01	\$421.83	
725	29769	Sans	Thomas	\$769.01	\$113.35	\$882.36	\$769.01	
726	3011	Santos	Billy	\$86.61	\$12.77	\$99.38	\$86.61	
727	3915	Sapienza	Gino	\$261.74	\$38.58	\$300.32	\$261.74	
728	3648	Saravanos	John	\$5,143.32	\$758.15	\$5,901.46	\$5,143.32	
729	26687	Sargeant	Michael	\$164.64	\$24.27	\$188.91	\$164.64	
730	105273	Sayed	Jamil	\$645.44	\$95.14	\$740.58	\$904.94	\$259.50
731	1093	Schall	Douglas	\$1,002.07	\$147.71	\$1,149.78	\$1,002.07	
732	106913	Schraeder	Scott	\$569.96	\$84.01	\$653.98	\$569.96	
733	25981	Schroeder	William	\$2,110.35	\$311.07	\$2,421.42	\$2,110.35	
734	3313	Schwartz	Steven	\$4,584.18	\$675.73	\$5,259.91	\$4,584.18	
735	29172	Schwartz	George	\$601.41	\$88.65	\$690.06	\$601.41	
736	109028	Secondo	Muridi	\$391.43	\$57.70	\$449.12	\$391.43	
737	3536	Sedgwick	Anthony	\$226.67	\$33.41	\$260.08	\$226.67	
738	2657	Seller	Paula	\$295.78	\$43.60	\$339.38	\$295.78	
739	3134	Serio	John	\$3,739.93	\$551.28	\$4,291.21	\$4,092.51	\$352.58
740	3057	Serrano	Hector	\$2,494.64	\$367.72	\$2,862.36	\$2,990.45	\$495.81
741	3359	Sevillet	Otto	\$453.18	\$66.80	\$519.98	\$706.90	\$253.72
742	3879	Sexner	Alexis	\$955.88	\$140.90	\$1,096.77	\$1,075.72	\$119.84
743	19451	Shafiei	Abdolreza	\$552.17	\$81.39	\$633.56	\$552.17	
744	2899	Shallufa	Azmy	\$9,805.00	\$1,445.30	\$11,250.30	\$10,290.01	\$485.01
745	2955	Shank	Lyle	\$52.32	\$7.71	\$60.03	\$52.32	
746	3294	Sharp	Omar	\$276.16	\$40.71	\$316.87	\$276.16	
747	3619	Shein	Efraim	\$304.28	\$44.85	\$349.13	\$304.28	
748	3532	Shenkov	Svetlozar	\$275.95	\$40.68	\$316.62	\$275.95	
749	103821	Sherman	Jason	\$214.72	\$31.65	\$246.37	\$214.72	
750	3724	Shinn	Kevin	\$463.14	\$68.27	\$531.41	\$463.14	
751	3790	Shoyombo	Rilwan	\$1,426.49	\$210.27	\$1,636.76	\$1,833.70	\$407.21
752	3803	Siasat	Manuel	\$32.38	\$4.77	\$37.15	\$32.38	

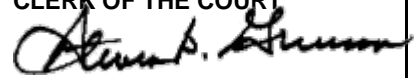
	A	B	C	D	E	F	G	H
753	112766	Sibre	Christopher	\$294.20	\$43.37	\$337.56	\$294.20	
754	3758	Siegel	Jeffrey	\$91.32	\$13.46	\$104.78	\$91.32	
755	105863	Siljkovic	Becir	\$1,854.68	\$273.39	\$2,128.06	\$2,017.09	\$162.41
756	23388	Simmons	John	\$1,545.83	\$227.86	\$1,773.70	\$2,558.25	\$1,012.42
757	3264	Sinatra	Anthony	\$296.21	\$43.66	\$339.88	\$296.21	
758	3524	Sinay	Abraham	\$858.58	\$126.56	\$985.14	\$858.58	
759	3677	Singh	Baldev	\$180.81	\$26.65	\$207.47	\$180.81	
760	3683	Sitotaw	Haileab	\$118.59	\$17.48	\$136.06	\$118.59	
761	2972	Smagacz	Stephen	\$185.28	\$27.31	\$212.59	\$185.28	
762	2630	Smale	Charles	\$935.99	\$137.97	\$1,073.96	\$935.99	
763	3041	Smith	Lottie	\$6,722.83	\$990.97	\$7,713.81	\$6,722.83	
764	3521	Smith	Lisa	\$1,094.07	\$161.27	\$1,255.34	\$1,094.07	
765	3870	Smith	Jepthy	\$284.41	\$41.92	\$326.33	\$484.69	\$200.28
766	3033	Smith	Toby	\$140.20	\$20.67	\$160.86	\$140.20	
767	2923	Smith	Jerry	\$30.69	\$4.52	\$35.21	\$30.69	
768	3610	Smith Jr.	Willie	\$1,287.44	\$189.77	\$1,477.21	\$2,123.86	\$836.42
769	2667	Solares	John	\$453.45	\$66.84	\$520.29	\$453.45	
770	3643	Solis	Brigido	\$174.25	\$25.69	\$199.94	\$174.25	
771	22804	Solymar	Istvan	\$303.84	\$44.79	\$348.63	\$303.84	
772	3854	Soree	Mladen	\$1,445.54	\$213.08	\$1,658.62	\$1,445.54	
773	105304	Sorkin	Jack	\$336.28	\$49.57	\$385.85	\$336.28	
774	3770	Sorrosa	Juan	\$1,888.94	\$278.44	\$2,167.38	\$2,214.82	\$325.88
775	3797	Soto	Johnny	\$196.46	\$28.96	\$225.41	\$352.89	\$156.43
776	2638	Soto	Jacob	\$128.04	\$18.87	\$146.91	\$413.13	\$285.09
777	2873	Spangler	Peter	\$93.78	\$13.82	\$107.61	\$93.78	
778	3727	Sparks	Cody	\$19.56	\$2.88	\$22.45	\$19.56	
779	3845	Spaulding	Ross	\$244.25	\$36.00	\$280.25	\$244.25	
780	2592	Sphouris	Constantine	\$71.48	\$10.54	\$82.02	\$71.48	
781	3087	Spiegel	Louis	\$113.17	\$16.68	\$129.85	\$113.17	
782	3055	Spilmon	Mark	\$8,254.49	\$1,216.75	\$9,471.24	\$8,891.81	\$637.32
783	3481	Springer	Marvin	\$1,483.49	\$218.67	\$1,702.17	\$1,483.49	
784	111364	Stanley	John	\$286.26	\$42.20	\$328.46	\$286.26	
785	3366	Starcher	Richard	\$871.76	\$128.50	\$1,000.26	\$871.76	

	A	B	C	D	E	F	G	H
786	3821	Stauff	John	\$113.93	\$16.79	\$130.72	\$113.93	
787	3737	Stayton	William	\$119.03	\$17.55	\$136.57	\$119.03	
788	109013	Stearns	Thomas	\$528.37	\$77.88	\$606.25	\$528.37	
789	3757	Steck	Gregory	\$5,829.47	\$859.29	\$6,688.75	\$6,511.90	\$682.43
790	3625	Stephanov	Liuben	\$219.81	\$32.40	\$252.21	\$398.92	\$179.11
791	3695	Stern	Robert	\$292.29	\$43.08	\$335.37	\$292.29	
792	3165	Stevenson	John	\$2,662.56	\$392.47	\$3,055.03	\$2,662.56	
793	3872	Stockton	Clarence	\$1,336.84	\$197.06	\$1,533.89	\$1,336.84	
794	3713	Stonebreal	Dawn	\$1,992.26	\$293.67	\$2,285.92	\$2,489.85	\$497.59
795	25450	Tafesh	George	\$976.87	\$143.99	\$1,120.86	\$976.87	
796	102400	Talley	George	\$301.76	\$44.48	\$346.24	\$301.76	
797	112063	Tapia-Verg	Agustin	\$587.64	\$86.62	\$674.26	\$587.64	
798	3338	Tarragano	Stephen	\$1,370.43	\$202.01	\$1,572.43	\$1,370.43	
799	3333	Taurins	Walter	\$407.00	\$59.99	\$466.99	\$407.00	
800	31977	Taylor	Marvin	\$714.56	\$105.33	\$819.89	\$714.56	
801	111807	Taylor	Brent	\$632.29	\$93.20	\$725.49	\$632.29	
802	109745	Taylor	David	\$324.21	\$47.79	\$372.00	\$324.21	
803	3728	Tedros	Biserat	\$405.38	\$59.75	\$465.13	\$588.25	\$182.87
804	3720	Terry	James	\$937.23	\$138.15	\$1,075.38	\$937.23	
805	3726	Thomas	Scott	\$2,673.14	\$394.03	\$3,067.17	\$2,673.14	
806	3045	Thomas	Anthony	\$1,285.73	\$189.52	\$1,475.25	\$1,285.73	
807	31400	Thomas	Cator	\$427.93	\$63.08	\$491.01	\$427.93	
808	104732	Thomas	Hasan	\$247.81	\$36.53	\$284.34	\$247.81	
809	27963	Thompson	Michael	\$6,744.25	\$994.13	\$7,738.38	\$7,044.25	\$300.00
810	3867	Thompson	Glen	\$2,921.34	\$430.62	\$3,351.95	\$2,921.34	
811	29040	Timko	Robert	\$224.07	\$33.03	\$257.09	\$224.07	
812	110796	Toka	Tamas	\$445.88	\$65.72	\$511.60	\$445.88	
813	2980	Tracy	Dennis	\$67.90	\$10.01	\$77.91	\$67.90	
814	22120	Travis	Brian	\$1,783.28	\$262.86	\$2,046.14	\$2,502.26	\$718.98
815	2632	Travis	Patricia	\$1,049.36	\$154.68	\$1,204.04	\$1,049.36	
816	3083	Tripi	Joseph	\$1,325.47	\$195.38	\$1,520.85	\$1,325.47	
817	104747	Trumpp	Robert	\$211.10	\$31.12	\$242.22	\$211.10	
818	3110	Tsegay	Alexander	\$441.20	\$65.04	\$506.24	\$441.20	

	A	B	C	D	E	F	G	H
819	103413	Tsegaye	Miheret	\$51.23	\$7.55	\$58.78	\$51.23	
820	3207	Tucker	Kenlon	\$2,873.20	\$423.52	\$3,296.72	\$2,873.20	
821	20386	Tucker	Carl	\$768.69	\$113.31	\$882.00	\$768.69	
822	3679	Tullao	Isaac	\$411.83	\$60.71	\$472.54	\$411.83	
823	3880	Turner	Michael	\$39.72	\$5.86	\$45.58	\$39.72	
824	3686	Tyler	Christopher	\$267.85	\$39.48	\$307.33	\$267.85	
825	110836	Uba	Chima	\$201.50	\$29.70	\$231.20	\$201.50	
826	3612	Ullah	Mohammad	\$90.03	\$13.27	\$103.30	\$90.03	
827	3073	Urban	David	\$319.32	\$47.07	\$366.38	\$319.32	
828	3792	Urbanski	Anthony	\$1,411.23	\$208.02	\$1,619.25	\$1,411.23	
829	3668	Valdes	Lazaro	\$162.21	\$23.91	\$186.12	\$162.21	
830	2925	Van Camp	Carl	\$3,552.87	\$523.71	\$4,076.58	\$3,552.87	
831	3640	Vanluven	RJ	\$1,726.16	\$254.44	\$1,980.60	\$1,726.16	
832	2846	Vaughan	William	\$3,886.52	\$572.89	\$4,459.40	\$3,886.52	
833	3710	Vences	Alfredo	\$839.90	\$123.81	\$963.71	\$839.90	
834	3103	Verdine	Craig	\$634.21	\$93.49	\$727.69	\$634.21	
835	3721	Viado	Ramon	\$2,051.73	\$302.43	\$2,354.16	\$2,369.87	\$318.14
836	3682	VonEngel	Stephen	\$29.89	\$4.41	\$34.30	\$29.89	
837	3796	Vongthep	Christopher	\$2,710.64	\$399.56	\$3,110.20	\$2,710.64	
838	109475	Vonkagele	Mark	\$130.27	\$19.20	\$149.48	\$130.27	
839	3842	Wagg	John	\$221.46	\$32.64	\$254.10	\$221.46	
840	3776	Wakeel	Daud	\$679.94	\$100.23	\$780.16	\$679.94	
841	28448	Walker	Arthur	\$114.57	\$16.89	\$131.46	\$114.57	
842	3820	Wallace	Roy	\$3,681.35	\$542.65	\$4,224.00	\$3,681.35	
843	3766	Warner	Terrance	\$1,694.50	\$249.78	\$1,944.27	\$2,356.86	\$662.36
844	3496	Weaver	Gerie	\$4,828.49	\$711.74	\$5,540.23	\$6,465.81	\$1,637.32
845	3826	Webb	Ricky	\$624.58	\$92.07	\$716.64	\$923.04	\$298.46
846	109066	Webster	Brock	\$254.41	\$37.50	\$291.91	\$254.41	
847	3578	Weiss	Matthew	\$60.25	\$8.88	\$69.13	\$60.25	
848	2785	Welborn	Paul	\$849.94	\$125.28	\$975.22	\$972.84	\$122.90
849	2215	Welden	Matthew	\$407.24	\$60.03	\$467.27	\$407.24	
850	3632	Weldu	Berhane	\$266.45	\$39.28	\$305.73	\$266.45	
851	2661	Wells	Fredrick	\$341.45	\$50.33	\$391.78	\$341.45	

	A	B	C	D	E	F	G	H
852	3044	Welsh	Sylvia	\$150.95	\$22.25	\$173.20	\$150.95	
853	3616	Welzbache	Daniel	\$2,367.50	\$348.98	\$2,716.47	\$2,789.72	\$422.22
854	3071	White	Donavan	\$2,061.42	\$303.86	\$2,365.28	\$2,061.42	
855	111878	White II	Prinest	\$153.22	\$22.59	\$175.81	\$153.22	
856	3117	Whitehead	Timothy	\$66.66	\$9.83	\$76.49	\$66.66	
857	2946	Whiteman	Rick	\$1,470.20	\$216.71	\$1,686.92	\$1,470.20	
858	2866	Wiggins	Andrew	\$79.09	\$11.66	\$90.75	\$79.09	
859	2569	Wilcox	Todd	\$19.02	\$2.80	\$21.82	\$19.02	
860	3611	Williams	Danny	\$273.88	\$40.37	\$314.25	\$273.88	
861	2548	Wilson	Richard	\$719.61	\$106.07	\$825.68	\$719.61	
862	2862	Wilson	Constance	\$284.95	\$42.00	\$326.95	\$284.95	
863	3608	Wilson Jr.	Mose	\$3,332.43	\$491.21	\$3,823.64	\$3,332.43	
864	3097	Windsor	Benjamin	\$670.57	\$98.84	\$769.41	\$670.57	
865	3947	Wing	Roland	\$81.95	\$12.08	\$94.04	\$81.95	
866	107624	Witte	Daniel	\$228.39	\$33.67	\$262.05	\$228.39	
867	3623	Wolde	Hailemariam	\$385.93	\$56.89	\$442.81	\$385.93	
868	3603	Woldeghele	Berhane	\$1,037.22	\$152.89	\$1,190.11	\$1,037.22	
869	110866	Wolfe	Thomas	\$726.91	\$107.15	\$834.06	\$726.91	
870	3166	Wollnick	Steven	\$79.10	\$11.66	\$90.76	\$79.10	
871	3840	Wondired	Eshetu	\$423.24	\$62.39	\$485.63	\$423.24	
872	3910	Wong	Jorge	\$2,325.07	\$342.72	\$2,667.79	\$2,325.07	
873	28160	Wong	Wanjin	\$1,115.61	\$164.45	\$1,280.06	\$1,115.61	
874	3706	Woodall	Charles	\$610.19	\$89.94	\$700.13	\$610.19	
875	3582	Workneh	Abent	\$36.29	\$5.35	\$41.63	\$36.29	
876	3573	Worku	Abiye	\$253.73	\$37.40	\$291.13	\$253.73	
877	108239	Wright	Edward	\$744.31	\$109.71	\$854.02	\$744.31	
878	3092	Yabut	Gerry	\$5,428.49	\$800.18	\$6,228.67	\$5,549.53	\$121.04
879	3533	Yabut	Vincent	\$415.21	\$61.20	\$476.42	\$415.21	
880	108389	Yamaguchi	Alicia	\$3,089.15	\$455.35	\$3,544.50	\$3,089.15	
881	3852	Yepiz-Patro	Ubaldo	\$18.78	\$2.77	\$21.54	\$18.78	
882	3472	Yesayan	Razmik	\$387.19	\$57.07	\$444.26	\$387.19	
883	3691	Yihdego	Abdulkadir	\$642.61	\$94.72	\$737.33	\$642.61	
884	3633	Yimer	Yidersal	\$643.72	\$94.89	\$738.61	\$643.72	

	A	B	C	D	E	F	G	H
885	2081	Younes	Ahmed	\$228.31	\$33.65	\$261.96	\$228.31	
886	17259	Yurckonis	Hilbert	\$2,395.57	\$353.12	\$2,748.69	\$2,395.57	
887	3824	Zabadneh	Randa	\$167.13	\$24.64	\$191.77	\$167.13	
888	30374	Zafar	John	\$605.99	\$89.33	\$695.32	\$605.99	
889	3062	Zanfino	Michael	\$798.38	\$117.68	\$916.06	\$798.38	
890	2273	Zawoudie	Masfen	\$2,656.70	\$391.61	\$3,048.31	\$2,656.70	
891	17936	Zekichev	Nick	\$324.17	\$47.78	\$371.95	\$324.17	
892	3235	Zelege	Abraham	\$1,593.23	\$234.85	\$1,828.08	\$2,183.95	\$590.72



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9 dana@overtimelaw.com
10 Attorneys for Plaintiffs

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC, and A
CAB, LLC,

Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

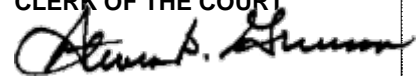
PLEASE TAKE NOTICE that the Court entered the attached Order Granting
Summary Judgment, Severing Claims, and Directing Entry of Final Judgment on
August 21, 2018.

Dated: August 22, 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 Plaintiffs



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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

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

17 Defendants.
18
19
20
21

Case No.: A-12-669926-C

DEPT.: I

**ORDER GRANTING SUMMARY
JUDGMENT, SEVERING CLAIMS,
AND DIRECTING ENTRY OF FINAL
JUDGMENT**

**Hearing Date: June 5, 2018
Hearing Time: 3:00 p.m.**

22 On June 5, 2018, with all the parties appearing before the Court by their
23 respective counsel as noted in the record, the Court heard argument on plaintiffs'
24 motion filed on April 17, 2018 on an Order Shortening Time seeking various relief
25 ("Plaintiffs' Motion"), including the holding of defendants in contempt for their
26 violation of the Court's prior Orders appointing a Special Master; granting partial
27 summary judgment to the plaintiffs pursuant to their motion filed on November 2,
28 2017; striking defendants' answer, granting a default judgment, and directing a prove

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

1 up hearing. Certain portions of Plaintiffs' Motion, not further discussed in this Order,
2 were resolved pursuant to other Orders issued by the Court and at a hearing held on
3 May 23, 2018. The Court grants plaintiffs' motion, to the extent indicated in this
4 Order; it Orders a severance of the previously bifurcated claims against defendant
5 Creighton J. Nady ("Nady"); and it Orders entry of final judgment against defendants
6 A Cab Taxi Service LLC and A Cab, LLC (collectively "A Cab") and other relief as
7 indicated herein.
8

9 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

10
11 On February 10, 2016 the Court initially granted class action certification under
12 NRCP Rule 23(b)(2) and (b)(3) of claims made in this case pursuant to Article 15,
13 Section 16 of the Nevada Constitution, the Minimum Wage Amendment (the
14 "MWA") and for penalties under NRS 608.040 alleged to have arisen in favor of
15 certain class members as a result of such MWA violations. The class so certified in
16 that Order was, for purposes of damages under NRCP Rule 23(b)(3), composed of
17 current and former taxi driver employees of defendant A-Cab from July 1, 2007
18 through December 31, 2015, and for appropriate equitable or injunctive relief under
19 NRCP Rule 23(b)(2) from July 1, 2007 to the present and continuing into the future.
20 Via subsequent Orders the Court modified and amended that initial class certification
21 order pursuant to NRCP Rule 23(c)(1). Via its Order entered on November 21, 2016,
22 it granted class certification under NRCP Rule 23 of the third and fourth claims for
23 relief, first made in the Second Amended and Supplemental Complaint filed on
24 August 19, 2016 and made solely against defendant Nady based upon "alter ego" and
25 similar allegations. Via its Order entered on June 7, 2017, it limited the membership
26 in the class for the period of July 1, 2007 through October 8, 2010 and dismissed
27 certain class members and claims under the MWA accruing during that time period. It
28 did so consistent with the Nevada Supreme Court's ruling in *Perry v. Terrible Herbst*,

1 *Inc.*, 383 P.3d 257 (Nev. Sup. Ct. 2016) on the MWA's applicable statute of
2 limitations and what the Court found was the proper granting of an equitable toll of
3 the statute of limitations under the MWA for certain class members.
4

5 **FINDINGS SUPPORTING RELIEF GRANTED BY THE COURT**

6

7 The Court makes the following findings of fact and law supporting the relief
8 granted by this Order. The recited findings are not necessarily all of the findings that
9 would appropriately support the relief granted based upon the extensive record
10 presented, but they are the ones of fact and law that the Court believes provide at least
11 minimally sufficient support for its decision to grant the relief set forth in this Order:
12

- 13 1. A Cab was an employer of the class members during the time period at
14 issue and was required to pay the class members the minimum wage
15 specified by the MWA.
16
- 17 2. A Cab used Quickbooks computer software to prepare the paychecks
18 issued to the class members during the class period. A record of the
19 gross wages paid by A Cab to every class member during every pay
20 period exists in the Quickbooks computer files maintained by A Cab.
21 The Court Ordered A Cab to produce those records to the plaintiffs'
22 counsel and A Cab provided certain Excel files to the plaintiffs' counsel
23 in compliance with that Order.
24
- 25 3. A Cab used a computer software system called Cab Manager in which it
26 recorded the activities of its taxi cabs and the class members. The Cab
27 Manager software created a computer data file record indicating that a
28

1 particular class member worked, meaning they drove a taxi cab, on a
2 particular date. The Court Ordered A Cab to produce its Cab Manager
3 computer data file records to the plaintiffs' counsel and A Cab provided
4 those computer data files to the plaintiffs' counsel in compliance with that
5 Order.

- 6
- 7 4. Pursuant to NRS 608.115(1)(d), A Cab was required to maintain a record
8 of the total hours worked by each class member for both each day they
9 worked and for each pay period. NRS 608.115(2) required A Cab to
10 furnish to each employee the information required by that section within
11 10 days after the employee submits a request. A Cab had this obligation
12 throughout the entire period of July 1, 2007 through December 31, 2015
13 during which the class members' damages under the MWA are at issue
14 (the "Class Period").
- 15
- 16 5. Except for the period between January 1, 2013 and December 31, 2015, A
17 Cab has not produced any record of hours worked by the class members
18 that it can properly claim complies with any of the requirements of NRS
19 608.115(1)(d).
- 20
- 21 6. For the period between January 1, 2013 and December 31, 2015, the
22 Excel files produced by A Cab and discussed in ¶ 2 set forth an amount of
23 hours worked by each class member during each pay period. A Cab gave
24 testimony at an NRCP Rule 30(b)(6) deposition, the relevant excerpts
25 being placed in the record, that its Quickbooks records for that time
26 period contained an accurate statement of the total hours worked by each
27 class member during each pay period. Plaintiffs do not agree that such

1 Quickbooks hours of work are fully accurate, but insist A Cab should be
2 bound by its testimony that such hours of work are accurately set forth in
3 those Quickbooks records. The Court agrees and finds A Cab cannot
4 dispute that the Quickbooks records it produced for the period between
5 January 1, 2013 and December 31, 2015 contain an accurate statement of
6 the hours worked during each pay period by each class member.
7

- 8 7. Except for the Quickbooks records discussed in ¶ 6, the only information
9 that A Cab admits possessing on the hours worked by the class members
10 during the Class Period is information in paper "trip sheets" that its taxi
11 drivers are required to complete each work shift. Those trip sheets, when
12 properly completed and legible, will be time stamped with the taxi
13 driver's shift start time and shift end time for a workday and will also
14 indicate periods of time that the taxi driver recorded themselves as being
15 on a break and not working during that workday. A Cab has repeatedly
16 asserted that those trip sheets contain an accurate record of the hours
17 worked by every class member and can, and should, be relied upon to
18 determine their hours of work.
19
- 20 8. The trip sheets in the possession of A Cab, to the extent they contain
21 accurate information, do not meet the requirements of NRS 608.115(1)(d)
22 or NRS 608.115(2). They are not a record of a total amount of hours or
23 fractions thereof worked in a pay period or in a workday by an individual
24 taxi driver. They are, at most, a record from which such information
25 could be obtained by further examination and calculation, however such
26 examination and calculation could not, and was not, furnished within 10
27 days as required by NRS 608.115(2). Assuming a trip sheet is accurate,
28

1 by examining the start time and end time of each trip sheet and
2 calculating the interval between those two times a workday length could
3 be ascertained. After deducting any non-working break time recorded on
4 the trip sheet from that workday length, the total amount of time worked
5 by the taxi driver for that workday could be determined.
6

7 9. The requirements of NRS 608.115(1)(d) are mandatory for employers and
8 compliance with those requirements are of critical importance to the
9 MWA.¹ Whether an employer has paid the minimum wage required by
10 the MWA during a particular pay period requires an examination of both
11 the wages paid to the employee and the hours they worked during the pay
12 period.² A Cab's failure to maintain the records required by NRS
13 608.115(1)(d) prior to 2013, unless remedied, would render a pay period
14 by pay period accounting of its MWA compliance, based upon an exact
15 record of the hours worked by and wages paid to each individual class
16 member, impossible for the period prior to 2013.
17

18 10. The MWA, being a provision of the Nevada Constitution, commands and
19 requires vigorous enforcement by this Court. By its express language it
20 confers upon employees a right to "...be entitled to all remedies available
21

22
23 ¹ A Cab was also advised on April 30, 2009 by an investigator for the United States
24 Department of Labor that it "must keep a record of actual hours worked" of the class
25 members. *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015, Ex. "B."
26 While the absence of such an advisement would not relieve A Cab of its duty to keep
the records required by NRS 608.115(1)(d), such history would support a conclusion
that A Cab's failure to maintain those records was intentional and designed to render
any future minimum wage law enforcement less effective.

27 ² An exception exists if the wages paid are large enough to render an MWA violation
28 impossible. A week only contains 168 hours and a weekly wage of \$1,218 would
establish minimum wage compliance at \$7.25 an hour ($168 \times 7.25 = \$1,218$).

1 under the law or in equity appropriate to remedy any violation..."³ of its
2 provisions. As a result, A Cab's failure to maintain the records required
3 by NRS 608.115(1)(d) can be neither minimized nor tolerated and cannot
4 be allowed to frustrate the enforcement of the class members' rights
5 secured by the MWA.
6

- 7
8 11. The Court, in response to its foregoing findings, and in furtherance of its
9 obligation under the MWA, via Orders entered on February 7, 2018 and
10 February 13, 2018, appointed a Special Master in this case who was
11 tasked with reviewing the trip sheets in the possession of A Cab and
12 creating the record of hours worked per pay period for each class member
13 required by NRS 608.115(1)(d). The Court directed that A Cab pay for
14 such Special Master because of A Cab's failure to maintain proper
15 records under NRS 608.115, and to deposit \$25,000 with the Special
16 Master as a payment towards the cost of their work. At that stage in
17 litigation, it would not have been equitable nor justified to require
18 Plaintiffs to pay for work performed by the Special Master when it was
19 Defendant A Cab's failure to comply with NRS.608.115. A Cab failed to
20 make such payment within the time period specified by the Court. As a
21 result, the Special Master advised the Court that they have incurred
22 \$41,000 in costs towards their completion of their assignment and will
23 not proceed further with that assignment until they are in receipt of
24 sufficient assurances that they will be paid for their work. The Special
25 Master has budgeted \$180,000 as the projected total cost to complete
26 their assignment.

27 ³ Nevada Constitution, Article 15, Section 16 (B).
28 7.

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12. In assessing the character of A Cab's conduct, it is instructive to note that A Cab did not make, or offer to make, an *admissible* showing of its financial position in order to evidence that it was unable to make such payment. Rather, it relied solely on its strenuous protests and summary balance sheet buttressed only by the self-serving affidavit of Defendant Nady.
 13. The Court, in a minute Order issued on March 6, 2018, noted its awareness of A Cab's failure to pay the then overdue \$25,000 deposit to the Special Master and A Cab's communication with the Court advising it was experiencing financial difficulties and claiming it did not currently possess the funds to make that payment. For unrelated reasons the Court in that Order stayed this case, suspended the Special Master's work, and granted A Cab additional time to raise the funds needed to pay the Special Master during the pendency of that stay. Via a minute Order on May 22, 2018 the Court lifted that stay.
 14. On May 23, 2018, June 2, 2018, and June 5, 2018 the Court conducted hearings in connection with Plaintiffs' Motion and also received various written submissions from A Cab and plaintiffs' counsel regarding A Cab's failure to pay the Special Master. The result of those hearings and submissions, in respect to the status of the Special Master and A Cab's payment to him for the completion of his work, was that A Cab either will not or cannot make any payment to the Special Master. Except for urging this Court to stay this case, and await the conclusion of certain other proceedings that A Cab asserts will narrow the class claims in this

1 case, A Cab proposed no cure for its violation of the Court's Orders
2 appointing the Special Master. It did not state when, if ever, it intended
3 to comply with those Orders or propose any other method for the Court to
4 properly, promptly and appropriately bring this case to conclusion.
5

- 6 15. The conduct of A Cab in violating the Court's Orders appointing a Special
7 Master is not the first instance of A Cab violating the Court's Orders or
8 engaging in documented litigation misconduct in this case. On March 4,
9 2016 the Court, over A Cab's objections, entered an Order adopting the
10 Report and Recommendation of the Discovery Commissioner sanctioning
11 A Cab \$3,238.95 for obstructing discovery. The Court made specific and
12 detailed findings in that Order in respect to A Cab's failure to produce the
13 Quickbooks and Cab Manager computer data files; A Cab's delay in
14 producing such materials during the eight months plaintiffs' motion to
15 compel their production had been pending; A Cab's compelling of the
16 unnecessary deposition of a non-party witness in respect to the production
17 of the Cab Manager records; and the abusive and inexcusable conduct of
18 defendant Nady as an NRCP Rule 30(b)(6) deposition witness. As
19 reflected at pages 2 and 3 in the transcript of the hearing held on
20 November 18, 2015 by the Discovery Commissioner that resulted in such
21 Order, the Discovery Commissioner's review of that deposition transcript
22 raised extremely serious concerns about the defendants' inexcusable
23 conduct.⁴
24

25 ⁴ The Discovery Commissioner advised defendants of her concern at that time that
26 defendant's conduct, if it continued, might result in some form of default judgment:
27 "It was inexcusable, what your client called Plaintiffs' counsel during the deposition,
28 which I will not repeat in open court. Inexcusable, almost to the point where I'm not
sure he should be allowed to be a Defendant in the 8th Judicial District Court-- that's
how serious this is-- because I have no confidence in what he's-- how he's answering
questions." 9.

1
2
3 16. The Court has made every effort to fashion a method for the fair, just, and
4 most precise disposition of the MWA claims in this case in light of A
5 Cab's failure to maintain a record of the hours worked per pay period of
6 each class members as required by NRS 608.115(1)(d). It is not disputed
7 that an accurate record exists in A Cab's Quickbooks computer files of the
8 amount of wages paid every pay period to every class member. If the
9 records required by NRS 608.115(1)(d) had been maintained, disposition
10 of the "lower tier" (currently \$7.25 an hour) MWA claims in this case
11 would be a matter of simple arithmetic. In response to A Cab's
12 insistence that the hours of work information required by NRS
13 608.115(1)(d) can be accurately ascertained by examining and performing
14 calculations on the trip sheets, albeit not within 10 days as required by
15 NRS 608.115(2), the Court appointed a Special Master. Yet A Cab's
16 failure to pay the Special Master, or propose any other process, such as
17 the application of statistical sample or other reasonable methodology as a
18 substitute would, unless other measures were taken by the Court, render a
19 recovery for the class members on their MWA claims impossible. That
20 would appear to be precisely what A Cab's conduct is designed to
21 achieve.

22
23 17. A Cab's argument that the only way to determine the class members'
24 hours of work is to examine every one of their trip sheets, and that it
25 should be the burden of the plaintiffs' themselves (or more properly their
26 appointed class counsel) to bear the expense of doing so, cannot be
27 adopted by the Court, and is inapposite under the guidance provided by
28 *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687 (1946),

1 superseded by statute on other grounds, 29 U.S.C. § 254(a) ("When the
2 employer has kept proper and accurate records the employee may easily
3 discharge his burden by securing the production of those records. But
4 where the employer's records are inaccurate or inadequate and the
5 employee cannot offer convincing substitutes a more difficult problem
6 arises. The solution, however, is not to penalize the employee by denying
7 him any recovery on the ground that he is unable to prove the precise
8 extent of uncompensated work. Such a result would place a premium on
9 an employer's failure to keep proper records in conformity with his
10 statutory duty; it would allow the employer to keep the benefits of an
11 employee's labors without paying due compensation"). Doing so would
12 serve to reward A Cab for its violation of NRS 608.115(1)(d) by shifting
13 the now considerable burden and cost of ascertaining the class members'
14 hours of work onto the plaintiffs' themselves. It is A Cab that should
15 properly bear that burden and expense and it was directed to do so
16 through the offices of the Special Master that it has failed to pay.

- 17
18
19 18. In resolving MWA claims where no record of the total hours of work of
20 the employees per pay period exists as required by NRS 608.115(1)(d), or
21 such an amount cannot be precisely calculated in every instance (in this
22 case as a result of A Cab's failure to pay the Special Master), the Court
23 must adopt a reasonable approximation of those hours of work and
24 fashion an award of unpaid minimum wages based upon that
25 approximation even though the amount so awarded is not exact. *See,*
26 *Anderson v. Mt. Clemons Pottery Co.*, 328 U.S. 680, 685-88 (1946) ("The
27 employer cannot be heard to complain that the damages lack the
28 exactness of measurement that would be possible had he kept records....")

1 *Bell v. Farmers Ins. Exchange*, 115 Cal. App. 4th 715, 750 (Cal. Ct. App.,
2 1st Dist. 2004) and other cases. Applying any approach other than the
3 one adopted by *Mt. Clemons* would frustrate the purposes of the MWA
4 and make effective enforcement of the Nevada Constitution's right to a
5 minimum wage impossible.
6

7
8 19. In support of their motion for partial summary judgment ("plaintiffs'
9 MPSJ"), filed on November 2, 2017, the plaintiffs rely on portions of an
10 Excel file that contain information for the time period of January 1, 2013
11 through December 31, 2015, such information for that time period being
12 compiled from the Quickbooks records produced by defendants. That
13 Excel file, "ACAB-ALL," was created by Charles Bass whose work
14 doing so was reviewed by Terrence Clauretie Ph.D. and the subject of his
15 report, at Ex. "B" of plaintiffs' MPSJ, which was furnished to A Cab
16 along with the "ACAB-ALL" Excel file. Both Dr. Clauretie and Charles
17 Bass were designated as expert witnesses by the plaintiffs and deposed by
18 the defendants in that capacity.

19
20 20. The "A CAB ALL" Excel file created by plaintiffs contains various types
21 of information taken from the Quickbooks and Cab Manager computer
22 data files produced by A Cab to plaintiffs. As germane to this Order, it
23 summarizes that information for the period October 8, 2010 through
24 December 31, 2015 and makes calculations on that information, in
25 respect to the following:

- 26
27 (a) In respect to every pay period, it sets forth the amount of
28 wages paid by A Cab to the class member as recorded in A

1 Cab's Quickbooks records and the number of shifts they
2 worked during the pay period as recorded in A Cab's Cab
3 Manager records (the "shifts worked");
4

5 (b) For the period January 1, 2013 through December 31, 2015,
6 it sets forth the amount of hours worked by the class member
7 for each pay period as recorded by A Cab's Quickbooks
8 records (the "payroll hours");
9

10 (c) By dividing the class member's wages paid per pay period by
11 the recorded payroll hours worked per pay, for the period
12 January 1, 2013 through December 31, 2015, it calculates the
13 amount, if any, that the class member's wages were below
14 the \$7.25 an hour requirement for each pay period;
15

16 (d) It allows the user of the Excel file to enter a "shift length"
17 amount that it applies as a uniform length to every shift
18 worked during every pay period from October 8, 2010
19 through December 31, 2012. It then, based upon that
20 selected shift length, calculates the amount, if any, that the
21 class members' wages were below the \$7.25 an hour
22 requirement for each pay period.
23

24 21. A Cab argues that the "A CAB ALL" Excel file is inaccurate and
25 the calculations it makes cannot be relied upon but it cites no error
26 in any calculation it purports to perform. That Excel file was
27 furnished to defendants and examined by their own expert, Scott
28

1 Leslie, who testified at his deposition, the relevant excerpts being
2 presented to the Court, that he concurred with Dr. Clauretie's
3 finding that the calculations it made were arithmetically correct. A
4 Cab also argues it cannot be sure the information contained in the
5 "A CAB ALL" Excel file and upon which its calculations rely (the
6 payroll hours worked recorded in the Quickbooks records from
7 January 1, 2013 through December 31, 2015, the wages paid, and
8 the shifts worked, during each pay period for each class member) is
9 accurately taken from A Cab's Quickbooks and Cab Manager
10 records. Yet it has not provided to the Court a single instance
11 where its records contain information that conflicts with the per
12 pay period information set forth in the "A CAB ALL" Excel file.
13

- 14 22. Plaintiffs assert the "ACAB ALL" Excel file, and the work of
15 Charles Bass in placing information from A Cab's Quickbooks and
16 Cab Manager files in that Excel file and performing calculations on
17 that information, is a "summary or calculation" of A Cab's
18 voluminous records pursuant to NRS 52.275 though Charles Bass
19 is also designated as an expert witness. It asserts the calculations
20 made by the "ACAB ALL" Excel file are properly considered on
21 that basis. A Cab asserts that the "ACAB ALL" Excel file's
22 calculations are not properly considered under NRS 52.275 or on
23 any other basis and that neither Charles Bass nor Dr. Clauretie are
24 properly qualified as expert witnesses. The calculations made by
25 the "ACAB ALL" Excel file are not the product of any expert
26 "opinion." They involve simple arithmetic, dividing an amount
27 paid per pay period by a number of hours worked per pay period
28

1 and calculating the amount, if any, that such resulting number is
2 less than \$7.25 an hour. The plaintiffs, based upon Dr. Clauretie's
3 report of the detailed review he conducted of how Charles Bass
4 assembled the "ACAB ALL" Excel file, and the declaration of
5 Charles Bass, have met their *prima facie* burden of showing that
6 such Excel file contains information properly assembled from the
7 Quickbooks and Cab Manager computer files produced by A Cab
8 pursuant to the Court's Order. A Cab has provided no contrary
9 evidence identifying even a single instance in the many thousands
10 of pay periods set forth in the "ACAB ALL" Excel file where it
11 contains either inaccurate information that does not match A Cab's
12 records or incorrect arithmetic calculations. Accordingly, the
13 Court finds that the calculations made by the "ACAB ALL" Excel
14 file are properly relied upon and constitute facts which are
15 undisputed by any evidence to the contrary and may be properly
16 relied upon by the Court, both to establish liability and to establish
17 the amount of damages..
18

- 19 23. Plaintiffs have also furnished to defendants on September 29, 2017
20 an Excel File "Damages 2007-2010" with the Supplemental Expert
21 Report (Declaration) of Charles Bass of September 27, 2017.⁵
22 That "Damages 2007-2010" Excel file, as discussed in the
23 September 27, 2017 declaration of Charles Bass, performs
24 calculations in a fashion identical to the "A CAB ALL" file by
25 allowing the assignment of a uniform "shift length" to every shift
26

27 ⁵ This document, but not the Excel file, is introduced into the record at Ex. "A" of the
28 declaration of class counsel filed on June 20, 2018.

1 worked by a class member during a pay period. It also contains the
2 same information in respect to wages paid and shifts worked for
3 that time period for each pay period for each class member, as
4 taken from A Cab's Quickbooks and Cab Manager computer files.
5 It was assembled using the same process reviewed by Dr. Clauretie
6 and discussed in his report in respect to the "A CAB ALL" file. A
7 Cab has not disputed the accuracy of any calculations made in, or
8 information contained in, the "Damages 2007-2010" Excel file.
9 For the reasons discussed in ¶ 22, the Court finds that the
10 calculations made by the "Damages 2007-2010" Excel file are
11 properly relied upon and constitute facts undisputed by any
12 counter evidence from A Cab.
13

- 14 24. The "ACAB ALL" Excel file, for the 14,200 pay periods it
15 examines for the time period January 1, 2013 through December
16 31, 2015, calculates that the class members' average shift length
17 (average working time per shift) was 9.21 hours. It arrived at that
18 figure based upon A Cab's payroll hours worked Quickbooks
19 records and the total number of shifts class members were recorded
20 as working by A Cab's Cab Manager records. A Cab does not
21 dispute that is an accurate figure and Dr. Clauretie, in his report,
22 verifies its accuracy. A Cab's expert, Scott Leslie, in connection
23 with his rebuttal expert report,⁶ for which he was paid \$47,203,⁷
24

25 ⁶ This report is introduced into the record at Ex. "B" of the declaration of class
26 counsel filed on June 20, 2018 who, in that declaration, also states the particulars
27 contained in the report regarding the average shift length shown by the trip sheet
28 review conducted by Mr. Leslie.

⁷ Ex. "B" of the declaration of class counsel filed on June 20, 2018.

1 undertook to examine the actual trip sheets of class members for 56
2 pay periods between January 1, 2013 and December 31, 2015 and
3 concluded that, on average, each shift worked by each class
4 member during those 56 pay periods consisted of 9.5 hours of
5 working time. He also undertook an examination of the actual trip
6 sheets of class members for 38 pay periods between October 8,
7 2010 and December 31, 2012 and concluded that, on average, each
8 shift worked by each class member during those 38 pay periods
9 consisted of 9.8 hours of working time. He concluded that the
10 average shift length was 9.7 hours of working time for all of the
11 trip sheets he examined for 123 pay periods. Plaintiffs submitted
12 declarations from three class members indicating that class
13 members were, in most instances, assigned to work 12 hour shifts;
14 they typically worked shifts of 11 hours or longer in length after
15 deducting their break time; that class members took few breaks
16 during their shifts or averaged breaks of less than one hour in
17 length during a shift; and unless a taxi broke down a shift was at
18 least 10 hours long. *See*, Ex "F" and "O" plaintiffs' motion for
19 class certification filed May 19, 2015, Ex. "B" of opposition to
20 defendants' motion for summary judgment filed December 14,
21 2017. A Cab, through Nady, pursuant to an NRCP Rule 30(b)(6)
22 deposition notice directed to the topic, testified it could only
23 provide a "guess" as to the average amount of time worked by the
24 class members each shift. *See*, plaintiffs' motion in limine filed
25 December 22, 2017 at Ex. "J" and "K."

26
27 25. Plaintiffs' MPSJ includes the calculations made by the "ACAB
28

1 ALL" Excel file using A Cab's Quickbooks payroll hours for the
2 2013-2015 time period in respect to unpaid minimum wages owed
3 at the \$7.25 an hour "lower tier" minimum wage rate (Column "K"
4 to Ex. "D" to that motion, showing its examination of each of
5 14,200 pay period and consisting of 375 pages). It also includes a
6 consolidated statement of the amount, if any, of unpaid minimum
7 wages owed to each class member at \$7.25 an hour (Column "D" to
8 Ex. "E" listing 548 class members stretching over 19 pages).

9
10 26. Plaintiffs have introduced into the record the following:

- 11
12 (a) The amounts owed at \$7.25 an hour, if any, using the
13 "ACAB ALL" Excel file for the period October 8, 2010
14 through December 31, 2012 for each of 9,759 pay periods
15 and to each of 527 class members when a constant shift
16 length of 9.21 hours per shift is used to make those
17 calculations;⁸
18
19 (b) The amounts owed at \$7.25 an hour, and prior to July 1,
20 2010 at the applicable "lower tier" minimum wage which
21 was less than \$7.25 an hour, if any, using the "Damages
22 2007-2010" Excel file for the period July 1, 2007 through
23 October 7, 2010 for each of 13,948 pay periods and to each
24 of 378 class members when a constant shift length of 9.21
25

26
27 ⁸ These are introduced into the record at Ex. "3" and Ex. "4" to Ex. "C" of the
28 declaration of class counsel filed on June 20, 2018.

1 hours per shift is used to make those calculations;⁹

2
3 (c) A consolidated chart listing the amounts owed to each class
4 member when the amounts detailed in ¶ 25 and ¶ 26(a) and
5 ¶ 26(b) are combined.¹⁰
6

7 27. On November 5, 2014, A Cab and Nady entered into a consent
8 judgment in the United States District Court for the District of
9 Nevada with the United States Department of Labor that provided
10 for the payment by A Cab of \$139,988.80 to resolve certain claims
11 for unpaid minimum wages owed under the Fair Labor Standards
12 Act for the time period October 1, 2010 through October 1, 2012.
13 *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015,
14 Ex. "A." That consent judgment included a list of persons, A Cab
15 employees who are also class members in this case, who were
16 subject to that consent judgment and were to receive portions of
17 such \$139,988.80 payment in amounts determined by the United
18 States Secretary of Labor. *Id.* Such consent judgment does not, by
19 its terms, or by operation of law, either preempt or resolve the
20 MWA claims made in this case. A Cab, in its Answers filed with
21 the Court, has raised a Twenty-Third Affirmative defense of accord
22 and satisfaction. Plaintiffs served an interrogatory request seeking
23 details of that defense, including the amounts paid to the class
24

25 ⁹ These are introduced into the record at Ex. "1" and Ex. "2" to Ex. "C" of the
26 declaration of class counsel filed on June 20, 2018.

27 ¹⁰ These are introduced into the record at Ex. "5" to Ex. "C" of the declaration of
28 class counsel filed on June 20, 2018.

1 members alleged by A Cab to support such defense.¹¹ A Cab
2 referenced the consent judgment case in its interrogatory answer,
3 but provided no information on the amounts so paid under the same
4 to any particular class members. It also referred to its production
5 of documents that it implied may contain such information.
6 Plaintiffs' counsel asserts it has not been provided with
7 documentation from A Cab of the amounts so paid, in respect to
8 the exact amount paid to each individual involved class member
9 and not the entire \$139,988.80, though it does believe some such
10 amounts were paid.¹²
11

- 12 28. In response to plaintiffs' counsel's assertions regarding the United
13 States Department of Labor ("USDOL") settlement, A Cab, in its
14 "Supplemental Authority In Response to Declaration of June 20,
15 2018," filed on July 10, 2018, asserts it provided relevant
16 documentation regarding that settlement at Response 7 to
17 plaintiffs' Fifth Set of Interrogatories. That response to plaintiffs'
18 request that A Cab specify the amounts paid to each involved class
19 member under the USDOL settlement consists of three words:
20 "Please see attached." A Cab provides "attached" to that
21 interrogatory response seven pages of documents with the names of
22 various persons, and associated amounts that, facially, would seem
23 to indicate a record of payments made to those persons. It offers no
24 explanation, in its interrogatory response, of what those documents
25

26 ¹¹ That interrogatory and defendants' response, No. 26, is introduced into the record at
27 Ex. "D" of the declaration of class counsel filed on June 20, 2018.

28 ¹² This is set forth at ¶ 5 of the declaration of class counsel filed on June 20, 2018.
20.

1 are. Nor in its July 10, 2018 filing did A Cab include any
2 declaration corroborating and authenticating those seven pages of
3 documents that, facially, seem to indicate payments of itemized
4 amounts to certain class members from the USDOL settlement. In
5 a further supplement filed by plaintiffs' counsel on July 13, 2018
6 plaintiffs' counsel noted that A Cab's supplement filed on July 10,
7 2018 lacked any proper corroboration or authentication of the
8 facially relevant documents. Plaintiffs' counsel also noted that
9 those documents only itemized payments totaling \$77,178.87 of the
10 total \$139,988.80 paid under the USDOL settlement, meaning A
11 Cab could not, from those documents, corroborate which class
12 members may have received an additional \$62,800.43 from that
13 settlement. In a further supplement filed on July 18, 2018 A Cab's
14 counsel furnished their declaration (Ex. "F" thereto) purporting to
15 authenticate the previously provided documents from the USDOL
16 and certain additional, and not previously furnished, USDOL
17 documents provided with that supplement.
18

- 19 29. Plaintiffs, upon review of the July 18, 2018 supplement filed by A
20 Cab, filed a further supplement with the Court on August 3, 2018.
21 In that August 3, 2018 Supplement and the Ex. "A" declaration of
22 plaintiffs' counsel thereto, plaintiffs have established to the Court's
23 satisfaction that A Cab has demonstrated the disposition of
24 \$81,852.19 from the USDOL settlement. The Court is further
25 satisfied that Ex. "B" of such supplement, based upon that
26 \$81,852.19 from the USDOL settlement, properly applies a set off
27 in A Cab's favor of the judgment amounts owed to the class
28

1 members previously submitted to the Court and discussed at ¶ 26.
2 As further detailed by that supplement, \$58,136.61 of the
3 \$139,988.80 USDOL settlement paid by A Cab remains
4 unaccounted for. That \$58,136.61 is potentially, in whole or in
5 part, an additional amount that A Cab can set off against the
6 judgments to be awarded by the Court to the class members if A
7 Cab can itemize the amounts of that \$58,136.61 paid to the
8 involved class members.
9

10 **DISCUSSION OF RELIEF GRANTED**

11 **Plaintiffs' Motion for Summary Judgment**

12
13
14 The Court notes we are dealing with important rights, important because the
15 people of Nevada have said so by virtue of inserting what would have otherwise been
16 a statutory provision into the Constitution of the State of Nevada. The Court has great
17 respect for the constitutions and constitutional law. The Court believes that they form
18 the basic backbone of the laws and government enumerated therein, both for the
19 United States of America and for the State of Nevada. If the people of this state have
20 said that there is a minimum wage act which entitles employees to be paid a certain
21 amount, in conformity therewith, it is incumbent upon the Court to assure that at the
22 end of the day justice is done, even though the justice that is done turns out to be of a
23 somewhat imprecise nature.

24 Plaintiffs filed three (3) versions of their motion for partial summary judgment
25 (filed on January 11, 2017, November 2, 2017, and April 17, 2018) each of which was
26 opposed by defendants, fully briefed and argued through several hours of oral
27 argument. Although fashioned as a motion for partial summary judgment, by the time
28

1 Plaintiffs reached oral argument on the present motion it became clear that application
2 of their arguments regarding the Quickbooks records and the *Mt. Clemens* rationale
3 effectively resolved not only the period January 1, 2013 to December 31, 2015, but
4 also July 1, 2007 to January 1, 2013, effectively resolving all issues in the case and
5 that therefore final summary judgment is warranted.¹³ The Court finds that because
6 the Defendants could not or would not pay for the special master then pursuant to *Mt.*
7 *Clemens* the burden of proof shifted to the defense. The Court is satisfied that the
8 rationale of the *Mt. Clemens* case not only provides ample authority and justification
9 for this result, but also provides an avenue for this Court to do essential justice to the
10 parties.

11 Even under *Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005), the
12 Defendants, as the nonmoving party, had the burden to “‘do more than simply show
13 that there is some metaphysical doubt’ as to the operative facts in order to avoid
14 summary judgment being entered in the moving party’s favor.” *Id* quoting *Matsushita*
15 *Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). The Court
16 finds there is an absence of evidence to support the Defendants’ arguments and to
17 demonstrate a triable issue of fact. Defendants failed to transcend the pleadings by
18 putting forth admissible evidence to show a genuine issue of material fact exists given
19 the aforementioned posture of the case. *See Cuzze v. U. and Community College*
20 *System of Nevada*, 172 P.3d 131, 134 (Nev. 2007).

21 Furthermore, under *Mt. Clemens Pottery Co.*, 328 U.S. 680, 687–88 (1946) “the
22 burden then shifts to the employer to come forward with evidence of the precise
23 amount of work performed or with evidence to negative the reasonableness of the
24 _____

25 ¹³ On June 5, 2018, during the hours-long oral argument regarding A Cab’s failure to
26 comply with the Court’s Orders and Plaintiffs’ basis for their calculations, Plaintiffs’
27 counsel moved the Court for summary judgment on the entire case applying an
28 approximation to the time period July 1, 2007, to January 1, 2013, based on A Cab’s
Quickbooks records.

1 inference to be drawn from the employee's evidence. If the employer fails to produce
2 such evidence, the court may then award damages to the employee, even though the
3 result be only approximate.”

4 Upon the filing of plaintiffs’ first motion for partial summary judgment, and its
5 attendant evidence showing the class members performed work for which they were
6 improperly compensated, filed on January 11, 2017, defendants had the burden to
7 either put forth evidence of the precise amount of work performed, or negate the
8 reasonableness of the inference to be drawn by plaintiffs’ evidence in order to create a
9 genuine issue of material fact. *See Anderson v. Mt. Clemens Pottery Co.*, 328 U.S.
10 680, 688 (1946); *see also Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005).
11 However, the defendants have failed to do so. Thus, to ensure a both equitable and just
12 determination of the calculation of damages, the Court appointed a Special Master to
13 review the tripsheets in order to determine the precise amount of damages. However,
14 the defendants failed to comply with the Court’s orders and failed to pay for the
15 special master. Therefore, the Court finds that summary judgment is appropriate as “it
16 would be a perversion of fundamental principles of justice to deny all relief to the
17 injured person[s], and thereby relieve the wrongdoer from making any amend for his
18 acts.” *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 688 (1946) quoting *Story*
19 *Parchment Co. v. Paterson Parchment Co.*, 282 U.S. 555, 563, 51 S.Ct. 248, 250, 75
20 L.Ed. 544. Plaintiffs have put forth enough evidence to prove that the class members
21 have performed work and have not been paid in accordance with the MWA; the
22 uncertainty lies only in the amount of damages arising from the Defendants’
23 violations. *See Id.* It is enough for this Court to follow *Mt. Clemens* in that it is enough
24 under these circumstances for this Court to find a reasonable inference as to the extent
25 of the damages and grants summary judgment accordingly as set forth in this order.
26 *See Id.*

27 The Court made effort to provide fair, equitable, and precise justice to the
28

1 drivers and to the defendant business. However, it was the Defendants, through a
2 claimed but unproven inability to pay for the special master, whom continued to
3 frustrate the Court's intent to provide precise justice, thereby requiring the Court to
4 deviate from an exact calculation and instead rely upon an approximation as set forth
5 by *Mt. Clemens*.

6 No disputed triable issues of material fact are presented by A Cab warranting a
7 denial of the plaintiffs' Motion for Summary Judgment. The motions involve a
8 review of every pay period, 14,200 in total, contained in A Cab's Quickbooks records
9 for the time period from January 1, 2013 through December 31, 2015. The question
10 presented by the motions, is whether A Cab during those 14,200 pay periods
11 complied with the MWA during the period in question. The Court is satisfied that
12 information, furnished by A Cab, was accurately placed in the "ACAB ALL" Excel
13 file upon which plaintiffs' rely. The Court is also satisfied that the "ACAB ALL"
14 Excel file performs the correct arithmetical calculation to determine the underpaid
15 minimum wage amount, if any, at \$7.25 an hour, for each of the 14,200 pay periods.
16 The Court is also satisfied it provides an accurate resulting statement of the total
17 amount, if any, owed for that reason to each class member.

18 A Cab's assertions that the amounts calculated and presented by plaintiffs' are
19 unreliable is speculative. A Cab does not set forth even a single instance where the
20 calculations presented in those Exhibits is performed upon information that is not set
21 forth in A Cab's Quickbooks records or that involves erroneous arithmetic. Its
22 opposition to the plaintiffs' MPSJ is based upon pure speculation (or an assertion it
23 should be relieved of its admissions that the Quickbooks records contained accurate
24 information) and the MPSJ is granted.

25 The primary principle upon which the Court relies in entering the judgment
26 specified, *infra*, is derived from *Mt. Clemens*. A Cab cannot successfully oppose the
27 entry of such a judgment in the summary judgment context under the principles set
28

1 forth in *Mt. Clemons*. There is no other practical means by which the Court can
2 resolve the MWA claims in this case, except by applying a reasonable approximation
3 of hours worked to render substantial, though inexact, justice as in *Mt. Clemons*. As
4 discussed in ¶ 24, the Court's application of an average shift length of 9.21 hours to
5 fashion a judgment for the class members under the MWA for the time period prior to
6 January 1, 2013 is a proper, albeit perhaps too favorable to A Cab, application of the
7 *Mt. Clemons* principles. That 9.21 hours long average shift length is taken from the
8 very records (the 2013-2015 Quickbooks records) that defendant Nady swore under
9 oath were *more* accurate than the trip sheets. The class members assert their hours of
10 work per shift were, on average, considerably longer. Defendants' own expert came
11 up with *longer* average shift lengths (9.5 and 9.8 hours) based upon his review of 56
12 and 38 trips sheets for two periods and a 9.7 hours long average shift length for 123
13 pay periods that he studied. A Cab is bound by its NRCP Rule 30(b)(6) testimony
14 that it can only "guess" at the proper average shift length of the class members.
15 Accordingly, it has no competent evidence it can present as to the proper average shift
16 length prior to January 1, 2013 that should be adopted by the Court and applied under
17 *Mt. Clemons*. As a result, plaintiffs' request that the Court, as discussed at the June 5,
18 2018 hearing, enter a final judgment in this matter applying the *Mt. Clemons*
19 principals, and using an average shift length of 9.21 hours for the class members'
20 claims accruing prior to January 1, 2013, is properly adopted by the Court and it is
21 granting a judgment accordingly. Such judgment shall also include interest on each
22 amount as calculated from January 1, 2016 given the difficulty of applying NRS
23 17.130 to all of the class members' MWA claims, some of which did not arise until
24 after the service of the summons and complaint.¹⁴ there is no material issue of fact
25

26
27 ¹⁴ The judgment amounts, with interest, so calculated for each class member are at
28 Column "G" of Ex. "5" to Ex. "C" of class counsel's declaration of June 20, 2018, that
chart being annexed hereto as Ex. "A." 26.

1 that A Cab can dispute in respect to the Court's entry of judgment using the *Mt.*
2 *Clemons* principles given A Cab's inability to proffer any competent evidence on the
3 class members' average shift length prior to January 1, 2013.

4 A Cab's assertion, made in its affirmative defense and interrogatory response,
5 that it is entitled to some measure of satisfaction of the class members' MWA claims
6 based upon the payments it made under the U.S. Department of Labor's consent
7 judgment (§ 27) would be properly ignored as a sanction. Such action by the Court
8 would be justified and appropriate in light of A Cab's documented litigation abuses in
9 this case and its failure to properly respond to plaintiffs' interrogatory seeking such
10 information. Such action by the Court would also be justified in light of its need to
11 enter a judgment under the *Mt. Clemons* principles in response to A Cab's conduct, a
12 judgment that does not afford the class members the full, and precise, measure of
13 justice they would be entitled to, and receive, if A Cab had complied with NRS
14 608.115(1)(d). In the exercise of discretion, the Court will, nonetheless, afford A Cab
15 an opportunity to proffer proof of such payments post judgment and receive
16 appropriate satisfactions of the judgment amounts entered by this Order for the
17 involved class members. The Court will not delay entry of final judgment over this
18 issue, involving a potential offset to A Cab of less than 20% of the amount it is
19 awarding to the class, and only involving claims accruing to certain identified class
20 members during the period October 1, 2010 to October 1, 2012. But it has fashioned,
21 *infra*, provisions that afford A Cab a very fair opportunity to receive the offset it
22 claims from the consent judgment.

23 In connection with the MPSJ the plaintiffs have asked that the Court forego
24 entering judgment in favor of any class member when the amount so indicated by Ex.
25 "E" to the MPSJ is less than \$10.00, on the basis that amounts of under \$10.00 are *de*
26 *minimis*. Accordingly, the final judgment to be entered in this case for the amount of
27 unpaid minimum wages owed to the class members for the period January 1, 2013

1 through December 31, 2015 shall be the amounts calculated to be owed to every class
2 member in Column "D" of Ex. "E" of the MPSJ if such amount is at least \$10.00. As
3 discussed at ¶ 25 and ¶ 26 plaintiffs have introduced into the record calculations
4 showing the total amount (if any) owed to each A Cab taxi driver in unpaid minimum
5 wages for the January 1, 2013 through December 31, 2015 time period, based upon
6 the Quickbooks time worked records as sought in the MPSJ, and for the period of time
7 from July 1, 2007 through January 1, 2013 based upon the application of *Mt. Clemons*
8 principles as discussed further *infra*. The Court has found those calculations to be
9 accurate as discussed at ¶¶ 19-24. Accordingly, attached to this Order as Ex. "A," as
10 discussed further, *infra*, are the total amounts the Clerk of the Court shall enter as
11 Judgment amounts for each class member.¹⁵ Those total owed amounts are based
12 upon the reasoning of the MPSJ which is adopted by the Court to grant judgment to
13 the class members for the period January 1, 2013 through December 31, 2015 and the
14 application of the *Mt. Clemons* principles for the time period prior to January 1, 2013.
15

16 **Plaintiffs' Motion to Hold Defendants in Contempt for Their Violation**
17 **of the Court's Prior Orders Appointing a Special Master and Striking**
18 **Defendants' Answer and Directing a Prove Up Hearing.**

19 Alternatively, given the deference this Court must give in enforcing the
20 Constitution of the State of Nevada, the Court finds that Defendants' persistent failure
21 to comply with Court orders, and for reasons stated herein, warrants holding
22 defendants in contempt and striking their answer. Plaintiffs have argued strenuously
23 for the Court to strike Defendants' answer and award judgment accordingly. While
24 this Court has been at pains to resolve important issues without resort to sanctions, the
25 Court cannot avoid the conclusion that if other, less drastic bases were not available, it
26

27 ¹⁵ These amounts are the same amounts as Ex. "5" to Ex. "C" of the declaration of class
28 counsel filed on June 20, 2018 28.

1 would proceed by way of sanction, strike the answer, and award judgment to
2 Plaintiffs.¹⁶

3
4 Accordingly, the following alternative basis is offered.

5
6 While Plaintiffs' Motion uses the term contempt it does not seek an arrest for
7 civil contempt but an appropriate remedy, sanction, against A Cab for its failure to
8 comply with the Court's Orders appointing a Special Master. If those Orders had been
9 complied with, the Special Master's work would now be complete. The Court would
10 be proceeding to fashion an appropriate final judgment for the class members based
11 upon that report and the precise findings, in respect to the hours of work, wages paid,
12 and minimum wage amounts owed to the class members, it would have contained. A
13 Cab's failure to comply with those Orders has prevented that result. Plaintiffs do not
14 propose an order of civil contempt and imprisonment against defendant Nady, A Cab's
15 principal, as a remedy for that failure. Nor does the Court believe such an Order,
16 while within the Court's power, is sensible or will serve the interests of justice. As the
17 Plaintiffs' Motion requests, the Court should fashion some sort of alternative relief,
18 and judgment, that will resolve this litigation and render substantial justice, albeit not
19 in the precise form that would have been arrived at if A Cab had complied with the
20 Court's Orders appointing the Special Master.

21 The Court has inherent power to appropriately sanction, and tailor remedies for,
22

23 ¹⁶ The Court finds no prove up hearing is necessary under NRCP Rule 55(b)(2) as A
24 Cab admits it has no evidence to present on the proper average shift length to be used
25 by the Court in fashioning a judgment. The Court also finds A Cab is properly
26 prohibited from presenting further evidence on the proper amount of a default
27 judgment even if it possessed any germane evidence on that issue as a sanction under
28 *Young* for the reasons already stated. See, *Blanco v. Blanco*, 311 P.3d 1170, 1176
(Nev. Sup. Ct. 2013) citing *Foster v. Dingwall*, 227 P.3d 1042, 1050 (Nev. Sup. Ct.
2010) (Recognizing such a sanction is proper under *Young*).

1 violations of its Orders and in response to a party's improper conduct. *See, Young v.*
2 *Johnny Ribeiro* 787 P.2d 777, 779 (Nev. Sup. Ct. 1990) ("Litigants and attorneys alike
3 should be aware that these [inherent] powers may permit sanctions for discovery and
4 other litigation abuses not specifically proscribed by statute.") As discussed in *Young*
5 and the subsequent cases from the Nevada Supreme Court that follow *Young*, this
6 Court should make appropriately detailed and thoughtful written findings when
7 imposing such sanctions, which can include the striking of an answer and the granting
8 of a default judgment. Some of the factors the Supreme Court has said may be
9 considered in determining whether to impose such sanctions are the degree of
10 willfulness of the offending party, the feasibility and fairness of lesser sanctions, and
11 the prejudice sustained by the non-offending party. *Id.*, 787 P.2d at 780. It is also
12 apparent from *Bahena v. Goodyear Tire & Rubber Co.*, 235 P.3d 592, 599 (Nev. Sup.
13 Ct. 2010) citing and quoting *Foster v. Dingwall*, 227 P.3d 1042, 1047, 1048 (Nev.
14 Sup. Ct. 2010) that a demonstrated course of "repetitive, abusive and recalcitrant"
15 conduct by a party can justify the imposition of such sanctions. *Bahena*, further
16 discussing *Foster* and approving of its holding, also stated: "[w]e further concluded
17 [in *Forster*] that entries of complete default are proper where "litigants are
18 unresponsive and engaged in abusive litigation practices that cause interminable
19 delays." *Id.*

20 The Court concludes that the record in this case is sufficient under *Young* and
21 the other controlling precedents to warrant an award of relief in the form requested by
22 plaintiffs, a striking of defendant A Cab's answer and the entry of a default judgment.
23 A Cab's improper conduct in violating the Court's Orders appointing a Special Master
24 is not an isolated incident but "repetitive." Its prior history of improper conduct is
25 discussed in ¶ 15. That improper conduct has also caused "interminable delays" in the
26 production of A Cab's critically important Cab Manager and Quickbooks records,
27 delays A Cab may well have intended to foster in pursuit of an NRCP Rule 41(e)

1 dismissal. The willfulness of A Cab in disregarding the Court's Orders appointing a
2 Special Master is apparent and A Cab's assertion its failure to comply with those
3 Orders is a result of a financial inability to pay the Special Master cannot be properly
4 considered and its evidence to establish same is deficient. If A Cab truly lacks the
5 financial resources to comply with those Orders it has a remedy under the United
6 States Bankruptcy Code to seek the protection of the Bankruptcy Court which is
7 empowered to relieve it from those Orders and oversee the proper disposition of
8 whatever financial resources it does possess. It has declined to do so and continues to
9 do business and defend this case in this Court. Having elected to do so, it must
10 comply with this Court's Orders or face the consequences of its failure to do so.

11 If the Court did not grant summary judgment pursuant to the burden shifting
12 under Mt. Clemens, the Court would find there are no feasible or fair lesser sanctions
13 that it can properly impose in lieu of the judgment it is granting *infra*, and the
14 prejudice sustained by the non-offending party in this case, the class members, would
15 be too great if it failed to grant that judgment. A Cab has violated its obligations
16 under NRS 608.115(1)(d), obligations which, if met, would allow the Court to render
17 full, complete, and precise justice in this matter on the class members' MWA claims.
18 In response to that violation, the Court directed A Cab to pay a Special Master to
19 correct such deficiencies in its NRS 608.115(1)(d) compliance. It has failed to do so
20 and proposed no alternative approach to bring this case to a proper conclusion. The
21 Court cannot envision any sanction or any other feasible means to justly and properly
22 redress constitutional grievances, and resolve this case under the circumstances
23 presented, except through directing entry of the judgment specified, *infra*.

24 The prejudice that would inure to the class members if the Court failed to enter
25 the judgment specified, *infra*, is manifest and extreme. A Cab's proposal that the
26 Court await the outcome of other proceedings that may or may not impact some
27 amount of the class members' claims seeks to have the Court abdicate its

1 responsibility to hear and resolve the claims before it, something it cannot do.
2 Alternatively, A Cab postures it is entitled to rely on its failure to create the records
3 required by NRS 608.115(1)(d) and place upon the plaintiffs the burden, which they
4 should not have to meet and clearly cannot meet, to specify from their trip sheets their
5 precise hours of work for each pay period. Indeed, A Cab paid its expert in excess of
6 \$47,000 to produce a report asserting that position in its defense.

7 Despite plaintiffs' warranted request to hold defendants in contempt and strike
8 their answer, the Court has not viewed this as warranted to remedy this point, and
9 therefore has declined to do so. As an alternative ruling, the Court is prepared to do so
10 now.

11 12 **THE COURT'S JUDGMENT AND THE RELIEF ORDERED**

13
14 For the foregoing reasons, the Court hereby Orders the following relief and
15 enters a Final Judgment in this case in the following form:

- 16
17 A. The Court, pursuant to NRCP Rule 23(c)(1) amends the class claims
18 certified for disposition pursuant to NRCP Rule 23(b)(3). Those claims,
19 in respect to defendant A Cab, are now limited to the claims of the
20 previously identified class members arising under the MWA against A
21 Cab prior to January 1, 2016 but only to the extent A Cab failed to pay
22 such class members the "lower tier" (health benefits provided) minimum
23 wage required by the MWA; only in the amounts specified and arrived at
24 in this Order based upon the hours of work used by the Court to
25 determine such amounts; and only for interest owed on those claims on
26 and after January 1, 2016. Individual class members who seek to collect
27 "higher tier" minimum wage payments under the MWA; or amounts
28

1 owed under the MWA based upon them having actually worked more
2 hours in a pay period than the Court used in making the award to them in
3 this Order; or to collect the penalties proscribed by NRS 608.040; or for
4 additional amounts in interest that may be owed to them on their MWA
5 claims from A Cab may pursue those claims individually. Such claims
6 are dismissed from this case for all class members without prejudice;
7

8 B. All claims made against the defendant Nady are severed from the claims
9 against A Cab pursuant to NRCP Rule 21;
10

11 C. The Clerk of the Court shall enter judgment for each individual class
12 member in the amount specified in Column "F" in Ex. "A" as annexed
13 hereto against defendants A CAB TAXI SERVICE LLC and A CAB,
14 LLC. Such judgment shall conclude the class claims for damages
15 certified for disposition pursuant to NRCP Rule 23(b)(3) and constitute a
16 final judgment on such claims;
17


18 D. The Court retains continuing jurisdiction over the class claims it has
19 certified for disposition pursuant to NRCP Rule 23(b)(2), and for
20 enforcement of the monetary judgments it has rendered in favor of the
21 class members, and appoints class counsel, Leon Greenberg, Dana
22 Sniegocki, Christian Gabroy and Kaine Messer, as counsel for the class
23 member judgment creditors listed on Exhibit "A" and for whom the Court
24 is directing entry of judgment. Defendants, their agents, and their
25 attorneys, are prohibited from communicating with the class member
26 judgment creditors about their judgments granted by this Order or
27 securing any release or satisfaction of those judgments without first
28

securing a further Order of this Court in this case. Class counsel is authorized to proceed with whatever remedies it deems advisable to enforce the money judgments rendered for the class members but shall hold in their IOLTA account any amounts collected on such judgments and only release such monies as specified by a further Order of this Court in this case. Class counsel is also authorized to use all of the judgment enforcement remedies provided for by NRS Chapter 21 in the name of "Michael Murray as Judgment Creditor" for the total amount of the unsatisfied judgments rendered in favor of all class members, they need not seek or issue writs of judgment execution or levy individually for each judgment creditor class member. Class counsel is also prohibited, in light of the potential for A Cab to receive satisfaction of certain judgment amounts as provided for under G, *infra*, until further Order is issued by the Court, from taking action to collect more than \$960,000 of the combined judgment value of \$1,033,027.81 that is entered under this Order;

- E. The time for class counsel to apply for an award of fees and costs pursuant to NRCP Rule 54 is extended to 60 days after the service of this Order with Notice of Entry;
- F. The court stays the severed case against defendant Nady for 60 days from the date of entry of this Order. That case shall remain stayed after that date until the Court issues an Order lifting such stay, the Court not anticipating doing so, or receiving any request from the parties to do so, until expiration of that 60 day period.

1 G. A Cab may present to the Court, at anytime after entry of this Order, a
2 motion to have the Court enter satisfactions towards each class member
3 judgment creditor's judgment amount for the amounts A Cab paid them
4 under the consent judgment that are a portion of the \$58,136.61 paid
5 under the consent judgment but not previously accounted for (§ 29). . It
6 shall also have the right, within 60 days from the date of service of this
7 Judgment and Order with Notice of Entry, to present to class counsel
8 evidence of how the \$58,136.61 paid under the consent judgment but not
9 previously accounted for (§ 29) should be set off against each class
10 member judgment creditor. Class counsel shall be obligated to advise A
11 Cab within 30 days thereafter if it agrees that A Cab it is entitled to a
12 judgment satisfaction based upon such evidence. If it so agrees, class
13 counsel must submit a motion to the Court within 10 days thereafter
14 seeking an Order entering such agreed upon satisfactions. If after that
15 date A Cab, after completing that process of conferral with class counsel,
16 must still file a motion with the Court to secure any such judgment
17 satisfactions, the Court will, if it grants that motion and also finds class
18 counsel did not act reasonably in cooperating with A Cab on determining
19 the amount of the satisfactions, award A Cab attorney's fees in connection
20 with the bringing of such a motion.
21

22 **IT IS SO ORDERED.**

23
24 
25 Honorable Kenneth Cory
26 District Court Judge
27
28

Date 8-21-18

EXHIBIT "A"

	A	B	C	D	E	F	G	H
1	Totals for All Class Members			\$900,317.34	\$132,710.47	\$1,033,027.81	\$975,666.16	\$75,348.82
2	EE Number	Last Name	First Name	Total Lower Tier Minimum Wages Owed 7/1/2007 - 12/31/2015 After Set Off and Over \$10.00	Interest from 1/1 2016 through 6/30/2018	Total with Interest	Total 2007- 2015 Shortage	Set Off From USDOL Settlement
3	3861	Abarca	Enrique	\$815.12	\$120.15	\$935.27	\$815.12	
4	3638	Abdella	Juhar	\$178.63	\$26.33	\$204.96	\$319.03	\$140.40
5	3331	Abdulahi	Faud	\$286.07	\$42.17	\$328.23	\$286.07	
6	105408	Abdulle	Abdirashid	\$165.36	\$24.38	\$189.74	\$165.36	
7	3606	Abebe	Tamrat	\$3,010.66	\$443.78	\$3,454.44	\$3,010.66	
8	3302	Abraha	Tesfalem	\$669.17	\$98.64	\$767.81	\$669.17	
9	105813	Abt	Daniel	\$891.35	\$131.39	\$1,022.74	\$891.35	
10	2640	Abuel	Alan	\$148.52	\$21.89	\$170.41	\$380.83	\$232.31
11	3513	Abuhay	Fasil	\$529.05	\$77.98	\$607.03	\$720.06	\$191.01
12	100221	Ackman	Charles	\$385.21	\$56.78	\$441.99	\$385.21	
13	3853	Acosta	Lorrie	\$135.08	\$19.91	\$154.99	\$135.08	
14	3257	Adam	Elhadi	\$522.90	\$77.08	\$599.98	\$522.90	
15	3609	Adamian	Robert	\$794.61	\$117.13	\$911.74	\$995.17	\$200.56
16	3896	Adams	Michael	\$193.46	\$28.52	\$221.98	\$283.69	\$90.23
17	3641	Adamson	Nicole	\$1,012.32	\$149.22	\$1,161.54	\$1,306.43	\$294.11
18	3035	Adem	Sued	\$731.28	\$107.79	\$839.07	\$731.28	
19	25411	Adhanom	Tewoldebrhan	\$124.16	\$18.30	\$142.46	\$124.16	
20	3846	Agacevic	Ibnel	\$299.99	\$44.22	\$344.21	\$299.99	
21	100821	Agostino	Nicholas	\$1,436.35	\$211.72	\$1,648.07	\$1,436.35	
22	3684	Ahmed	Ahmed	\$926.12	\$136.51	\$1,062.63	\$1,290.23	\$364.11
23	3678	Alemayehu	Tewodros	\$42.09	\$6.20	\$48.30	\$42.09	
24	3692	Alessi	Anthony	\$13.62	\$2.01	\$15.63	\$13.62	
25	3712	Alexander	Darvious	\$63.13	\$9.30	\$72.43	\$63.13	
26	3869	Alfaro	Joe	\$300.71	\$44.33	\$345.03	\$300.71	

	A	B	C	D	E	F	G	H
27	3661	Ali	Abraham	\$2,224.87	\$327.95	\$2,552.82	\$2,224.87	
28	104525	Allegue	Yusnier	\$1,414.77	\$208.54	\$1,623.31	\$1,414.77	
29	2903	Allen	Otis	\$9,556.92	\$1,408.73	\$10,965.65	\$9,556.92	
30	25979	Alnaif	Abdul	\$926.14	\$136.52	\$1,062.65	\$958.49	\$32.35
31	3787	Altamura	Vincent	\$503.89	\$74.28	\$578.17	\$503.89	
32	103822	Alvarado	Santiago	\$94.08	\$13.87	\$107.95	\$94.08	
33	3106	Alvero	Jose	\$105.62	\$15.57	\$121.18	\$105.62	
34	3769	Alves	Mary	\$988.61	\$145.72	\$1,134.33	\$988.61	
35	2968	Amato	Richard	\$4,000.14	\$589.64	\$4,589.78	\$4,000.14	
36	3645	Ameha	Samuale	\$244.82	\$36.09	\$280.91	\$244.82	
37	24038	Anantagul	Kamol	\$154.39	\$22.76	\$177.15	\$154.39	
38	3564	Anastasio	James	\$111.24	\$16.40	\$127.63	\$111.24	
39	2834	Anders	Matthew	\$417.90	\$61.60	\$479.50	\$417.90	
40	29709	Andersen	Jason	\$1,224.18	\$180.45	\$1,404.63	\$1,995.14	\$770.96
41	3672	Anderson	Roosevelt	\$2,114.65	\$311.71	\$2,426.36	\$2,787.37	\$672.72
42	106828	Anderson	Calvin	\$1,353.44	\$199.50	\$1,552.95	\$1,353.44	
43	3943	Anderson	William	\$289.40	\$42.66	\$332.06	\$289.40	
44	3650	Anif	Janeid	\$1,406.55	\$207.33	\$1,613.88	\$1,406.55	
45	2662	Antoine	Albert	\$310.19	\$45.72	\$355.91	\$310.19	
46	2942	Appel	Howard	\$23.47	\$3.46	\$26.93	\$23.47	
47	3614	Applegate	Angela	\$260.97	\$38.47	\$299.44	\$319.42	\$58.45
48	3730	Arar	Isam	\$1,726.82	\$254.54	\$1,981.36	\$2,235.96	\$509.14
49	104910	Archer	Bert	\$362.37	\$53.41	\$415.78	\$362.37	
50	3037	Archuleta	Alex	\$2,031.51	\$299.45	\$2,330.96	\$2,031.51	
51	3709	Arell	Roger	\$42.41	\$6.25	\$48.66	\$92.02	\$49.61
52	3931	Arena	Francis	\$527.13	\$77.70	\$604.83	\$527.13	
53	26553	Arnwine	Howard	\$2,020.90	\$297.89	\$2,318.78	\$2,185.05	\$164.15
54	2439	Artigue	David	\$315.09	\$46.45	\$361.53	\$315.09	
55	3676	Asad	Tassawar	\$28.49	\$4.20	\$32.69	\$28.49	
56	31622	Asefa	Wossen	\$456.31	\$67.26	\$523.57	\$456.31	
57	3828	Aseffa	Mulubahan	\$1,992.18	\$293.66	\$2,285.84	\$2,431.45	\$439.27
58	3741	Assena	Zenebech	\$41.86	\$6.17	\$48.02	\$41.86	
59	3873	Atanasov	Nikolay	\$154.17	\$22.73	\$176.90	\$154.17	

	A	B	C	D	E	F	G	H
60	3406	Atoigue	Marco	\$259.34	\$38.23	\$297.57	\$259.34	
61	3825	Atterbury	Joseph	\$159.92	\$23.57	\$183.49	\$159.92	
62	110476	Auberry Jr.	Glenn	\$309.98	\$45.69	\$355.67	\$309.98	
63	2432	Auckermar	Katherine	\$215.32	\$31.74	\$247.06	\$215.32	
64	3667	Aurich	Juan	\$1,489.26	\$219.52	\$1,708.78	\$2,508.20	\$1,018.94
65	2926	Awalom	Alemayehu	\$8,201.42	\$1,208.92	\$9,410.35	\$8,201.42	
66	3707	Azmoudeh	Bobby	\$208.23	\$30.69	\$238.92	\$208.23	
67	3605	Azzouay	El	\$135.48	\$19.97	\$155.45	\$135.48	
68	20210	Ba	Awa	\$1,270.02	\$187.21	\$1,457.22	\$1,270.02	
69	2555	Babinchak	Blaine	\$15.52	\$2.29	\$17.80	\$15.52	
70	108404	Baca	James	\$105.93	\$15.61	\$121.54	\$105.93	
71	27358	Baca-Paez	Sergio	\$2,124.87	\$313.21	\$2,438.08	\$2,501.92	\$377.05
72	2708	Badillo	Cesar	\$280.24	\$41.31	\$321.55	\$280.24	
73	3130	Bafrdu	Solomon	\$221.55	\$32.66	\$254.21	\$221.55	
74	3838	Baker	Timothy	\$2,135.81	\$314.83	\$2,450.64	\$2,431.20	\$295.39
75	27315	Bakhtiari	Marco	\$2,118.28	\$312.24	\$2,403.53	\$3,284.38	\$1,166.10
76	112015	Bambenek	Matthew	\$337.56	\$49.76	\$387.31	\$337.56	
77	112193	Bandi	Pedram	\$11.21	\$1.65	\$12.86	\$11.21	
78	2523	Banuelos	Ruben	\$150.22	\$22.14	\$172.36	\$150.22	
79	3909	Barbu	Ion	\$2,507.70	\$369.64	\$2,877.34	\$2,562.29	\$54.59
80	3760	Bardo	Timothy	\$746.65	\$110.06	\$856.71	\$746.65	
81	3369	Barich	Edward	\$1,270.10	\$187.22	\$1,457.31	\$1,270.10	
82	100158	Barnes	Benjamin	\$5,936.88	\$875.12	\$6,812.00	\$5,936.88	
83	2993	Barr	Kenneth	\$574.03	\$84.61	\$658.64	\$615.48	\$41.45
84	107792	Barramede	Danilo	\$56.83	\$8.38	\$65.20	\$56.83	
85	3601	Barseghyan	Artur	\$373.48	\$55.05	\$428.54	\$488.18	\$114.70
86	3887	Barstow	Lance	\$131.44	\$19.37	\$150.81	\$131.44	
87	3829	Bartunek	Johnny	\$19.47	\$2.87	\$22.34	\$19.47	
88	3649	Bataineh	Ali	\$218.35	\$32.18	\$250.53	\$218.35	
89	2454	Batista	Eugenio	\$49.03	\$7.23	\$56.25	\$49.03	
90	3926	Bauer	William	\$217.42	\$32.05	\$249.47	\$217.42	
91	2063	Bean	Ronald	\$214.50	\$31.62	\$246.12	\$214.50	
92	2786	Bekele	Abraham	\$77.01	\$11.35	\$88.36	\$77.01	

	A	B	C	D	E	F	G	H
93	2856	Bell	Arthur	\$328.15	\$48.37	\$376.52	\$328.15	
94	25454	Bell	Jeffrey	\$26.45	\$3.90	\$30.34	\$26.45	
95	3594	Bellegarde	Josue	\$11.51	\$1.70	\$13.21	\$11.51	
96	3622	Benel	Christian	\$1,457.21	\$214.80	\$1,672.01	\$1,589.84	\$132.63
97	110687	Berger	James	\$58.09	\$8.56	\$66.65	\$58.09	
98	103219	Berichon	Mike	\$947.14	\$139.61	\$1,086.75	\$947.14	
99	23373	Bey	Ronald	\$3,483.14	\$513.43	\$3,996.57	\$3,483.14	
100	2960	Bialorucki	Richard	\$6,538.58	\$963.81	\$7,502.40	\$6,776.93	\$238.35
101	2986	Black	Burton	\$1,658.10	\$244.41	\$1,902.51	\$1,658.10	
102	29914	Bliss	Valerie	\$124.09	\$18.29	\$142.38	\$124.09	
103	112455	Blum III	Arthur	\$47.07	\$6.94	\$54.01	\$47.07	
104	3072	Blumenthal	Alan	\$1,925.31	\$283.80	\$2,209.10	\$1,925.31	
105	3101	Bly	Vertito	\$3,955.45	\$583.05	\$4,538.50	\$3,955.45	
106	3180	Bolden	Quincy	\$284.99	\$42.01	\$327.00	\$284.99	
107	2487	Boling	Freddy	\$2,571.76	\$379.09	\$2,950.85	\$2,571.76	
108	2814	Booth	Sean	\$643.34	\$94.83	\$738.17	\$643.34	
109	2802	Borja	Virginia	\$3,665.99	\$540.38	\$4,206.37	\$3,955.31	\$289.32
110	3003	Borowski	Edwin	\$227.27	\$33.50	\$260.77	\$227.27	
111	3723	Bowen	Christopher	\$674.72	\$99.46	\$774.17	\$674.72	
112	2767	Boyd	Kevin	\$862.73	\$127.17	\$989.90	\$862.73	
113	3508	Bozic	Nebojsa	\$1,242.08	\$183.09	\$1,425.17	\$1,242.08	
114	28324	Bradley	Leroy	\$2,391.80	\$352.56	\$2,744.36	\$2,810.40	\$418.60
115	2056	Brauchle	Michael	\$6,402.82	\$943.80	\$7,346.62	\$7,112.38	\$709.56
116	3254	Breault	Ronald	\$208.05	\$30.67	\$238.72	\$208.05	
117	2806	Brennan	Sheila	\$78.89	\$11.63	\$90.52	\$78.89	
118	3697	Briggs	Andrew	\$52.36	\$7.72	\$60.08	\$52.36	
119	3716	Brimhall	Tracy	\$3,804.84	\$560.85	\$4,365.69	\$3,804.84	
120	3621	Brisco	Allen	\$3,226.36	\$475.58	\$3,701.93	\$3,226.36	
121	100299	Briski	Louis	\$704.15	\$103.79	\$807.94	\$892.62	\$188.47
122	110579	Brooks	Jose	\$46.30	\$6.83	\$53.13	\$46.30	
123	3067	Brown	Maurice	\$1,528.59	\$225.32	\$1,753.91	\$1,528.59	
124	3949	Brown	Daniel	\$730.19	\$107.63	\$837.82	\$730.19	
125	2704	Buergey	Christopher	\$1,051.28	\$154.96	\$1,206.24	\$1,051.28	

	A	B	C	D	E	F	G	H
126	28249	Bunns	Tommy	\$564.89	\$83.27	\$648.16	\$564.89	
127	3340	Burgema	Kelemework	\$1,408.98	\$207.69	\$1,616.67	\$1,408.98	
128	111670	Burns	Brittany	\$122.95	\$18.12	\$141.08	\$122.95	
129	3327	Butler	Bonnie	\$984.83	\$145.17	\$1,129.99	\$984.83	
130	3160	Butts	Phillip	\$315.09	\$46.45	\$361.54	\$315.09	
131	3537	Cadman	Linda	\$43.84	\$6.46	\$50.31	\$43.84	
132	109309	Caldwell Jr	Paul	\$364.22	\$53.69	\$417.90	\$364.22	
133	3892	Calise	Domenic	\$57.13	\$8.42	\$65.55	\$57.13	
134	3791	Cancio-Bet	Rene	\$282.86	\$41.69	\$324.55	\$282.86	
135	3070	Canelstein	Glen	\$168.33	\$24.81	\$193.14	\$168.33	
136	106463	Capone	Gary	\$1,177.79	\$173.61	\$1,351.40	\$1,177.79	
137	3733	Carr	Jamaal	\$127.11	\$18.74	\$145.84	\$127.11	
138	2660	Carracedo	Sonny	\$380.97	\$56.16	\$437.13	\$380.97	
139	3899	Casiello	Anthony	\$552.19	\$81.39	\$633.58	\$703.35	\$151.16
140	102334	Castellano	Joaquin	\$419.56	\$61.84	\$481.40	\$419.56	
141	2850	Castillo	Franzes	\$32.11	\$4.73	\$36.84	\$32.11	
142	2740	Cater	Leslie	\$863.76	\$127.32	\$991.09	\$863.76	
143	3463	Catoera	Nestor	\$327.05	\$48.21	\$375.25	\$327.05	
144	2531	Catoggio	Alfred	\$143.11	\$21.10	\$164.21	\$143.11	
145	3843	Caymite	Luc	\$221.02	\$32.58	\$253.60	\$221.02	
146	2907	Cease	Alan	\$367.94	\$54.24	\$422.18	\$367.94	
147	2969	Champigny	Paul	\$133.62	\$19.70	\$153.31	\$133.62	
148	104310	Chana	Chen	\$658.00	\$96.99	\$754.99	\$658.00	
149	3420	Chang	Yun-Yu	\$1,093.43	\$161.18	\$1,254.60	\$1,093.43	
150	3831	Charouat	Malek	\$412.11	\$60.75	\$472.86	\$412.11	
151	24737	Charov	Ivaylo	\$67.83	\$10.00	\$77.83	\$67.83	
152	3663	Chasteen	Jeffery	\$38.80	\$5.72	\$44.52	\$38.80	
153	3714	Chatrizeh	Shahin	\$744.82	\$109.79	\$854.61	\$950.52	\$205.70
154	2420	Chau	Phi	\$45.97	\$6.78	\$52.74	\$45.97	
155	112394	Chavez	Rosemarie	\$13.29	\$1.96	\$15.25	\$13.29	
156	3249	Chico	David	\$3,982.14	\$586.98	\$4,569.12	\$3,982.14	
157	3258	Child	Gregg	\$232.80	\$34.32	\$267.11	\$232.80	
158	3729	Choudhary	Krishna	\$1,694.88	\$249.83	\$1,944.71	\$1,694.88	

	A	B	C	D	E	F	G	H
159	3588	Christense	Rosa	\$1,878.35	\$276.88	\$2,155.22	\$1,878.35	
160	3881	Christodou	Panos	\$584.13	\$86.10	\$670.23	\$584.13	
161	26783	Clark	Dennis	\$513.57	\$75.70	\$589.27	\$513.57	
162	31467	Clarke	Michael	\$69.42	\$10.23	\$79.65	\$69.42	
163	2994	Clift	Daniel	\$519.14	\$76.52	\$595.67	\$519.14	
164	2679	Clores	Edgardo	\$363.66	\$53.60	\$417.26	\$363.66	
165	107430	Cobon	Karl	\$1,023.14	\$150.81	\$1,173.95	\$1,023.14	
166	3802	Cobos	Aaron	\$258.72	\$38.14	\$296.85	\$258.72	
167	3885	Cohoon	Thomas	\$2,087.12	\$307.65	\$2,394.77	\$2,261.53	\$174.41
168	3552	Coizeau	Leonardo	\$3,285.52	\$484.30	\$3,769.81	\$3,433.58	\$148.06
169	2527	Colello	Robert	\$123.39	\$18.19	\$141.58	\$123.39	
170	3321	Collier	Samuel	\$326.95	\$48.19	\$375.15	\$326.95	
171	102415	Collier	Ella	\$293.00	\$43.19	\$336.19	\$447.70	\$154.70
172	3862	Collins	Lincoln	\$408.91	\$60.27	\$469.18	\$520.42	\$111.51
173	2676	Collins	Donald	\$297.17	\$43.80	\$340.97	\$297.17	
174	2481	Colon	James	\$999.75	\$147.37	\$1,147.12	\$999.75	
175	108041	Comeau	Brian	\$70.76	\$10.43	\$81.19	\$70.76	
176	3596	Conde	Carlos	\$103.01	\$15.18	\$118.19	\$103.01	
177	3900	Coney-Cun	Keisha	\$531.04	\$78.28	\$609.32	\$531.04	
178	3738	Conway	James	\$3,480.75	\$513.08	\$3,993.82	\$3,980.61	\$499.86
179	3546	Cook	Eugene	\$1,466.17	\$216.12	\$1,682.29	\$1,466.17	
180	3284	Cook	Robert	\$1,223.89	\$180.41	\$1,404.29	\$1,223.89	
181	112398	Corona	Fernando	\$775.97	\$114.38	\$890.35	\$775.97	
182	2051	Costello	Brad	\$2,277.69	\$335.74	\$2,613.44	\$2,668.39	\$390.70
183	3550	Craddock	Charles	\$1,473.65	\$217.22	\$1,690.87	\$1,473.65	
184	3935	Craffey	Richard	\$672.27	\$99.09	\$771.36	\$672.27	
185	23774	Crawford	Darryl	\$395.48	\$58.29	\$453.77	\$478.70	\$83.22
186	21457	Crawford	Maximillian	\$156.56	\$23.08	\$179.64	\$156.56	
187	30300	Cruz-Decas	Antonio	\$47.37	\$6.98	\$54.35	\$47.37	
188	3301	Csorba	Laszlo	\$512.50	\$75.54	\$588.04	\$512.50	
189	109796	Curtin	Ronald	\$1,891.68	\$278.84	\$2,170.52	\$1,891.68	
190	109130	Dacayanan	Liza	\$515.01	\$75.91	\$590.92	\$515.01	
191	23948	Daffron	Daniel	\$1,242.13	\$183.10	\$1,425.23	\$1,242.13	

	A	B	C	D	E	F	G	H
192	32238	Daggett Jr.	Rudolph	\$618.68	\$91.20	\$709.87	\$618.68	
193	3231	Dagley	Darryl	\$429.11	\$63.25	\$492.36	\$429.11	
194	3777	Daniels	Donald	\$3,274.58	\$482.69	\$3,757.26	\$3,274.58	
195	3480	Daniels	Katherine	\$645.94	\$95.21	\$741.15	\$2,170.19	\$1,524.25
196	110936	Daniels	James	\$57.14	\$8.42	\$65.56	\$57.14	
197	3511	Danielsen	Danny	\$508.57	\$74.97	\$583.54	\$508.57	
198	3428	D'Arcy	Timothy	\$5,450.15	\$803.37	\$6,253.52	\$5,450.15	
199	101103	Davila-Ron	Monica	\$58.85	\$8.67	\$67.52	\$58.85	
200	28065	Davis	Bradley	\$2,249.11	\$331.53	\$2,580.64	\$2,249.11	
201	2590	Davis	Nancy	\$71.07	\$10.48	\$81.54	\$71.07	
202	3419	Degefa	Dejene	\$385.27	\$56.79	\$442.06	\$385.27	
203	3548	Degracia	Bob	\$342.00	\$50.41	\$392.42	\$342.00	
204	3675	Deguzman	Leloi	\$619.41	\$91.30	\$710.71	\$619.41	
205	2573	Deguzman	Fermin	\$294.22	\$43.37	\$337.59	\$294.22	
206	3027	Dein	Fred	\$97.00	\$14.30	\$111.29	\$97.00	
207	111137	Dejacto	Giovanna	\$660.42	\$97.35	\$757.77	\$660.42	
208	25935	Delgado	Carlos	\$105.26	\$15.52	\$120.78	\$105.26	
209	2057	DeMarco	William	\$581.36	\$85.69	\$667.05	\$581.36	
210	3566	Deocampo	Michael	\$198.88	\$29.31	\$228.19	\$222.51	\$23.63
211	3936	Dial	Donald	\$811.92	\$119.68	\$931.60	\$811.92	
212	111062	Diamond	Jeffrey	\$273.19	\$40.27	\$313.46	\$273.19	
213	3719	Diaz	Aiser	\$22.90	\$3.38	\$26.28	\$22.90	
214	3657	Dibaba	Desta	\$958.68	\$141.31	\$1,099.99	\$958.68	
215	3905	Dillard	Corey	\$904.27	\$133.29	\$1,037.56	\$978.27	\$74.00
216	2031	Dinok	Ildiko	\$3,031.54	\$446.86	\$3,478.41	\$3,031.54	
217	6832	Dionas	John	\$87.73	\$12.93	\$100.66	\$87.73	
218	3756	Disbrow	Ronald	\$2,475.64	\$364.92	\$2,840.56	\$2,858.43	\$382.79
219	3395	Dixon	Julius	\$702.55	\$103.56	\$806.11	\$702.55	
220	2812	Djapa-Ivos	Davor	\$1,028.61	\$151.62	\$1,180.23	\$1,028.61	
221	3704	Dobszewic	Gary	\$2,278.69	\$335.89	\$2,614.57	\$3,064.20	\$785.51
222	3024	Donahoe	Stephen	\$998.20	\$147.14	\$1,145.34	\$998.20	
223	2811	Donleycott	Kevin	\$622.75	\$91.80	\$714.55	\$622.75	
224	3478	Dontchev	Nedeltcho	\$3,455.50	\$509.36	\$3,964.86	\$3,561.35	\$105.85

	A	B	C	D	E	F	G	H
225	3378	Dotson	Eugene	\$590.77	\$87.08	\$677.85	\$656.43	\$65.66
226	3830	Dotson	Contessa	\$49.54	\$7.30	\$56.84	\$49.54	
227	2067	Doughty	Michael	\$308.33	\$45.45	\$353.78	\$308.33	
228	2919	Downing	Jennifer	\$133.31	\$19.65	\$152.96	\$133.31	
229	2839	Downs	David	\$324.58	\$47.85	\$372.43	\$324.58	
230	106763	Doyle	William	\$304.91	\$44.94	\$349.85	\$304.91	
231	2871	Draper	Ivan	\$5,002.36	\$737.37	\$5,739.72	\$6,105.13	\$1,102.77
232	2874	Dreitzer	Gail	\$294.20	\$43.37	\$337.56	\$294.20	
233	3754	Dudek	Anthony	\$1,421.81	\$209.58	\$1,631.39	\$1,421.81	
234	3084	Duff	Tommy	\$215.34	\$31.74	\$247.09	\$215.34	
235	3916	Duna	Lawrence	\$760.98	\$112.17	\$873.15	\$760.98	
236	3617	Durey	Robert	\$795.00	\$117.19	\$912.19	\$1,086.96	\$291.96
237	2006	Durtschi	Jeffrey	\$496.97	\$73.26	\$570.23	\$585.98	\$89.01
238	100046	Dymond	Ernest	\$62.96	\$9.28	\$72.24	\$62.96	
239	3220	Dyson	Edward	\$237.76	\$35.05	\$272.81	\$237.76	
240	1095	Eckert	Michael	\$44.98	\$6.63	\$51.61	\$44.98	
241	3907	Eddik	Muhannad	\$31.60	\$4.66	\$36.26	\$31.60	
242	2637	Edwards	Jeffrey	\$2,251.54	\$331.89	\$2,583.42	\$2,735.54	\$484.00
243	3381	Egan	Joseph	\$3,566.11	\$525.66	\$4,091.77	\$3,566.11	
244	3595	Ekoue	Ayi	\$2,813.75	\$414.76	\$3,228.50	\$2,813.75	
245	3125	Elam	Damon	\$2,368.35	\$349.10	\$2,717.46	\$2,368.35	
246	111822	Elgendy	Mohamed	\$96.88	\$14.28	\$111.17	\$96.88	
247	18678	Eliades	George	\$272.83	\$40.22	\$313.04	\$272.83	
248	3242	Eljawhary	Farid	\$233.11	\$34.36	\$267.47	\$233.11	
249	3771	Ellis	Charles	\$763.81	\$112.59	\$876.40	\$763.81	
250	109641	Emling	Paul	\$146.38	\$21.58	\$167.95	\$470.16	\$323.78
251	106698	Emter	Christopher	\$124.52	\$18.36	\$142.88	\$124.52	
252	2975	English	David	\$419.94	\$61.90	\$481.84	\$419.94	
253	3567	Ernst	William	\$2,071.00	\$305.27	\$2,376.27	\$3,661.62	\$1,590.62
254	3937	Esfarjany	Mahmood	\$61.93	\$9.13	\$71.06	\$61.93	
255	3689	Eshaghi	Mohammad	\$243.90	\$35.95	\$279.85	\$347.00	\$103.10
256	2865	Esser	David	\$57.32	\$8.45	\$65.77	\$57.32	
257	3889	Estrada	Michael	\$217.71	\$32.09	\$249.80	\$217.71	

	A	B	C	D	E	F	G	H
258	3628	Evans	Steven	\$23.51	\$3.46	\$26.97	\$23.51	
259	3703	Fadlallah	Michel	\$675.34	\$99.55	\$774.88	\$857.18	\$181.84
260	29981	Fair	Kirby	\$496.57	\$73.20	\$569.77	\$496.57	
261	3795	Farah	Yohannes	\$391.88	\$57.76	\$449.64	\$391.88	
262	2758	Feakes	Curtis	\$57.53	\$8.48	\$66.01	\$57.53	
263	2682	Fears	Thomas	\$4,474.10	\$659.50	\$5,133.60	\$5,067.14	\$593.04
264	3591	Feleke	Melak	\$979.78	\$144.42	\$1,124.20	\$1,190.60	\$210.82
265	3324	Ferrall	Edwin	\$240.80	\$35.49	\$276.29	\$240.80	
266	3549	Fesehazior	Teabe	\$2,143.08	\$315.90	\$2,458.98	\$2,702.14	\$559.06
267	111068	Filatov	Andrey	\$20.19	\$2.98	\$23.16	\$20.19	
268	3877	Filfel	Kamal	\$3,138.25	\$462.59	\$3,600.84	\$3,138.25	
269	3528	Fitz-Patrick	Michael	\$150.98	\$22.26	\$173.24	\$150.98	
270	109381	Fitzsimmon	Marc	\$327.92	\$48.34	\$376.25	\$327.92	
271	111729	Flanders	Mary	\$208.19	\$30.69	\$238.88	\$208.19	
272	3705	Fleming	Gary	\$3,227.44	\$475.74	\$3,703.17	\$4,079.24	\$851.80
273	2583	Foley	John	\$324.12	\$47.78	\$371.90	\$324.12	
274	3939	Ford	Todd	\$982.51	\$144.83	\$1,127.33	\$982.51	
275	3927	Fox	Gordon	\$258.33	\$38.08	\$296.41	\$258.33	
276	3860	Frankenbe	Grant	\$625.40	\$92.19	\$717.58	\$625.40	
277	2614	Franklin	David	\$530.60	\$78.21	\$608.81	\$530.60	
278	3196	Fredrickson	Steven	\$221.29	\$32.62	\$253.90	\$221.29	
279	3184	Friedman	Robert	\$384.78	\$56.72	\$441.50	\$384.78	
280	3774	Furst III	James	\$48.51	\$7.15	\$55.66	\$48.51	
281	107590	Galtieri	Frank	\$269.32	\$39.70	\$309.02	\$269.32	
282	2782	Garcia	John	\$10,117.38	\$1,491.34	\$11,608.72	\$10,275.94	\$158.56
283	3652	Garcia	Miguel	\$1,119.02	\$164.95	\$1,283.96	\$1,119.02	
284	3522	Gardea	Alfred	\$2,589.33	\$381.68	\$2,971.01	\$2,589.33	
285	3694	Gared	Yaekob	\$76.99	\$11.35	\$88.34	\$76.99	
286	3793	Garras	Bill	\$160.33	\$23.63	\$183.97	\$160.33	
287	26636	Garrett	Kathleen	\$20.07	\$2.96	\$23.03	\$20.07	
288	3642	Gaumont	Gerard	\$197.50	\$29.11	\$226.61	\$197.50	
289	3503	Gebrayes	Henock	\$582.20	\$85.82	\$668.02	\$582.20	
290	2870	Gebregiorg	Tewodros	\$57.35	\$8.45	\$65.81	\$57.35	

	A	B	C	D	E	F	G	H
291	3300	Gebrehan	Kebere	\$1,330.65	\$196.14	\$1,526.79	\$1,330.65	
292	3801	Gebremari	Meley	\$200.99	\$29.63	\$230.61	\$200.99	
293	3580	Gebreyes	Fanuel	\$513.28	\$75.66	\$588.93	\$933.43	\$420.15
294	3328	Gelane	Samuel	\$4,752.58	\$700.55	\$5,453.13	\$5,898.98	\$1,146.40
295	3589	Gessese	Worku	\$81.57	\$12.02	\$93.59	\$81.57	
296	3153	Getnet	Girma	\$151.67	\$22.36	\$174.03	\$151.67	
297	3865	Ghuri	Azhar	\$205.23	\$30.25	\$235.48	\$205.23	
298	3759	Gianopoul	Samuel	\$1,133.49	\$167.08	\$1,300.57	\$1,406.99	\$273.50
299	3016	Giatropoul	John	\$68.57	\$10.11	\$78.68	\$68.57	
300	3696	Gillett	David	\$519.94	\$76.64	\$596.58	\$1,435.64	\$915.70
301	3600	Gilmore	Paula	\$16.54	\$2.44	\$18.98	\$82.81	\$66.27
302	3924	Gilo	Hobart	\$645.59	\$95.16	\$740.75	\$645.59	
303	31076	Glaser	Stephen	\$153.87	\$22.68	\$176.55	\$153.87	
304	3121	Gleason	John	\$4,310.08	\$635.32	\$4,945.41	\$5,660.07	\$1,349.99
305	3540	Glogovac	Goran	\$1,243.82	\$183.34	\$1,427.16	\$1,792.54	\$548.72
306	3762	Godsey	Kelly	\$1,233.95	\$181.89	\$1,415.83	\$1,233.95	
307	3739	Godsey	Thomas	\$90.55	\$13.35	\$103.89	\$90.55	
308	106897	Goettsche	Dale	\$31.60	\$4.66	\$36.26	\$31.60	
309	2064	Gohlke	James	\$381.88	\$56.29	\$438.17	\$381.88	
310	31840	Gokcek	Guney	\$99.83	\$14.72	\$114.55	\$99.83	
311	3688	Golden	Theresa	\$686.85	\$101.24	\$788.10	\$686.85	
312	3538	Goldman	Kevin	\$334.92	\$49.37	\$384.28	\$334.92	
313	3646	Golla	Dawit	\$72.45	\$10.68	\$83.12	\$72.45	
314	3848	Gomez-Go	Arlene	\$138.32	\$20.39	\$158.70	\$138.32	
315	3903	Gonzalez	Luis	\$1,355.04	\$199.74	\$1,554.78	\$1,355.04	
316	3586	Gonzalez	Ramon	\$503.17	\$74.17	\$577.33	\$503.17	
317	111390	Gonzalez	Pedro	\$263.79	\$38.88	\$302.67	\$263.79	
318	3929	Gonzalez-F	Jose	\$178.96	\$26.38	\$205.34	\$178.96	
319	3794	Goolsby	Victor	\$933.19	\$137.56	\$1,070.74	\$933.19	
320	3391	Grafton	Natasha	\$2,352.74	\$346.80	\$2,699.54	\$2,352.74	
321	3219	Gramatiko	Petko	\$88.94	\$13.11	\$102.05	\$88.94	
322	24757	Granchelle	Andrew	\$700.68	\$103.28	\$803.96	\$700.68	
323	19253	Gray	Gary	\$3,124.58	\$460.58	\$3,585.16	\$3,790.84	\$666.26

	A	B	C	D	E	F	G	H
324	3197	Green	Tony	\$3,009.20	\$443.57	\$3,452.77	\$4,198.23	\$1,189.03
325	2755	Greever	Rickey	\$3,835.37	\$565.35	\$4,400.72	\$3,886.18	\$50.81
326	2843	Gregg	Gary	\$532.59	\$78.51	\$611.10	\$532.59	
327	2971	Gross	Timothy	\$1,831.66	\$269.99	\$2,101.65	\$1,831.66	
328	2868	Gross	Daniel	\$936.11	\$137.99	\$1,074.10	\$936.11	
329	3346	Gross	Mark	\$99.84	\$14.72	\$114.55	\$99.84	
330	2897	Gruttadauri	Martin	\$46.47	\$6.85	\$53.32	\$46.47	
331	18964	Guerrero	Daniel	\$1,211.23	\$178.54	\$1,389.76	\$1,211.23	
332	3655	Guinan	William	\$318.19	\$46.90	\$365.09	\$552.49	\$234.30
333	2832	Guinto	Philip	\$285.36	\$42.06	\$327.43	\$285.36	
334	3296	Gutierrez	Jose	\$196.73	\$29.00	\$225.73	\$196.73	
335	2841	Gutierrez	Michael	\$69.27	\$10.21	\$79.48	\$69.27	
336	3895	Gyuro	John	\$343.12	\$50.58	\$393.70	\$343.12	
337	103550	Habte	Amanuel	\$1,165.61	\$171.82	\$1,337.43	\$1,165.61	
338	3636	Habtom	Ermias	\$663.42	\$97.79	\$761.21	\$663.42	
339	3799	Hadley	Aaron	\$221.75	\$32.69	\$254.44	\$333.64	\$111.89
340	3827	Haigh III	Walter	\$202.61	\$29.87	\$232.48	\$202.61	
341	2619	Haley	Thomas	\$157.70	\$23.25	\$180.94	\$157.70	
342	111568	Hammoud	Wissam	\$618.64	\$91.19	\$709.83	\$618.64	
343	21446	Handlon	Michael	\$649.91	\$95.80	\$745.71	\$649.91	
344	2571	Hanley	David	\$188.29	\$27.75	\$216.04	\$188.29	
345	3734	Hanna	Christopher	\$353.39	\$52.09	\$405.48	\$353.39	
346	3402	Hansen	Jordan	\$1,997.58	\$294.45	\$2,292.03	\$2,169.31	\$171.73
347	2695	Hansen	Diana	\$104.28	\$15.37	\$119.66	\$104.28	
348	29609	Haralambc	Valko	\$260.48	\$38.40	\$298.88	\$260.48	
349	3519	Harms	Michael	\$1,568.25	\$231.17	\$1,799.42	\$1,568.25	
350	3761	Harrell	Mark	\$1,070.06	\$157.73	\$1,227.79	\$1,484.83	\$414.77
351	3855	Harris	Dennis	\$2,455.84	\$362.00	\$2,817.84	\$2,846.89	\$391.05
352	2564	Harris	Jay	\$1,894.66	\$279.28	\$2,173.95	\$2,053.65	\$158.99
353	3811	Harris III	Reggie	\$19.13	\$2.82	\$21.95	\$19.13	
354	3941	Harrison	Andrew	\$297.76	\$43.89	\$341.65	\$297.76	
355	24039	Hart	Brandi	\$162.45	\$23.95	\$186.40	\$162.45	
356	3656	Harun	Idris	\$114.58	\$16.89	\$131.47	\$114.58	

	A	B	C	D	E	F	G	H
357	3515	Hasen	Akmel	\$483.59	\$71.28	\$554.87	\$557.40	\$73.81
358	3742	Haskell	William	\$3,803.40	\$560.64	\$4,364.03	\$4,896.30	\$1,092.90
359	2206	Hay	Mark	\$3,837.98	\$565.73	\$4,403.72	\$3,837.98	
360	3808	Hays	Larry	\$2,054.93	\$302.91	\$2,357.84	\$2,293.24	\$238.31
361	109457	Hearne	Stephen	\$188.99	\$27.86	\$216.85	\$188.99	
362	110194	Henderson	Lloyd	\$467.13	\$68.86	\$535.98	\$467.13	
363	3933	Hendricks	Mark	\$352.95	\$52.03	\$404.97	\$352.95	
364	3634	Herbert	Christopher	\$1,177.50	\$173.57	\$1,351.06	\$1,177.50	
365	3763	Herga	Ryan	\$299.22	\$44.11	\$343.32	\$408.57	\$109.35
366	3283	Hernandez	Luis	\$1,247.20	\$183.84	\$1,431.04	\$1,247.20	
367	3094	Hernandez	Norberto	\$608.82	\$89.74	\$698.56	\$608.82	
368	101555	Hernandez	Rene	\$272.18	\$40.12	\$312.30	\$272.18	
369	107072	Hernandez	Amilcar	\$219.91	\$32.42	\$252.33	\$219.91	
370	3100	Hilbert	Edward	\$1,307.11	\$192.67	\$1,499.78	\$1,307.11	
371	112038	Hill	Douglas	\$294.63	\$43.43	\$338.06	\$294.63	
372	2913	Hill	Fred	\$165.97	\$24.46	\$190.43	\$165.97	
373	109792	Hinds	Monroe	\$304.22	\$44.84	\$349.06	\$304.22	
374	2097	Hinks	Dana	\$970.54	\$143.06	\$1,113.61	\$1,119.76	\$149.22
375	3765	Hirsi	Kamal	\$533.66	\$78.66	\$612.33	\$533.66	
376	2464	Hodge	Lee	\$1,173.17	\$172.93	\$1,346.10	\$1,173.17	
377	2490	Hoffman	Gery	\$30.38	\$4.48	\$34.86	\$30.38	
378	2017	Holcomb	Dalton	\$1,162.76	\$171.40	\$1,334.16	\$1,162.76	
379	3864	Holler	Alfonso	\$491.70	\$72.48	\$564.18	\$586.05	\$94.35
380	3809	Hollis	James	\$92.91	\$13.70	\$106.61	\$252.73	\$159.82
381	3509	Holloway	Maynard	\$94.89	\$13.99	\$108.88	\$94.89	
382	3822	Holt	John	\$2,920.16	\$430.44	\$3,350.60	\$2,920.16	
383	3653	Hooper	Donald	\$528.58	\$77.92	\$606.50	\$709.80	\$181.22
384	3026	Hoopes	Bryant	\$110.98	\$16.36	\$127.33	\$110.98	
385	2022	Hopkins	Robert	\$191.91	\$28.29	\$220.20	\$191.91	
386	3607	Hoschouer	Christina	\$1,321.54	\$194.80	\$1,516.33	\$1,321.54	
387	109584	Hosley	Tracie	\$185.20	\$27.30	\$212.50	\$185.20	
388	2560	Houlihan	Beth	\$59.77	\$8.81	\$68.57	\$59.77	
389	2191	Howard	Robert	\$658.09	\$97.01	\$755.10	\$658.09	

	A	B	C	D	E	F	G	H
390	2863	Howard	Thomas	\$325.57	\$47.99	\$373.56	\$325.57	
391	31648	Hu	Karl	\$137.49	\$20.27	\$157.76	\$137.49	
392	3849	Huerena	Samuel	\$51.18	\$7.54	\$58.72	\$51.18	
393	2289	Huffman	Britton	\$1,911.79	\$281.81	\$2,193.60	\$1,911.79	
394	2400	Hughes	Jerry	\$2,720.00	\$400.94	\$3,120.94	\$4,056.02	\$1,336.02
395	3780	Hunter	James	\$320.69	\$47.27	\$367.96	\$320.69	
396	3120	Huntington	Walter	\$1,078.23	\$158.94	\$1,237.17	\$1,078.23	
397	27788	Hurd	Donald	\$1,527.27	\$225.13	\$1,752.39	\$1,786.78	\$259.51
398	3782	Hurley	Robert	\$246.55	\$36.34	\$282.89	\$246.55	
399	2751	Hurtado	Hubert	\$6,197.96	\$913.61	\$7,111.57	\$6,197.96	
400	3835	Hussien	Leykun	\$568.36	\$83.78	\$652.14	\$568.36	
401	3529	Hyman	Irving	\$56.35	\$8.31	\$64.65	\$56.35	
402	17189	Imran	Muhammad	\$104.12	\$15.35	\$119.46	\$104.12	
403	3187	Isaac	Edsel	\$263.62	\$38.86	\$302.48	\$263.62	
404	108273	Isanan	Claro	\$199.02	\$29.34	\$228.35	\$199.02	
405	107191	Ivanov	Yordan	\$74.55	\$10.99	\$85.54	\$74.55	
406	2114	Ivey	Timothy	\$1,046.55	\$154.27	\$1,200.82	\$1,505.32	\$458.77
407	108839	Jackson	Frederick	\$2,776.86	\$409.32	\$3,186.18	\$3,154.65	\$377.79
408	3701	Jackson	Willie	\$2,678.80	\$394.87	\$3,073.67	\$3,577.43	\$898.63
409	3928	Jackson	Anthony	\$495.57	\$73.05	\$568.62	\$495.57	
410	107992	Jacobi	Donald	\$1,157.97	\$170.69	\$1,328.66	\$1,157.97	
411	20466	Jafarian	Moharram	\$13.55	\$2.00	\$15.55	\$13.55	
412	3020	Jarmosco	John	\$54.71	\$8.07	\$62.78	\$224.90	\$170.19
413	2483	Javelona	Mario	\$3,199.71	\$471.65	\$3,671.36	\$3,199.71	
414	2412	Jelancic	Vladko	\$1,366.25	\$201.39	\$1,567.64	\$1,773.01	\$406.76
415	3851	Jellison	Charles	\$327.35	\$48.25	\$375.60	\$513.14	\$185.79
416	2083	Jennings	Stanley	\$331.46	\$48.86	\$380.32	\$331.46	
417	3315	Jimenez	Michael	\$3,308.60	\$487.70	\$3,796.31	\$3,504.64	\$196.04
418	3109	Jin	Casey	\$2,255.12	\$332.41	\$2,587.54	\$2,255.12	
419	3151	Johnson	Kennard	\$1,657.18	\$244.28	\$1,901.46	\$2,649.47	\$992.29
420	3602	Johnson	Tony	\$377.73	\$55.68	\$433.41	\$377.73	
421	3844	Johnson	Richard	\$162.40	\$23.94	\$186.34	\$162.40	
422	3898	Johnson	Cary	\$91.90	\$13.55	\$105.44	\$91.90	

	A	B	C	D	E	F	G	H
423	3539	Johnson	Brian	\$81.93	\$12.08	\$94.00	\$81.93	
424	2127	Johnson	Rodney	\$44.73	\$6.59	\$51.32	\$206.39	\$161.66
425	2253	Jones	Glenn	\$3,712.11	\$547.18	\$4,259.29	\$4,106.08	\$393.97
426	2639	Jones	James	\$247.93	\$36.55	\$284.48	\$247.93	
427	1058	Jones	Doug	\$223.09	\$32.88	\$255.98	\$223.09	
428	3784	Joseph	Leroy	\$2,440.47	\$359.74	\$2,800.21	\$2,570.69	\$130.22
429	3239	Joseph	Loradel	\$172.42	\$25.41	\$197.83	\$172.42	
430	2849	Justice	Jason	\$479.91	\$70.74	\$550.65	\$479.91	
431	3919	Kabbaz	David	\$76.92	\$11.34	\$88.26	\$76.92	
432	111813	Kadir	Tura	\$23.88	\$3.52	\$27.39	\$23.88	
433	106642	Kadri	Abdelkrim	\$10.24	\$1.51	\$11.75	\$10.24	
434	3772	Kaiyooraw	Chaipan	\$3,065.66	\$451.89	\$3,517.55	\$3,065.66	
435	101942	Kalimba	Gaston	\$530.48	\$78.19	\$608.67	\$530.48	
436	29542	Kang	Chong	\$219.01	\$32.28	\$251.30	\$219.01	
437	3631	Karner	Adam	\$873.51	\$128.76	\$1,002.27	\$1,141.88	\$268.37
438	3819	Keba	Woldmarim	\$569.14	\$83.89	\$653.03	\$998.90	\$429.76
439	3303	Keber	Yilma	\$116.56	\$17.18	\$133.74	\$116.56	
440	2482	Keith	Marcus	\$190.51	\$28.08	\$218.60	\$190.51	
441	106153	Keller	Roger	\$390.90	\$57.62	\$448.52	\$390.90	
442	3531	Kelley	Jared	\$253.10	\$37.31	\$290.41	\$253.10	
443	2736	Kenary	Brian	\$3,450.45	\$508.61	\$3,959.06	\$4,804.46	\$1,354.01
444	3484	Kern	Gary	\$9,231.17	\$1,360.71	\$10,591.89	\$10,171.83	\$940.66
445	3637	Key	Roy	\$174.71	\$25.75	\$200.46	\$174.71	
446	3651	Khan	Zaka	\$53.04	\$7.82	\$60.86	\$53.04	
447	105794	Kimler	Ryan	\$198.87	\$29.31	\$228.19	\$198.87	
448	3798	King Jr.	John	\$115.51	\$17.03	\$132.54	\$179.87	\$64.36
449	2901	Kingsley	David	\$49.73	\$7.33	\$57.06	\$49.73	
450	111283	Kissel	Sean	\$51.23	\$7.55	\$58.78	\$51.23	
451	3893	Klein	Phillip	\$3,633.02	\$535.52	\$4,168.54	\$3,633.02	
452	3837	Knight	Tyree	\$262.37	\$38.67	\$301.04	\$262.37	
453	3215	Koch	Frederick	\$379.05	\$55.87	\$434.93	\$379.05	
454	3630	Kogan	Martin	\$6,773.74	\$998.48	\$7,772.22	\$7,609.17	\$835.43
455	3273	Kolasienksi	Aemon	\$595.28	\$87.75	\$683.03	\$595.28	

	A	B	C	D	E	F	G	H
456	2789	Krouse	Stephen	\$906.46	\$133.62	\$1,040.07	\$1,187.50	\$281.04
457	103826	Kull Jr.	William	\$135.94	\$20.04	\$155.98	\$135.94	
458	3662	Kunik	Robert	\$301.44	\$44.43	\$345.87	\$301.44	
459	3878	Laico	Paul	\$102.52	\$15.11	\$117.63	\$102.52	
460	111231	Lant	Mark	\$694.00	\$102.30	\$796.29	\$694.00	
461	3535	Lantis	Glen	\$1,045.93	\$154.17	\$1,200.10	\$1,045.93	
462	3435	Laspada	Brian	\$746.94	\$110.10	\$857.04	\$746.94	
463	25362	Lathan	Joseph	\$269.57	\$39.73	\$309.30	\$269.57	
464	111290	Lay	Gilbert	\$139.80	\$20.61	\$160.40	\$139.80	
465	3013	Lazarov	Vasilije	\$205.51	\$30.29	\$235.80	\$205.51	
466	1053	Leacock	Brian	\$1,191.71	\$175.66	\$1,367.37	\$2,396.09	\$1,204.38
467	3685	Leal	Jill	\$2,181.82	\$321.61	\$2,503.43	\$2,592.70	\$410.88
468	2635	Ledbetter	Ernest	\$11.17	\$1.65	\$12.81	\$11.17	
469	3702	Lee	Thomas	\$2,952.81	\$435.26	\$3,388.06	\$2,952.81	
470	18960	Lee	Melvin	\$469.33	\$69.18	\$538.51	\$469.33	
471	3159	Lefevre	Stephen	\$405.67	\$59.80	\$465.47	\$405.67	
472	3666	Legesse	Dereje	\$555.76	\$81.92	\$637.68	\$776.75	\$220.99
473	2160	Leonardo	Vito	\$1,567.29	\$231.02	\$1,798.31	\$1,567.29	
474	3816	Ligus	Thomas	\$219.63	\$32.37	\$252.01	\$219.63	
475	25522	Link	Peter	\$1,068.46	\$157.50	\$1,225.96	\$1,372.28	\$303.82
476	3681	Linzer	Steven	\$42.56	\$6.27	\$48.83	\$42.56	
477	15804	Little	Dennis	\$742.99	\$109.52	\$852.50	\$1,016.34	\$273.35
478	3267	Liu	David	\$181.81	\$26.80	\$208.61	\$181.81	
479	3510	Lloyd	Mark	\$30.64	\$4.52	\$35.15	\$30.64	
480	3945	Lombana	Francisco	\$51.80	\$7.63	\$59.43	\$51.80	
481	3858	Lonbani	Khosro	\$607.51	\$89.55	\$697.06	\$829.71	\$222.20
482	111405	Lopez-Silve	Fidel	\$81.02	\$11.94	\$92.96	\$81.02	
483	3752	Lorenz	Dierdra	\$866.03	\$127.66	\$993.69	\$866.03	
484	3813	Lovelady	Warren	\$11.90	\$1.75	\$13.65	\$11.90	
485	2963	Lovett	Patrick	\$598.72	\$88.25	\$686.98	\$598.72	
486	1065	Lovin	Charles	\$247.32	\$36.46	\$283.77	\$422.42	\$175.10
487	3295	Lowe	John	\$767.67	\$113.16	\$880.82	\$767.67	
488	3006	Loyd	Gary	\$3,050.25	\$449.62	\$3,499.87	\$3,050.25	

	A	B	C	D	E	F	G	H
489	3326	Lucero	Arturo	\$1,825.80	\$269.13	\$2,094.93	\$1,825.80	
490	3339	Luo	Yue	\$490.93	\$72.36	\$563.29	\$490.93	
491	3778	Macato	Jaime	\$2,456.61	\$362.11	\$2,818.73	\$2,859.72	\$403.11
492	20936	Madi	Adam	\$137.47	\$20.26	\$157.74	\$137.47	
493	24918	Magana	Luis	\$565.73	\$83.39	\$649.12	\$749.60	\$183.87
494	3224	Magazin	Milorad	\$33.12	\$4.88	\$38.00	\$33.12	
495	107940	Maharit	Khamkhung	\$63.98	\$9.43	\$73.41	\$63.98	
496	2912	Mahmud	Omar	\$2,459.87	\$362.59	\$2,822.46	\$2,459.87	
497	2738	Mahoney	Kevin	\$638.30	\$94.09	\$732.39	\$638.30	
498	3096	Mainwarin	David	\$4,352.12	\$641.52	\$4,993.64	\$4,352.12	
499	2757	Majors	John	\$10,258.22	\$1,512.10	\$11,770.32	\$10,258.22	
500	3312	Mandefro	Nebiyu	\$1,046.39	\$154.24	\$1,200.63	\$1,046.39	
501	22809	Manitien	Ted	\$13.83	\$2.04	\$15.87	\$13.83	
502	3890	Manor	Quincy	\$1,366.55	\$201.44	\$1,567.99	\$1,544.98	\$178.43
503	3583	Maras	Maria	\$2,195.44	\$323.62	\$2,519.05	\$2,614.23	\$418.79
504	110053	Martinez	Francisco	\$1,713.26	\$252.54	\$1,965.80	\$1,713.26	
505	106666	Martinez	Arturo	\$63.48	\$9.36	\$72.83	\$63.48	
506	3866	Martinez-F	Eduardo	\$757.35	\$111.64	\$868.98	\$1,043.05	\$285.70
507	100287	Martins	Julio	\$298.27	\$43.97	\$342.24	\$298.27	
508	1033	Masetta	Ronald	\$593.06	\$87.42	\$680.48	\$593.06	
509	3088	Massey	Michael	\$752.45	\$110.91	\$863.36	\$752.45	
510	3325	Mastilovic	Branislav	\$296.04	\$43.64	\$339.68	\$296.04	
511	3698	Mastrio	Angelo	\$287.39	\$42.36	\$329.75	\$287.39	
512	110618	Mastrio	Pamela	\$234.23	\$34.53	\$268.76	\$234.23	
513	110108	Mathis	George	\$297.42	\$43.84	\$341.26	\$297.42	
514	3669	Maza	Inez	\$349.93	\$51.58	\$401.51	\$349.93	
515	111284	McCall	Melvin	\$169.85	\$25.04	\$194.88	\$169.85	
516	111199	McCarroll-	Claudia	\$17.52	\$2.58	\$20.11	\$17.52	
517	2587	McCarter	Patrick	\$3,774.48	\$556.37	\$4,330.85	\$3,893.89	\$119.41
518	3690	McCarthy	John	\$3,474.77	\$512.20	\$3,986.97	\$4,182.28	\$707.51
519	3654	McConnell	Therral	\$873.55	\$128.77	\$1,002.32	\$873.55	
520	3743	McCoubre	Earl	\$1,347.94	\$198.69	\$1,546.63	\$1,347.94	
521	107427	McDougle	Jeffrey	\$124.87	\$18.41	\$143.27	\$124.87	

	A	B	C	D	E	F	G	H
522	3111	McGarry	James	\$1,615.01	\$238.06	\$1,853.07	\$1,615.01	
523	3745	McGowan	Sean	\$228.69	\$33.71	\$262.40	\$228.69	
524	3547	McGregor	Matthew	\$1,725.05	\$254.28	\$1,979.33	\$1,725.05	
525	2178	McIntyre	Kelly	\$1,180.66	\$174.03	\$1,354.69	\$1,180.66	
526	3722	McNeece	James	\$147.35	\$21.72	\$169.07	\$147.35	
527	25641	McSkimmi	John	\$901.92	\$132.95	\$1,034.87	\$901.92	
528	2054	Mears	John	\$22.75	\$3.35	\$26.11	\$22.75	
529	3098	Medlock	Michael	\$93.32	\$13.76	\$107.08	\$93.32	
530	3345	Mekonen	Solomon	\$557.43	\$82.17	\$639.60	\$557.43	
531	3066	Melesse	Abebe	\$529.55	\$78.06	\$607.60	\$529.55	
532	3665	Melka	Tariku	\$27.31	\$4.03	\$31.34	\$27.31	
533	2596	Meloro	Paul	\$4,927.61	\$726.35	\$5,653.96	\$5,177.64	\$250.03
534	3262	Mengesha	Alemayehu	\$521.70	\$76.90	\$598.60	\$861.06	\$339.36
535	3568	Menocal	Pedro	\$1,029.70	\$151.78	\$1,181.48	\$1,029.70	
536	2838	Mersal	Beth	\$2,597.07	\$382.82	\$2,979.89	\$2,597.07	
537	102328	Meyer	Ronald	\$53.72	\$7.92	\$61.64	\$53.72	
538	26609	Mezzenasc	Pedro	\$1,317.06	\$194.14	\$1,511.19	\$1,523.84	\$206.78
539	3542	Michaels	Terry	\$110.59	\$16.30	\$126.89	\$110.59	
540	110334	Michilena	Luis	\$66.26	\$9.77	\$76.03	\$66.26	
541	2959	Miller	Darryl	\$5,060.89	\$746.00	\$5,806.88	\$5,060.89	
542	30196	Miller	Jason	\$983.37	\$144.95	\$1,128.32	\$983.37	
543	3275	Miller	John	\$472.50	\$69.65	\$542.15	\$472.50	
544	22514	Miller	Michelle	\$88.70	\$13.08	\$101.78	\$88.70	
545	2875	Miller	Florence	\$87.31	\$12.87	\$100.17	\$87.31	
546	17855	Milliron	Darrol	\$2,152.74	\$317.32	\$2,470.06	\$3,924.93	\$1,772.19
547	3314	Milton	Shawn	\$959.25	\$141.40	\$1,100.64	\$959.25	
548	3620	Mindyas	James	\$579.57	\$85.43	\$665.00	\$855.65	\$276.08
549	3904	Mirkulovsk	Danny	\$550.09	\$81.09	\$631.18	\$550.09	
550	2933	Mitchell	Jimmy	\$4,570.58	\$673.72	\$5,244.30	\$4,570.58	
551	31966	Mitrikov	Ilko	\$2,230.42	\$328.77	\$2,559.19	\$2,414.03	\$183.61
552	104887	Miyazaki	Nisaburo	\$912.41	\$134.49	\$1,046.90	\$912.41	
553	2759	Moffett	Larry	\$1,118.37	\$164.85	\$1,283.23	\$1,118.37	
554	3317	Mogeeth	Ehab	\$323.43	\$47.67	\$371.10	\$323.43	

	A	B	C	D	E	F	G	H
555	3318	Mohr	Donald	\$135.02	\$19.90	\$154.92	\$135.02	
556	105284	Monforte	Peter	\$5,074.87	\$748.06	\$5,822.92	\$5,074.87	
557	3882	Monteagu	Oscar	\$937.81	\$138.24	\$1,076.04	\$937.81	
558	3735	Montoya V	Francisco	\$551.62	\$81.31	\$632.93	\$1,112.68	\$561.06
559	30777	Moore	Jimmy	\$1,597.64	\$235.50	\$1,833.13	\$1,597.64	
560	2110	Moore	Jerry	\$1,429.18	\$210.67	\$1,639.85	\$1,471.54	\$42.36
561	3913	Moore	Aileen-Louise	\$328.57	\$48.43	\$377.01	\$328.57	
562	3664	Moreno	James	\$4,373.10	\$644.61	\$5,017.71	\$5,220.56	\$847.46
563	3626	Moretti	Bryan	\$1,422.89	\$209.74	\$1,632.63	\$1,422.89	
564	3411	Morley	David	\$1,407.06	\$207.41	\$1,614.46	\$1,610.99	\$203.93
565	8321	Morris	Thomas	\$4,599.67	\$678.01	\$5,277.68	\$4,599.67	
566	2162	Morris	Robert	\$2,890.99	\$426.14	\$3,317.13	\$2,890.99	
567	106703	Mosely	David	\$1,143.38	\$168.54	\$1,311.92	\$1,143.38	
568	3282	Mosley	Rory	\$177.21	\$26.12	\$203.33	\$177.21	
569	3785	Mostafa	Ahmed	\$500.20	\$73.73	\$573.93	\$500.20	
570	28917	Motazedi	Kamran	\$181.66	\$26.78	\$208.44	\$181.66	
571	27059	Mottaghia	Joseph	\$30.98	\$4.57	\$35.54	\$30.98	
572	107704	Muhtari	Abdulrahman	\$615.74	\$90.76	\$706.50	\$615.74	
573	3518	Muldoon	Thomas	\$345.81	\$50.97	\$396.78	\$345.81	
574	2735	Mumma	Donald	\$388.18	\$57.22	\$445.40	\$388.18	
575	3847	Murawski	Richard	\$1,593.10	\$234.83	\$1,827.93	\$1,593.10	
576	2018	Murray	MichaelP	\$4,393.97	\$647.69	\$5,041.65	\$4,393.97	
577	2642	Murray	MichaelJ	\$2,654.68	\$391.31	\$3,045.99	\$2,654.68	
578	2018	Murray	Michael P.	\$770.33	\$113.55	\$883.88	\$770.33	
579	2717	Murray	Melinda	\$523.81	\$77.21	\$601.02	\$523.81	
580	3856	Murray	Mark	\$23.74	\$3.50	\$27.24	\$23.74	
581	3255	Mutia	Junno	\$173.69	\$25.60	\$199.29	\$173.69	
582	107440	Nantista	Peter	\$212.28	\$31.29	\$243.57	\$212.28	
583	3859	Nazarov	Mikael	\$2,455.84	\$362.00	\$2,817.84	\$2,736.49	\$280.65
584	3804	Ndichu	Simon	\$366.18	\$53.98	\$420.16	\$366.18	
585	102656	Nedyalkov	Atanas	\$321.59	\$47.40	\$369.00	\$321.59	
586	3530	Negashe	Legesse	\$1,456.47	\$214.69	\$1,671.16	\$1,792.40	\$335.93
587	3335	Negussie	Berhanu	\$177.66	\$26.19	\$203.85	\$177.66	

	A	B	C	D	E	F	G	H
588	111494	Nemeth	Zoltan	\$353.54	\$52.11	\$405.65	\$353.54	
589	25190	Ngo	Tuan	\$1,607.52	\$236.95	\$1,844.47	\$1,607.52	
590	3545	Nichols	Keith	\$937.37	\$138.17	\$1,075.54	\$937.37	
591	2990	Nick	Harry	\$1,427.52	\$210.42	\$1,637.94	\$1,427.52	
592	1098	Nicol	Thaddeus	\$2,390.59	\$352.38	\$2,742.98	\$2,390.59	
593	3122	Niculescu	Adrian	\$1,081.63	\$159.44	\$1,241.06	\$1,081.63	
594	3823	Nigussie	Gulilat	\$480.17	\$70.78	\$550.95	\$620.79	\$140.62
595	3000	Nolan	Jeffrey	\$455.61	\$67.16	\$522.77	\$455.61	
596	28989	Nolan	Eamonn	\$107.87	\$15.90	\$123.77	\$107.87	
597	3639	Norberg	Christopher	\$919.23	\$135.50	\$1,054.73	\$996.85	\$77.62
598	3876	Norvell	Chris	\$4,691.89	\$691.60	\$5,383.49	\$4,691.89	
599	2713	Novaky	Adam	\$811.29	\$119.59	\$930.88	\$811.29	
600	3841	Ocampo	Leonardo	\$882.56	\$130.09	\$1,012.66	\$967.99	\$85.43
601	30295	Ogbazghi	Dawit	\$489.50	\$72.15	\$561.65	\$1,075.06	\$585.56
602	109172	O'Grady	Francis	\$404.46	\$59.62	\$464.08	\$404.46	
603	3836	Ohlson	Ryan	\$752.25	\$110.89	\$863.14	\$924.94	\$172.69
604	3753	Olen	Virginia	\$2,224.07	\$327.84	\$2,551.91	\$2,224.07	
605	3748	Oliveros	Mario	\$671.02	\$98.91	\$769.93	\$671.02	
606	3868	Olson	Eric	\$514.53	\$75.84	\$590.38	\$514.53	
607	3271	O'Neill	Terry	\$84.85	\$12.51	\$97.35	\$84.85	
608	3644	Ontura	Tesfaalem	\$259.20	\$38.21	\$297.41	\$259.20	
609	3308	Orellana	Byron	\$829.67	\$122.30	\$951.96	\$829.67	
610	3934	Orr	Mark	\$147.62	\$21.76	\$169.38	\$147.62	
611	3863	Ortega	Saul	\$439.49	\$64.78	\$504.27	\$439.49	
612	104938	Ortega	Paul	\$47.24	\$6.96	\$54.20	\$47.24	
613	3894	O'Shea	Kevin	\$163.81	\$24.15	\$187.96	\$163.81	
614	25832	Osterman	Victor	\$209.00	\$30.81	\$239.81	\$683.24	\$474.24
615	3783	Overson	Michael	\$636.00	\$93.75	\$729.74	\$636.00	
616	3789	Oyebade	Vincent	\$116.31	\$17.14	\$133.45	\$116.31	
617	3717	Ozgulgec	Tunc	\$1,477.21	\$217.75	\$1,694.95	\$1,626.46	\$149.25
618	3618	Pak	Kon	\$374.87	\$55.26	\$430.13	\$374.87	
619	3099	Pannell	Norbert	\$167.92	\$24.75	\$192.68	\$167.92	
620	106025	Paone	Chris	\$1,093.84	\$161.24	\$1,255.08	\$1,093.84	

	A	B	C	D	E	F	G	H
621	2810	Paranhos	Eurico	\$1,750.43	\$258.02	\$2,008.45	\$1,750.43	
622	3597	Pariso	David	\$4,792.27	\$706.40	\$5,498.67	\$5,508.79	\$716.52
623	109637	Park	Danny	\$38.85	\$5.73	\$44.58	\$38.85	
624	16676	Parker	Gary	\$1,387.79	\$204.57	\$1,592.35	\$1,387.79	
625	3750	Parker	Shawnette	\$481.18	\$70.93	\$552.10	\$713.53	\$232.35
626	3884	Parmenter	William	\$1,713.94	\$252.64	\$1,966.58	\$1,713.94	
627	3659	Paros	Nicholas	\$14.71	\$2.17	\$16.88	\$14.71	
628	19858	Passera	Charles	\$65.93	\$9.72	\$75.64	\$65.93	
629	3624	Patry	Michael	\$2,186.37	\$322.28	\$2,508.64	\$2,583.67	\$397.30
630	2647	Patterson	Robert	\$489.44	\$72.15	\$561.59	\$489.44	
631	3932	Patton	Dorothy	\$43.03	\$6.34	\$49.37	\$43.03	
632	112811	Peace	Kimberly	\$241.57	\$35.61	\$277.18	\$241.57	
633	29536	Peacock	Paula	\$118.57	\$17.48	\$136.04	\$118.57	
634	3806	Pearson	Jon	\$988.94	\$145.77	\$1,134.71	\$1,150.94	\$162.00
635	31112	Peer	Yuda	\$1,613.84	\$237.89	\$1,851.73	\$1,613.84	
636	3396	Penera	Eric	\$143.90	\$21.21	\$165.11	\$298.45	\$154.55
637	2776	Pepitone	Leonard	\$1,687.56	\$248.75	\$1,936.31	\$1,687.56	
638	3834	Perrotti	Dominic	\$343.23	\$50.59	\$393.82	\$421.61	\$78.38
639	111257	Petculescu	Ciprian	\$28.97	\$4.27	\$33.24	\$28.97	
640	1076	Peterson	Steven	\$3,638.58	\$536.34	\$4,174.92	\$3,638.58	
641	15968	Peterson	Kenneth	\$978.12	\$144.18	\$1,122.30	\$978.12	
642	3736	Petrie	Theodore	\$49.32	\$7.27	\$56.59	\$49.32	
643	3740	Petrossian	Robert	\$678.86	\$100.07	\$778.92	\$678.86	
644	2440	Pettaway	Marvin	\$589.60	\$86.91	\$676.51	\$589.60	
645	2473	Phillips	Gordon	\$3,008.26	\$443.43	\$3,451.69	\$3,008.26	
646	106089	Phillips	Larry	\$881.80	\$129.98	\$1,011.78	\$881.80	
647	3281	Phonesava	Paul	\$1,217.26	\$179.43	\$1,396.68	\$1,217.26	
648	3523	Pilkington	Margaret	\$2,165.08	\$319.14	\$2,484.22	\$2,988.83	\$823.75
649	107617	Pineda	Carlos	\$2,994.17	\$441.35	\$3,435.52	\$2,994.17	
650	2826	Pitts	Amir	\$967.07	\$142.55	\$1,109.62	\$1,202.20	\$235.13
651	2407	Platania	John	\$556.69	\$82.06	\$638.75	\$1,038.00	\$481.31
652	3265	Pletz	David	\$4,184.29	\$616.78	\$4,801.08	\$5,203.24	\$1,018.95
653	3647	Pohl	Daniel	\$186.19	\$27.45	\$213.64	\$186.19	

	A	B	C	D	E	F	G	H
654	26679	Polchinski	Paul	\$111.37	\$16.42	\$127.78	\$111.37	
655	3017	Polk	Craig	\$96.33	\$14.20	\$110.53	\$96.33	
656	31149	Pony	David	\$51.52	\$7.59	\$59.11	\$51.52	
657	3563	Portillo	Mario	\$593.50	\$87.48	\$680.98	\$593.50	
658	3287	Portillo-Sa	Carlos	\$417.87	\$61.60	\$479.46	\$417.87	
659	1030	Poulton	Todd	\$11.77	\$1.73	\$13.50	\$11.77	
660	3129	Povolotsky	Anatoly	\$227.53	\$33.54	\$261.07	\$227.53	
661	3152	Prather	Robert	\$445.01	\$65.60	\$510.60	\$445.01	
662	3201	Presnall	Darryl	\$2,341.64	\$345.17	\$2,686.80	\$2,471.47	\$129.83
663	2568	Price	James	\$3,555.64	\$524.12	\$4,079.75	\$5,036.02	\$1,480.38
664	3800	Price	Allen	\$630.95	\$93.00	\$723.95	\$630.95	
665	3449	Prifti	Ilia	\$418.70	\$61.72	\$480.42	\$418.70	
666	26363	Punzalan	Luciano	\$236.08	\$34.80	\$270.87	\$236.08	
667	3687	Purdue	Robert	\$210.21	\$30.99	\$241.20	\$312.22	\$102.01
668	2122	Purvis	James	\$58.24	\$8.58	\$66.83	\$58.24	
669	3556	Pyles	Joseph	\$682.49	\$100.60	\$783.09	\$682.49	
670	3307	Qian	Jie	\$376.94	\$55.56	\$432.51	\$376.94	
671	3002	Rabara	Antino	\$698.55	\$102.97	\$801.52	\$698.55	
672	107548	Rainey	James	\$219.28	\$32.32	\$251.60	\$219.28	
673	3883	Ramirez	Erney	\$760.59	\$112.11	\$872.70	\$760.59	
674	2180	Ramos	Lawrence	\$122.19	\$18.01	\$140.20	\$122.19	
675	3085	Ramsey	Gary	\$1,312.85	\$193.52	\$1,506.37	\$1,312.85	
676	3525	Rasheed	Willie	\$4,450.03	\$655.95	\$5,105.98	\$4,450.03	
677	3812	Ray	William	\$12.61	\$1.86	\$14.47	\$12.61	
678	2857	Reevell	Jeffrey	\$15.47	\$2.28	\$17.75	\$15.47	
679	108758	Regans	Mark	\$379.98	\$56.01	\$435.99	\$379.98	
680	2805	Reina	Linda	\$77.46	\$11.42	\$88.88	\$77.46	
681	2237	Relopez	Craig	\$2,166.42	\$319.34	\$2,485.76	\$2,933.59	\$767.17
682	3544	Reno	Michael	\$4,966.19	\$732.04	\$5,698.22	\$4,966.19	
683	2266	Reynolds	James	\$289.68	\$42.70	\$332.38	\$289.68	
684	14261	Riipi	Karl	\$126.47	\$18.64	\$145.11	\$126.47	
685	109502	Rios-Lopez	Oscar	\$189.76	\$27.97	\$217.73	\$189.76	
686	107701	Risby	Clifford	\$1,060.42	\$156.31	\$1,216.73	\$1,060.42	

	A	B	C	D	E	F	G	H
687	111756	Risco	Pedro	\$554.56	\$81.74	\$636.30	\$554.56	
688	3191	Rivas	Victor	\$1,763.13	\$259.89	\$2,023.03	\$1,763.13	
689	104109	Rivero-Ver	Raul	\$288.88	\$42.58	\$331.46	\$288.88	
690	101317	Rivers	Willie	\$642.53	\$94.71	\$737.24	\$642.53	
691	3575	Roach	Jayson	\$665.36	\$98.08	\$763.44	\$665.36	
692	3305	Roberson	Ronnie	\$108.61	\$16.01	\$124.61	\$108.61	
693	2842	Roberts	James	\$1,756.75	\$258.95	\$2,015.70	\$1,756.75	
694	104171	Robinson	Mikalani	\$398.94	\$58.81	\$457.75	\$398.94	
695	3526	Robinson	William	\$383.59	\$56.54	\$440.14	\$383.59	
696	3629	Robles	Mark	\$49.78	\$7.34	\$57.11	\$49.78	
697	3744	Rockett Jr.	Roosevelt	\$81.28	\$11.98	\$93.26	\$81.28	
698	31847	Rodriguez	Armando	\$30.79	\$4.54	\$35.33	\$30.79	
699	3814	Rohlas	Polly	\$2,985.34	\$440.05	\$3,425.39	\$3,615.12	\$629.78
700	2666	Rojas	David	\$68.35	\$10.07	\$78.42	\$68.35	
701	3874	Romano	Anthony	\$1,169.52	\$172.39	\$1,341.91	\$1,306.60	\$137.08
702	3587	Romero	Ruben	\$687.24	\$101.30	\$788.54	\$687.24	
703	3104	Rosenthal	John	\$2,113.74	\$311.57	\$2,425.31	\$3,513.66	\$1,399.92
704	108742	Ross	Lee	\$174.37	\$25.70	\$200.07	\$174.37	
705	3225	Ross	Larry	\$74.22	\$10.94	\$85.15	\$74.22	
706	3850	Rothenber	Edward	\$239.11	\$35.25	\$274.36	\$239.11	
707	3504	Rotich	Emertha	\$2,099.57	\$309.49	\$2,409.06	\$2,099.57	
708	3912	Rousseau	James	\$657.44	\$96.91	\$754.35	\$657.44	
709	3021	Rubino	Joseph	\$103.47	\$15.25	\$118.72	\$103.47	
710	3693	Ruby	Melissa	\$265.99	\$39.21	\$305.20	\$265.99	
711	3477	Ruiz	Travis	\$1,117.07	\$164.66	\$1,281.73	\$1,117.07	
712	2965	Russell	Mark	\$1,239.03	\$182.64	\$1,421.67	\$1,239.03	
713	3875	Russell	Darrell	\$657.42	\$96.91	\$754.33	\$657.42	
714	2260	Sackett	Kathryn	\$203.37	\$29.98	\$233.34	\$203.37	
715	3944	Sadler	James	\$82.91	\$12.22	\$95.13	\$82.91	
716	3323	Saevitz	Neil	\$2,364.73	\$348.57	\$2,713.30	\$2,364.73	
717	3169	Salameh	George	\$2,142.47	\$315.81	\$2,458.27	\$2,702.72	\$560.25
718	3042	Saleh	Jemal	\$8,393.73	\$1,237.27	\$9,630.99	\$8,393.73	
719	103096	Sam	Phea	\$625.84	\$92.25	\$718.09	\$625.84	

	A	B	C	D	E	F	G	H
720	21811	Sameli	Sabino	\$921.22	\$135.79	\$1,057.01	\$921.22	
721	100128	Sampson	James	\$644.31	\$94.97	\$739.28	\$644.31	
722	109349	Sanchez-R	Natasha	\$288.44	\$42.52	\$330.96	\$288.44	
723	3570	Sanders	Acy	\$737.61	\$108.73	\$846.33	\$737.61	
724	2859	Sandoval	Yolanda	\$421.83	\$62.18	\$484.01	\$421.83	
725	29769	Sans	Thomas	\$769.01	\$113.35	\$882.36	\$769.01	
726	3011	Santos	Billy	\$86.61	\$12.77	\$99.38	\$86.61	
727	3915	Sapienza	Gino	\$261.74	\$38.58	\$300.32	\$261.74	
728	3648	Saravanos	John	\$5,143.32	\$758.15	\$5,901.46	\$5,143.32	
729	26687	Sargeant	Michael	\$164.64	\$24.27	\$188.91	\$164.64	
730	105273	Sayed	Jamil	\$645.44	\$95.14	\$740.58	\$904.94	\$259.50
731	1093	Schall	Douglas	\$1,002.07	\$147.71	\$1,149.78	\$1,002.07	
732	106913	Schraeder	Scott	\$569.96	\$84.01	\$653.98	\$569.96	
733	25981	Schroeder	William	\$2,110.35	\$311.07	\$2,421.42	\$2,110.35	
734	3313	Schwartz	Steven	\$4,584.18	\$675.73	\$5,259.91	\$4,584.18	
735	29172	Schwartz	George	\$601.41	\$88.65	\$690.06	\$601.41	
736	109028	Secondo	Muridi	\$391.43	\$57.70	\$449.12	\$391.43	
737	3536	Sedgwick	Anthony	\$226.67	\$33.41	\$260.08	\$226.67	
738	2657	Seller	Paula	\$295.78	\$43.60	\$339.38	\$295.78	
739	3134	Serio	John	\$3,739.93	\$551.28	\$4,291.21	\$4,092.51	\$352.58
740	3057	Serrano	Hector	\$2,494.64	\$367.72	\$2,862.36	\$2,990.45	\$495.81
741	3359	Sevillet	Otto	\$453.18	\$66.80	\$519.98	\$706.90	\$253.72
742	3879	Sexner	Alexis	\$955.88	\$140.90	\$1,096.77	\$1,075.72	\$119.84
743	19451	Shafiei	Abdolreza	\$552.17	\$81.39	\$633.56	\$552.17	
744	2899	Shallufa	Azmy	\$9,805.00	\$1,445.30	\$11,250.30	\$10,290.01	\$485.01
745	2955	Shank	Lyle	\$52.32	\$7.71	\$60.03	\$52.32	
746	3294	Sharp	Omar	\$276.16	\$40.71	\$316.87	\$276.16	
747	3619	Shein	Efraim	\$304.28	\$44.85	\$349.13	\$304.28	
748	3532	Shenkov	Svetlozar	\$275.95	\$40.68	\$316.62	\$275.95	
749	103821	Sherman	Jason	\$214.72	\$31.65	\$246.37	\$214.72	
750	3724	Shinn	Kevin	\$463.14	\$68.27	\$531.41	\$463.14	
751	3790	Shoyombo	Rilwan	\$1,426.49	\$210.27	\$1,636.76	\$1,833.70	\$407.21
752	3803	Siasat	Manuel	\$32.38	\$4.77	\$37.15	\$32.38	

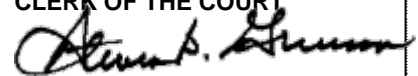
	A	B	C	D	E	F	G	H
753	112766	Sibre	Christopher	\$294.20	\$43.37	\$337.56	\$294.20	
754	3758	Siegel	Jeffrey	\$91.32	\$13.46	\$104.78	\$91.32	
755	105863	Siljkovic	Becir	\$1,854.68	\$273.39	\$2,128.06	\$2,017.09	\$162.41
756	23388	Simmons	John	\$1,545.83	\$227.86	\$1,773.70	\$2,558.25	\$1,012.42
757	3264	Sinatra	Anthony	\$296.21	\$43.66	\$339.88	\$296.21	
758	3524	Sinay	Abraham	\$858.58	\$126.56	\$985.14	\$858.58	
759	3677	Singh	Baldev	\$180.81	\$26.65	\$207.47	\$180.81	
760	3683	Sitotaw	Haileab	\$118.59	\$17.48	\$136.06	\$118.59	
761	2972	Smagacz	Stephen	\$185.28	\$27.31	\$212.59	\$185.28	
762	2630	Smale	Charles	\$935.99	\$137.97	\$1,073.96	\$935.99	
763	3041	Smith	Lottie	\$6,722.83	\$990.97	\$7,713.81	\$6,722.83	
764	3521	Smith	Lisa	\$1,094.07	\$161.27	\$1,255.34	\$1,094.07	
765	3870	Smith	Jepthy	\$284.41	\$41.92	\$326.33	\$484.69	\$200.28
766	3033	Smith	Toby	\$140.20	\$20.67	\$160.86	\$140.20	
767	2923	Smith	Jerry	\$30.69	\$4.52	\$35.21	\$30.69	
768	3610	Smith Jr.	Willie	\$1,287.44	\$189.77	\$1,477.21	\$2,123.86	\$836.42
769	2667	Solares	John	\$453.45	\$66.84	\$520.29	\$453.45	
770	3643	Solis	Brigido	\$174.25	\$25.69	\$199.94	\$174.25	
771	22804	Solymar	Istvan	\$303.84	\$44.79	\$348.63	\$303.84	
772	3854	Soree	Mladen	\$1,445.54	\$213.08	\$1,658.62	\$1,445.54	
773	105304	Sorkin	Jack	\$336.28	\$49.57	\$385.85	\$336.28	
774	3770	Sorrosa	Juan	\$1,888.94	\$278.44	\$2,167.38	\$2,214.82	\$325.88
775	3797	Soto	Johnny	\$196.46	\$28.96	\$225.41	\$352.89	\$156.43
776	2638	Soto	Jacob	\$128.04	\$18.87	\$146.91	\$413.13	\$285.09
777	2873	Spangler	Peter	\$93.78	\$13.82	\$107.61	\$93.78	
778	3727	Sparks	Cody	\$19.56	\$2.88	\$22.45	\$19.56	
779	3845	Spaulding	Ross	\$244.25	\$36.00	\$280.25	\$244.25	
780	2592	Sphouris	Constantine	\$71.48	\$10.54	\$82.02	\$71.48	
781	3087	Spiegel	Louis	\$113.17	\$16.68	\$129.85	\$113.17	
782	3055	Spilmon	Mark	\$8,254.49	\$1,216.75	\$9,471.24	\$8,891.81	\$637.32
783	3481	Springer	Marvin	\$1,483.49	\$218.67	\$1,702.17	\$1,483.49	
784	111364	Stanley	John	\$286.26	\$42.20	\$328.46	\$286.26	
785	3366	Starcher	Richard	\$871.76	\$128.50	\$1,000.26	\$871.76	

	A	B	C	D	E	F	G	H
786	3821	Stauff	John	\$113.93	\$16.79	\$130.72	\$113.93	
787	3737	Stayton	William	\$119.03	\$17.55	\$136.57	\$119.03	
788	109013	Stearns	Thomas	\$528.37	\$77.88	\$606.25	\$528.37	
789	3757	Steck	Gregory	\$5,829.47	\$859.29	\$6,688.75	\$6,511.90	\$682.43
790	3625	Stephanov	Liuben	\$219.81	\$32.40	\$252.21	\$398.92	\$179.11
791	3695	Stern	Robert	\$292.29	\$43.08	\$335.37	\$292.29	
792	3165	Stevenson	John	\$2,662.56	\$392.47	\$3,055.03	\$2,662.56	
793	3872	Stockton	Clarence	\$1,336.84	\$197.06	\$1,533.89	\$1,336.84	
794	3713	Stonebreal	Dawn	\$1,992.26	\$293.67	\$2,285.92	\$2,489.85	\$497.59
795	25450	Tafesh	George	\$976.87	\$143.99	\$1,120.86	\$976.87	
796	102400	Talley	George	\$301.76	\$44.48	\$346.24	\$301.76	
797	112063	Tapia-Verg	Agustin	\$587.64	\$86.62	\$674.26	\$587.64	
798	3338	Tarragano	Stephen	\$1,370.43	\$202.01	\$1,572.43	\$1,370.43	
799	3333	Taurins	Walter	\$407.00	\$59.99	\$466.99	\$407.00	
800	31977	Taylor	Marvin	\$714.56	\$105.33	\$819.89	\$714.56	
801	111807	Taylor	Brent	\$632.29	\$93.20	\$725.49	\$632.29	
802	109745	Taylor	David	\$324.21	\$47.79	\$372.00	\$324.21	
803	3728	Tedros	Biserat	\$405.38	\$59.75	\$465.13	\$588.25	\$182.87
804	3720	Terry	James	\$937.23	\$138.15	\$1,075.38	\$937.23	
805	3726	Thomas	Scott	\$2,673.14	\$394.03	\$3,067.17	\$2,673.14	
806	3045	Thomas	Anthony	\$1,285.73	\$189.52	\$1,475.25	\$1,285.73	
807	31400	Thomas	Cator	\$427.93	\$63.08	\$491.01	\$427.93	
808	104732	Thomas	Hasan	\$247.81	\$36.53	\$284.34	\$247.81	
809	27963	Thompson	Michael	\$6,744.25	\$994.13	\$7,738.38	\$7,044.25	\$300.00
810	3867	Thompson	Glen	\$2,921.34	\$430.62	\$3,351.95	\$2,921.34	
811	29040	Timko	Robert	\$224.07	\$33.03	\$257.09	\$224.07	
812	110796	Toka	Tamas	\$445.88	\$65.72	\$511.60	\$445.88	
813	2980	Tracy	Dennis	\$67.90	\$10.01	\$77.91	\$67.90	
814	22120	Travis	Brian	\$1,783.28	\$262.86	\$2,046.14	\$2,502.26	\$718.98
815	2632	Travis	Patricia	\$1,049.36	\$154.68	\$1,204.04	\$1,049.36	
816	3083	Tripi	Joseph	\$1,325.47	\$195.38	\$1,520.85	\$1,325.47	
817	104747	Trumpp	Robert	\$211.10	\$31.12	\$242.22	\$211.10	
818	3110	Tsegay	Alexander	\$441.20	\$65.04	\$506.24	\$441.20	

	A	B	C	D	E	F	G	H
819	103413	Tsegaye	Miheret	\$51.23	\$7.55	\$58.78	\$51.23	
820	3207	Tucker	Kenlon	\$2,873.20	\$423.52	\$3,296.72	\$2,873.20	
821	20386	Tucker	Carl	\$768.69	\$113.31	\$882.00	\$768.69	
822	3679	Tullao	Isaac	\$411.83	\$60.71	\$472.54	\$411.83	
823	3880	Turner	Michael	\$39.72	\$5.86	\$45.58	\$39.72	
824	3686	Tyler	Christopher	\$267.85	\$39.48	\$307.33	\$267.85	
825	110836	Uba	Chima	\$201.50	\$29.70	\$231.20	\$201.50	
826	3612	Ullah	Mohammad	\$90.03	\$13.27	\$103.30	\$90.03	
827	3073	Urban	David	\$319.32	\$47.07	\$366.38	\$319.32	
828	3792	Urbanski	Anthony	\$1,411.23	\$208.02	\$1,619.25	\$1,411.23	
829	3668	Valdes	Lazaro	\$162.21	\$23.91	\$186.12	\$162.21	
830	2925	Van Camp	Carl	\$3,552.87	\$523.71	\$4,076.58	\$3,552.87	
831	3640	Vanluven	RJ	\$1,726.16	\$254.44	\$1,980.60	\$1,726.16	
832	2846	Vaughan	William	\$3,886.52	\$572.89	\$4,459.40	\$3,886.52	
833	3710	Vences	Alfredo	\$839.90	\$123.81	\$963.71	\$839.90	
834	3103	Verdine	Craig	\$634.21	\$93.49	\$727.69	\$634.21	
835	3721	Viado	Ramon	\$2,051.73	\$302.43	\$2,354.16	\$2,369.87	\$318.14
836	3682	VonEngel	Stephen	\$29.89	\$4.41	\$34.30	\$29.89	
837	3796	Vongthep	Christopher	\$2,710.64	\$399.56	\$3,110.20	\$2,710.64	
838	109475	Vonkagele	Mark	\$130.27	\$19.20	\$149.48	\$130.27	
839	3842	Wagg	John	\$221.46	\$32.64	\$254.10	\$221.46	
840	3776	Wakeel	Daud	\$679.94	\$100.23	\$780.16	\$679.94	
841	28448	Walker	Arthur	\$114.57	\$16.89	\$131.46	\$114.57	
842	3820	Wallace	Roy	\$3,681.35	\$542.65	\$4,224.00	\$3,681.35	
843	3766	Warner	Terrance	\$1,694.50	\$249.78	\$1,944.27	\$2,356.86	\$662.36
844	3496	Weaver	Gerie	\$4,828.49	\$711.74	\$5,540.23	\$6,465.81	\$1,637.32
845	3826	Webb	Ricky	\$624.58	\$92.07	\$716.64	\$923.04	\$298.46
846	109066	Webster	Brock	\$254.41	\$37.50	\$291.91	\$254.41	
847	3578	Weiss	Matthew	\$60.25	\$8.88	\$69.13	\$60.25	
848	2785	Welborn	Paul	\$849.94	\$125.28	\$975.22	\$972.84	\$122.90
849	2215	Welden	Matthew	\$407.24	\$60.03	\$467.27	\$407.24	
850	3632	Weldu	Berhane	\$266.45	\$39.28	\$305.73	\$266.45	
851	2661	Wells	Fredrick	\$341.45	\$50.33	\$391.78	\$341.45	

	A	B	C	D	E	F	G	H
852	3044	Welsh	Sylvia	\$150.95	\$22.25	\$173.20	\$150.95	
853	3616	Welzbache	Daniel	\$2,367.50	\$348.98	\$2,716.47	\$2,789.72	\$422.22
854	3071	White	Donavan	\$2,061.42	\$303.86	\$2,365.28	\$2,061.42	
855	111878	White II	Prinest	\$153.22	\$22.59	\$175.81	\$153.22	
856	3117	Whitehead	Timothy	\$66.66	\$9.83	\$76.49	\$66.66	
857	2946	Whiteman	Rick	\$1,470.20	\$216.71	\$1,686.92	\$1,470.20	
858	2866	Wiggins	Andrew	\$79.09	\$11.66	\$90.75	\$79.09	
859	2569	Wilcox	Todd	\$19.02	\$2.80	\$21.82	\$19.02	
860	3611	Williams	Danny	\$273.88	\$40.37	\$314.25	\$273.88	
861	2548	Wilson	Richard	\$719.61	\$106.07	\$825.68	\$719.61	
862	2862	Wilson	Constance	\$284.95	\$42.00	\$326.95	\$284.95	
863	3608	Wilson Jr.	Mose	\$3,332.43	\$491.21	\$3,823.64	\$3,332.43	
864	3097	Windsor	Benjamin	\$670.57	\$98.84	\$769.41	\$670.57	
865	3947	Wing	Roland	\$81.95	\$12.08	\$94.04	\$81.95	
866	107624	Witte	Daniel	\$228.39	\$33.67	\$262.05	\$228.39	
867	3623	Wolde	Hailemariam	\$385.93	\$56.89	\$442.81	\$385.93	
868	3603	Woldeghele	Berhane	\$1,037.22	\$152.89	\$1,190.11	\$1,037.22	
869	110866	Wolfe	Thomas	\$726.91	\$107.15	\$834.06	\$726.91	
870	3166	Wollnick	Steven	\$79.10	\$11.66	\$90.76	\$79.10	
871	3840	Wondired	Eshetu	\$423.24	\$62.39	\$485.63	\$423.24	
872	3910	Wong	Jorge	\$2,325.07	\$342.72	\$2,667.79	\$2,325.07	
873	28160	Wong	Wanjin	\$1,115.61	\$164.45	\$1,280.06	\$1,115.61	
874	3706	Woodall	Charles	\$610.19	\$89.94	\$700.13	\$610.19	
875	3582	Workneh	Abent	\$36.29	\$5.35	\$41.63	\$36.29	
876	3573	Worku	Abiye	\$253.73	\$37.40	\$291.13	\$253.73	
877	108239	Wright	Edward	\$744.31	\$109.71	\$854.02	\$744.31	
878	3092	Yabut	Gerry	\$5,428.49	\$800.18	\$6,228.67	\$5,549.53	\$121.04
879	3533	Yabut	Vincent	\$415.21	\$61.20	\$476.42	\$415.21	
880	108389	Yamaguchi	Alicia	\$3,089.15	\$455.35	\$3,544.50	\$3,089.15	
881	3852	Yepiz-Patro	Ubaldo	\$18.78	\$2.77	\$21.54	\$18.78	
882	3472	Yesayan	Razmik	\$387.19	\$57.07	\$444.26	\$387.19	
883	3691	Yihdego	Abdulkadir	\$642.61	\$94.72	\$737.33	\$642.61	
884	3633	Yimer	Yidersal	\$643.72	\$94.89	\$738.61	\$643.72	

	A	B	C	D	E	F	G	H
885	2081	Younes	Ahmed	\$228.31	\$33.65	\$261.96	\$228.31	
886	17259	Yurckonis	Hilbert	\$2,395.57	\$353.12	\$2,748.69	\$2,395.57	
887	3824	Zabadneh	Randa	\$167.13	\$24.64	\$191.77	\$167.13	
888	30374	Zafar	John	\$605.99	\$89.33	\$695.32	\$605.99	
889	3062	Zanfino	Michael	\$798.38	\$117.68	\$916.06	\$798.38	
890	2273	Zawoudie	Masfen	\$2,656.70	\$391.61	\$3,048.31	\$2,656.70	
891	17936	Zekichev	Nick	\$324.17	\$47.78	\$371.95	\$324.17	
892	3235	Zelege	Abraham	\$1,593.23	\$234.85	\$1,828.08	\$2,183.95	\$590.72



ORDR

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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

Plaintiffs,

ORDER

vs.

A CAB TAXI SERVICE LLC and A CAB,
LLC,

Defendants.

Plaintiffs' Motion to Amend Judgment, filed on August 22, 2018, solely for the purpose of amending the judgment entered on August 21, 2018 to indicate it is against "A Cab Series LLC" as the current name of the originally summoned defendant and judgment debtor "A Cab LLC," came before the Court for hearing on October 22, 2018, with the appearances by counsel for the parties being duly noted on the record. Defendants' opposition to that motion filed on September 10, 2018, and plaintiffs' reply in support filed on September 20, 2018, were duly considered by the Court along with the arguments of counsel for the parties presented at the hearing.

It is hereby ORDERED, upon consideration of the arguments and submissions of the parties and after due deliberation by the Court, and upon good cause shown,

1 that the motion is GRANTED; and

2
3 It is further ORDERED that upon entry of this Order the Clerk of the Court
4 shall indicate on its records that the judgment originally entered by the Court on
5 August 21, 2018 in this case is also entered against A Cab Series LLC, the current
6 name of the originally summoned defendant and judgment debtor A Cab LLC; and

7 It is further ORDERED that plaintiffs' counsel, upon entry of this Order, may
8 proceed to enforce the judgment originally entered by the Court on August 21, 2018
9 in this case against property held in the name of A Cab Series LLC pursuant to the
10 terms set forth in the Order of August 21, 2018 entering such judgment.

11
12 **IT IS SO ORDERED.**

13 DATED this 22 day of October, 2018.

14
15 
16 HONORABLE JUDGE KENNETH CORY
17 DISTRICT COURT, CLARK COUNTY

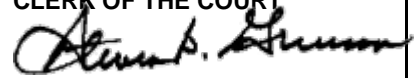
18 Approved as to form and content:

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

**LEON GREENBERG
PROFESSIONAL
CORPORATION**

21
22 By: _____
23 Esther C. Rodriguez, Esq.
24 Nevada State Bar No. 6473
25 10161 Park Run Drive, Suite 150
26 Las Vegas, Nevada 89145
27 *Attorneys for Defendants*

LEON GREENBERG, ESQ.
Nevada Bar No.: 8094
DANA SNIEGOCKI, ESQ.
Nevada Bar No.: 11715
2965 South Jones Boulevard, Suite E3
Las Vegas, Nevada 89146
Attorneys for Plaintiffs



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

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 MICHAEL MURRAY, and MICHAEL
10 RENO, Individually and on behalf of
others similarly situated,

11 Plaintiffs,

12 vs.

13 A CAB TAXI SERVICE LLC, and A
14 CAB, LLC,

15 Defendants.
16

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that the Court entered the attached Order on October
18 22, 2018.

19 Dated: October 22, 2018

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg

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

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The undersigned certifies that on October 22, 2018, she served the within:

NOTICE OF ENTRY OF ORDER

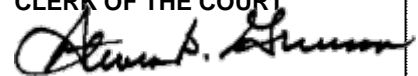
6 by court electronic service to:

7 TO:

8 Esther C. Rodriguez, Esq.
RODRIGUEZ LAW OFFICES, P.C.
9 10161 Park Run Drive, Suite 150
Las Vegas, NV 89145

/s/ Dana Sniegocki

Dana Sniegocki



ORDR

LEON GREENBERG, ESQ., SBN 8094
DANA SNIEGOCKI, ESQ., SBN 11715
Leon Greenberg Professional Corporation
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leongreenberg@overtimelaw.com
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Attorneys for Plaintiffs

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

Plaintiffs,

ORDER

vs.

A CAB TAXI SERVICE LLC and A CAB,
LLC,

Defendants.

Plaintiffs' Motion to Amend Judgment, filed on August 22, 2018, solely for the purpose of amending the judgment entered on August 21, 2018 to indicate it is against "A Cab Series LLC" as the current name of the originally summoned defendant and judgment debtor "A Cab LLC," came before the Court for hearing on October 22, 2018, with the appearances by counsel for the parties being duly noted on the record. Defendants' opposition to that motion filed on September 10, 2018, and plaintiffs' reply in support filed on September 20, 2018, were duly considered by the Court along with the arguments of counsel for the parties presented at the hearing.

It is hereby ORDERED, upon consideration of the arguments and submissions of the parties and after due deliberation by the Court, and upon good cause shown,

1 that the motion is GRANTED; and

2
3 It is further ORDERED that upon entry of this Order the Clerk of the Court
4 shall indicate on its records that the judgment originally entered by the Court on
5 August 21, 2018 in this case is also entered against A Cab Series LLC, the current
6 name of the originally summoned defendant and judgment debtor A Cab LLC; and

7 It is further ORDERED that plaintiffs' counsel, upon entry of this Order, may
8 proceed to enforce the judgment originally entered by the Court on August 21, 2018
9 in this case against property held in the name of A Cab Series LLC pursuant to the
10 terms set forth in the Order of August 21, 2018 entering such judgment.

11
12 **IT IS SO ORDERED.**

13 DATED this 22 day of October, 2018.

14
15 
16 HONORABLE JUDGE KENNETH CORY
17 DISTRICT COURT, CLARK COUNTY

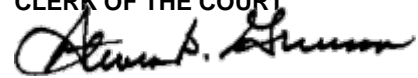
18 Approved as to form and content:

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**LEON GREENBERG
PROFESSIONAL
CORPORATION**

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22 By: _____
23 Esther C. Rodriguez, Esq.
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27 *Attorneys for Defendants*

LEON GREENBERG, ESQ.
Nevada Bar No.: 8094
DANA SNIEGOCKI, ESQ.
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2965 South Jones Boulevard, Suite E3
Las Vegas, Nevada 89146
Attorneys for Plaintiffs



1 ORDER

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.

Case No.: A-12-669926-C

Dept.: I
**ORDER GRANTING PLAINTIFFS'
COUNTER MOTION FOR
JUDGMENT ENFORCEMENT
RELIEF**

Hearing Dates:
September 26, 2018
September 28, 2018
December 13, 2018

14 On September 21, 2018, Defendants filed "Defendant's Ex-Parte Motion to
15 Quash Writ of Execution and, in the Alternative Motion for Partial Stay of
16 Execution on Order Shortening Time. The Court set the hearing for September
17 26, 2018. On September 24, 2018, Plaintiffs filed "Plaintiffs' Response to
18 Defendants' Ex-Parte Motion to Quash Writ of Execution on an OST and
19 Counter-Motion for Appropriate Judgment Enforcement Relief." In Plaintiffs'
20 Counter-Motion, Plaintiffs requested a) ordering a Judgment-Debtor
21 examination, b) ordering property be deposited with plaintiffs' counsel, c)
22 enjoining any transfer of funds from A Cab LLC and any of its series LLCs, d)
23 issuing an order of attachment, and/or e) appointing a receiver. In Plaintiffs'
24 Counter-Motion, Plaintiffs advised "Plaintiffs' counsel understands that the
25 Court may not wish to issue any relief on the counter-motion at the scheduled
26
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28

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 scheduled for that day, so that Defendants may be afforded an opportunity to
5 respond to Plaintiffs’ Counter-Motion. On October 15, 2018, Defendants’ filed
6 their Opposition to Plaintiffs’ Counter-Motion for Appropriate Judgment Relief.
7
8

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 3) Plaintiffs’ Motion to Amend Judgment. Because of the issues discussed during
13 that hearing, the Court stayed the matter for 10 days, and continued Plaintiffs’
14 Counter-Motion for Appropriate Judgment Relief to November 29, 2018, to be
15 heard with the several other pending motions set to be heard on that day. On
16 November 20, 2018, the Court issued a minute order setting those pending
17 motions to December 4, 2018 for announcement of decision.
18
19
20

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 inquired of counsel as to the appropriate scope of the receivership and set the
25 matter over to December 13, 2018 so that the Court may appropriately and
26 thoughtfully determine what powers to grant the receiver given the complexity
27 this case has presented. The Court, having reviewed the papers and pleadings on
28

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 NRCP 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

17 5. Plaintiffs' counsel shall be required to make available to the
18 Special Master, from the funds they have collected on the plaintiffs' judgment
19 and are holding in their IOLTA account pursuant to this Court's prior Orders, a
20 sum not to exceed \$20,000 (Twenty Thousand Dollars) to pay for the Special
21 Master's services. The Special Master shall be entitled to be paid a fee not
22 exceeding \$300.00 (Three Hundred Dollars) per hour for their services. The
23 Special Master shall be authorized, in their discretion, to cease further work and
24 present the report discussed in paragraph 4 to the Court, to the extent it is able to
25 complete such a report, once the cost for their services have exceeded 90% of the
26
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28

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
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1 sought further restraints on transfers by the series LLCs it is, without prejudice,
2 denied at this time.
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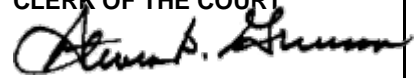
6 **Other Requested Relief**

7
8 Plaintiffs' other requested forms of relief are, without prejudice, denied by
9 the Court at this time.
10

11 **IT IS SO ORDERED.**

12 
13 Honorable Kenneth Cory
14 District Court Judge
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12/17/2018
Date



1 **NOEO**
2 LEON GREENBERG, ESQ., SBN 8094
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16

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that the Court entered the attached Order on
18 December 18, 2018.

19 Dated: January 2, 2019

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg
22

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

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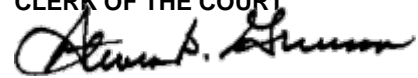
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1 ORDER

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4 **CLARK COUNTY, NEVADA**

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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
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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
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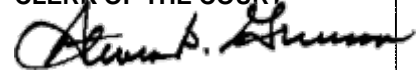
6 **Other Requested Relief**

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8 Plaintiffs' other requested forms of relief are, without prejudice, denied by
9 the Court at this time.
10

11 **IT IS SO ORDERED.**

12 
13 Honorable Kenneth Cory
14 District Court Judge
15
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12/17/2018
Date



1 LEON GREENBERG, ESQ.
Nevada Bar No.: 8094
2 DANA SNIEGOCKI, ESQ.
Nevada Bar No.: 11715
3 Leon Greenberg Professional Corporation
2965 South Jones Boulevard - Suite E3
4 Las Vegas, Nevada 89146
(702) 383-6085
5 (702) 385-1827(fax)
leongreenberg@overtimelaw.com
6 dana@overtimelaw.com
Attorneys for Plaintiffs

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

15 A CAB TAXI SERVICE LLC, A
16 CAB, LLC, and CREIGHTON J.
17 NADY,

18 Defendants.

Case No.: A-12-669926-C

DEPT.: I

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
OBJECTIONS TO DEFENDANTS'
CLAIMS OF EXEMPTION FROM
EXECUTION**

19
20 This matter came before the Court for a chambers decision on November 15,
21 2018. Via a Minute Order entered on November 29, 2018, the Court set the matter for
22 a decision announcement on December 4, 2018, when the parties were set to appear
23 for hearing on an unrelated motion. After reviewing the respective submissions by the
24 parties, the Court grants in part and denies in part plaintiffs' objections. The Court
25 finds that defendants are entitled to an exemption from execution pursuant to
26 Nevada's "wild card" exemption under NRS 21.090(1)(z). Accordingly, a total of
27 \$10,000.00 from the funds secured from the Wells Fargo accounts pursuant to
28 execution are to be remitted back to the defendants.

The balance of the funds, which currently remain deposited with the Clerk of the Court, shall be transferred to plaintiffs' counsel, Leon Greenberg, for placement in their IOLTA client trust account until further order of this Court. The Clerk of the Court shall disburse the funds in its possession in this case pursuant to this Order.

IT IS SO ORDERED.

Honorable Kenneth Cdry
District Court Judge

12/17/2018

Date _____

Submitted by:

LEON GREENBERG PROF. CORP.

Leon Greenberg, Esq. NSB 8094
Leon Greenberg Professional Corporation
2965 S. Jones Boulevard - Ste. E-3
Las Vegas, NV 89146
Tel (702) 383-6085
Attorney for the Plaintiffs

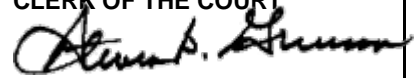
Date _____

Approved as to Form and Content:

Jay Shafer, Esq. NSB 6791
Premier Legal Group
1333 North Buffalo Dr. - Suite 210
Las Vegas, Nevada, 89128
Tel (702) 794-4441

Date _____

Attorney for the Defendants



1 **NOEO**
2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
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Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that the Court entered the attached Order on
18 December 18, 2018

19 Dated: December 18, 2018

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg

22
23 Leon Greenberg, Esq.
24 Nevada Bar No. 8094
25 2965 S. Jones Boulevard - Ste. E-3
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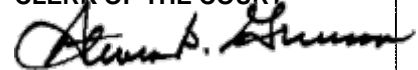
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Sydney Saucier



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7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

15 A CAB TAXI SERVICE LLC, A
16 CAB, LLC, and CREIGHTON J.
17 NADY,

18 Defendants.

Case No.: A-12-669926-C

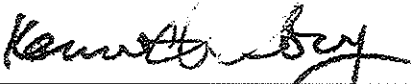
DEPT.: I

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
OBJECTIONS TO DEFENDANTS'
CLAIMS OF EXEMPTION FROM
EXECUTION**

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20 This matter came before the Court for a chambers decision on November 15,
21 2018. Via a Minute Order entered on November 29, 2018, the Court set the matter for
22 a decision announcement on December 4, 2018, when the parties were set to appear
23 for hearing on an unrelated motion. After reviewing the respective submissions by the
24 parties, the Court grants in part and denies in part plaintiffs' objections. The Court
25 finds that defendants are entitled to an exemption from execution pursuant to
26 Nevada's "wild card" exemption under NRS 21.090(1)(z). Accordingly, a total of
27 \$10,000.00 from the funds secured from the Wells Fargo accounts pursuant to
28 execution are to be remitted back to the defendants.


1 The balance of the funds, which currently remain deposited with the Clerk of
2 the Court, shall be transferred to plaintiffs' counsel, Leon Greenberg, for placement in
3 their IOLTA client trust account until further order of this Court. The Clerk of the
4 Court shall disburse the funds in its possession in this case pursuant to this Order.
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6 **IT IS SO ORDERED.**

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9 _____
10 Honorable Kenneth Cory
11 District Court Judge

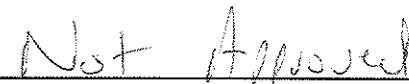
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13 12/17/2018
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16 Submitted by:
17 LEON GREENBERG PROF. CORP.

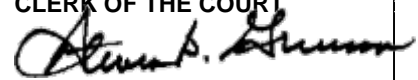
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38 Date



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8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

15 A CAB TAXI SERVICE LLC, A
16 CAB, LLC, and CREIGHTON J.
17 NADY,

18 Defendants.

Case No.: A-12-669926-C

DEPT.: I

**ORDER DENYING DEFENDANTS'
MOTION TO QUASH WRIT OF
EXECUTION**

**Hearing Dates:
September 26, 2018 and September 28,
2018**

19 On September 26, 2018 and September 28, 2018, with all the parties appearing
20 before the Court by their respective counsel as noted in the record, the Court
21 considered the defendants' ex-parte motion to quash writ of execution and in the
22 alternative motion for partial stay of execution on order shortening time (the
23 "motion"). Also before the Court at such time was the plaintiffs' opposition to the
24 motion and counter motion for appropriate judgment enforcement relief (the "counter-
25 motion"). After hearing and considering the arguments of counsel, and the written
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1 submissions of the parties, the Court denied the motion for the reasons orally stated in
2 the record. The Court also deferred action on the counter-motion and Ordered the
3 deposit with the Clerk of the Court of certain funds at Wells Fargo Bank that were
4 subject to the writ of execution. The Court now provides this Order to set forth,
5 along with its oral rulings at the hearing, its findings on the motion for the benefit of
6 the parties and for the record of this case. To the extent there is any ambiguity, or
7 arguable inconsistency, between this Order and the Court's oral findings at the
8 hearing, this Order shall control. Otherwise, this Order, and the Court's oral findings
9 at the hearing, should be read together as the full findings of the Court.
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14 **Ultimate Issue Presented - Are the Well Fargo Funds Subject to the Writ?**
15

16 The event triggering the motion was the plaintiffs' service, post-judgment, of a
17 writ of execution on Wells Fargo Bank that resulted in a hold being issued by Wells
18 Fargo on \$233,619.56 maintained in six different bank accounts. Unless the writ is
19 quashed Wells Fargo, in compliance with the writ, is to turn those funds over to the
20 Sheriff to, in turn, transfer them to the plaintiffs' (judgment creditors) counsel. The
21 plaintiff judgment creditors are all members of an NRCP Rule 23(b)(3) certified class
22 who have been found to be owed unpaid minimum wages pursuant to Article 15,
23 Section 16, of the Nevada Constitution, the Nevada Minimum Wage Amendment (the
24 "MWA").
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28 The six Wells Fargo accounts were denominated in six different names. All of

1 those account names began with "A Cab Series LLC, " and then concluded with one
2 of six "company" names.¹ All of those six accounts were identified, in the records
3 maintained by Wells Fargo, under the same IRS Employer Identification Number
4 ("EIN"), 88-0470590.
5

6 The motion is based upon the contention that the six Wells Fargo accounts, and
7 the money in those accounts, are not property of the judgment debtor, A Cab LLC,
8 and cannot be levied upon to satisfy the judgment. According to the defendants,
9 those accounts are the property of six legally separate entities, each such entity being a
10 separate "series" LLC issued by the judgment debtor, A Cab LLC, as per NRS 86.296.
11 Defendants press the Court to adopt that conclusion, find the Wells Fargo funds are
12 not the property of the judgment debtor A Cab LLC, and quash the writ on that basis.
13

14 In opposing the defendants' request for relief, plaintiffs raise a number of
15 issues. They assert defendants lack standing to move to quash, since defendants
16 simultaneously claim to have no interest in the property subject to the writ, meaning
17 such motion has to be made by the six allegedly independent entities who, defendants
18 claim, have proper title to the property; that registration of the Wells Fargo accounts
19 under an EIN number that has been assigned to the judgment debtor A Cab LLC and
20 used by it to issue W-2 statements in previous years to the class members establishes
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27 ¹ Those "company" names were "Maintenance Company," "Administration
28 Company," "Taxi Leasing Company," "Employee Leasing Company Two,"
"Medallion Company," and "CCards Company."

1 that the funds levied upon are those of the judgment debtor; that no proof is tendered
2 that the claimed independent entity series LLCs exist or were ever created and the
3 nomenclature used to identify the Wells Fargo accounts are nothing more than labels
4 of convenience for different operating departments of A Cab LLC and without any
5 legal significance; that NRS 86.296 does not shield the assets of a series LLC from a
6 judgment against its master LLC (which in this case would be the judgment debtor A
7 Cab LLC if the alleged series LLCs actually exist) when there is a complete identity
8 of ownership between such entities; and that for various other reasons, some particular
9 to the circumstances of this case, involving MWA claims and the operation of a taxi
10 cab business pursuant to a highly regulated statutory scheme involving the issuance of
11 a certificate of public convenience and necessity by the Nevada Taxicab Authority,
12 NRS 86.296 cannot operate in the fashion postured by defendants.

17 The Court in this Order makes multiple separate findings as to the issues
18 presented and is of the opinion that any one of those findings would provide a
19 sufficient basis for the Court's denial of the motion. It makes those multiple findings
20 in an attempt to ensure that it is achieving a just and proper resolution of the issues
21 raised by the motion. None of those findings are advisory and all are intended, either
22 on their own or in conjunction, to provide a proper basis for the Court's decision.
23 And particularly because the standing finding made by the Court could be cured by a
24 belated appearance by the alleged series LLCs (if they are, in fact, properly
25 constituted and exist), the interests of justice, and the need to promote judicial
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1 efficiency, compel the Court to address all of such issues and make all of such
2 findings.
3

4 **I.**

5 **Defendants' Lack of Standing Requires Denial of the Motion**

6 Defendants' motion rests upon an impermissible conflict. The granting of the
7 motion to quash would require a finding by the Court that the Wells Fargo accounts
8 do not belong to the defendant A Cab LLC. The other defendant, Nady, also does not
9 claim any interest in the accounts. Rather, the motion relies, in its entirety, on the
10 assertion that the accounts belong to the six allegedly separate, non-party, "series"
11 LLC entities. Yet those entities have not appeared in this case or sought any relief in
12 respect to their property. There is no basis for the Court to recognize defendants'
13 standing to make the motion when, to succeed in that motion and secure relief,
14 defendants must establish that they have no actual interest in the property that is the
15 subject of the motion. Furthermore, defendants' entire theory, that NRS 86.296 has
16 bestowed a separate legal existence and separate rights upon the alleged series LLCs,
17 requires that they, not the defendants, seek to enforce those rights. The Court cannot
18 countenance such an inconsistent approach to the law and its processes. The
19 defendants are not entitled to invoke the sanctity of the separate legal existence of the
20 alleged series LLCs when it suits them and then simultaneously ignore it when they
21 find it burdensome or inconvenient. Accordingly, the Court finds the defendants lack
22 standing to make the motion and denies the motion on that basis.
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II.

The Use of A Cab LLC's EIN Number Requires a Denial of the Motion

The EIN number used on the Wells Fargo accounts is shown in the record to have been used to report wages paid on a W-2 form for at least one class member, in the name "A Cab LLC." Defendants do not deny that the class members have always been reported to the IRS as having been paid wages, for their work in A Cab's taxi business, by an entity using that EIN number. That history is particularly germane given the nature of the judgment at issue, which is for unpaid minimum wages owed to a class of employees. The Court cannot reconcile the idea that every class member, having been paid wages by an entity using that EIN number, cannot now attach funds registered with Wells Fargo to that same entity's EIN number, such attachment also being for the same purpose: the payment of wages the class members are owed and that have been found due in the Court's judgment.

Plaintiffs' argument on this point is also bolstered by the relevant IRS requirements, discussed in their supplement filed on September 27, 2018. It was impossible for the EIN number at issue to have been used by any entity *besides* the judgment debtor A Cab LLC to pay employee wages and comply with IRS tax withholding rules. *See*, 26 CFR 301.7701-2. Defendants' assertions that certain monies held in the Wells Fargo account denominated with the name "A Cab Series LLC, Employee Leasing Company Two" are to compensate employees of that allegedly legally distinct series LLC, and are not funds of the judgement debtor A Cab

1 LLC, is contrary to those IRS regulations. For that allegedly legally independent
2 series LLC entity to be paying its own employees it would have to secure its own,
3 unique, EIN number, and process its payroll with the IRS under such number and not
4 under A Cab LLCs EIN number. *Id.* It apparently has never used any such unique
5 EIN number and has always used A Cab LLC's EIN number (or at least it does not
6 dispute the evidence presented supporting that conclusion) and, as established by the
7 record, has never assigned any such independent and unique EIN number to such bank
8 account.

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12 The Court concludes that the holding of the Wells Fargo funds under the A Cab
13 LLC EIN number, either on its own or in conjunction with the other circumstances
14 and findings made by the Court and discussed *infra*, establish that the Wells Fargo
15 funds are properly levied upon by the judgment and the Defendants' motion must be
16 denied.

17 18 19 20 III.

21
22 **There is no evidence that the allegedly independent series LLCs**
23 **exist or, if they exist, they have not complied with the asset shielding**
24 **provisions of NRS 68.296(3) and the motion is denied on that basis.**

25
26 Assuming, without concluding, that it is, potentially, possible for a series LLC
27 issued by the judgment debtor A Cab LLC to hold assets beyond the reach of the
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1 judgment pursuant to NRS 86.296, there is nothing in the record supporting a
2 conclusion that compliance with NRS 86.296 has taken place. To comply with NRS
3 86.296 the alleged series LLCs must have (1) Been created by A Cab LLC; and (2)
4 Been organized to have specifically limited liability in respect to the obligations of A
5 Cab LLC; and (3) Maintained separate and distinct records and accounts for
6 themselves and the assets that are allegedly their property. Nothing is presented to
7 the Court establishing any of those three things.
8

9
10 Pursuant to NRS 86.296(2) “[a] series [LLC] may be created as a limited-
11 liability company, without the filing of articles of organization with the Secretary of
12 State, by the adoption of an operating agreement by the members of the series.” This
13 requires that a series LLC’s creation be confirmed by an operating agreement or in the
14 alternative by the filing of articles of organization with the Secretary of State. No
15 such articles of organization have been so filed for any of the six alleged series LLCs.
16 Nor have any operating agreements for those alleged entities, “adopted” by the
17 “members of the series” been presented to the Court. Defendants’ proffer (at Ex. “E”
18 of their supplement) six “Operating Agreements” *between* the six alleged series LLC
19 entities and another recited alleged entity identified as “A Cab Series LLC, Bally Taxi
20 Company.” Those documents are not the operating agreements specified by NRS
21 86.296(2). They purport to be transactional documents, contracts, between each of the
22 six alleged series LLC’s and such other identified alleged entity. Accordingly, the
23 Court finds that the six alleged series LLCs have not complied with NRS 86.296(2)
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1 and have never been created in compliance with that statute. That defendants believe
2 they exist and may have purported to engage in business transactions with or through
3 them does not establish their legal existence.
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5 Even if the Court were to find that the proffered documents constitute operating
6 agreements that establish the six alleged series LLCs were created, there is no
7 evidence they were organized to limit their obligations in respect to a judgment
8 against A Cab LLC. A properly constituted series LLC may limit its creditors'
9 recourse to the assets of the series LLC pursuant to NRS 86.296(3).² The critical
10 operative term is "may" meaning that to do so the series LLC must state in its
11 operating agreement or articles of organization it has adopted such a limitation. *See*,
12 NRS 86.296(3)(b). The six proffered documents contain language parroting the
13 language in NRS 86.296(3)(b) making such a limitation permissible but do not
14 actually recite, or confirm, that any such limitation is being adopted by any particular
15 identified series LLC.³ Accordingly, the Court finds that even if the six alleged series
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21 ² This statutory language speaks only of limiting the liabilities of the series
22 LLC to its assets. It is silent on whether the assets of the series LLC can be attached
23 to satisfy a judgment, such as in this case, against the creating or "master" LLC when
24 the owners (members) of both are identical. This important issue is discussed *infra*.

25 ³ The language used by defendants in the agreements is a virtually verbatim
26 recital of the first sentence of NRS 86.296(3)(b): "The debts, liabilities, obligations
27 and expenses incurred, contracted for or otherwise existing with respect to a particular
28 series are enforceable against the assets of that series only, and not against the assets
of the company generally or any other series." NRS 86.296(3)(b) then goes on to
specify how a series LLC can achieve this available protection of their assets,
language that defendants also substantially parrot in their agreements. But the

1 LLCs have been created, they have not complied with NRS 86.296(3) and have never
2 adopted the liability limitations available to series LLCs under that statute.
3

4 The record presented to the Court also establishes a failure of the alleged series
5 LLCs to comply with NRS 86.296(3)(a) requiring them, if they seek to enjoy that
6 statute's liability limitation provisions, to maintain "separate and distinct records" for
7 themselves and their assets and that such assets must be "accounted for separately
8 from the other assets of the [master creating LLC] company." As discussed, *supra*,
9 the assets at issue, the Wells Fargo bank accounts, were not maintained in a "separate
10 and distinct" fashion but under the EIN of the judgment debtor A Cab LLC, making
11 them indistinguishable from that entity's assets. Defendants do not dispute plaintiffs'
12 assertions that a thorough online public records search for business licenses for the six
13 alleged series LLCs confirms that none have any form of business license. They are
14 required to have such business licenses to legally engage in business as claimed by the
15 defendants. The Court finds that to meet the "separate and distinct records"
16 requirement of NRS 86.296(3)(a), the six alleged series LLC must have maintained
17 such a "distinct record" demonstrating the securing of the businesses licenses needed
18 to conduct business and they have failed to do so.
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20 Nor is any evidence presented that there exists any actual practice whereby the
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26 agreements, in their use of this language from NRS 86.296(3)(b), never identify any
27 "particular" series LLC that has elected to adopt such protection. They just recite the
28 statutory language explaining, in part, that such protection is potentially available, the
agreements never state any identified series LLC is actually adopting such protection.

1 assets of the six alleged series LLCs are “accounted for separately from the other
2 assets” of the judgment debtor A Cab LLC. Defendants’ moving papers contain a
3 non-specific declaration from Steven Beck that asserts, at paragraph 2, that “I keep the
4 books and records” of two of the alleged series LLCs at issue and others along with
5 those of the judgment debtor A Cab LLC. That is not even a clear allegation that such
6 a separate accounting of assets exists. Testimony introduced by plaintiffs from
7 defendant Nady’s deposition taken in 2017 is also, at most, just a bald assertion of that
8 fact, one that Nady’s testimony in many respects contradicts. In addition to
9 confirming that all of the series LLCs allegedly formed by A Cab LLC file a single tax
10 return (as part of his personal income tax return) Nady admits none of the alleged
11 series LLCs that he claims operate as part of A Cab’s taxi business (he calls each one
12 a “cell”) can function as independent businesses and that certain of those cells have a
13 “bailiff relationship” with the asset (a taxi medallion or vehicle) they use to generate
14 revenue. The Court finds that the six alleged series LLCs have failed to show any
15 basis to conclude that they have, in respect to the Wells Fargo accounts and any other
16 assets they are alleged to possess, accounted for such assets “separately from the other
17 assets” of the judgment debtor A Cab LLC as required by NRS 86.296(3)(a) to invoke
18 that statute’s liability limitations.
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20 For the reasons stated above, and in Section II, the Court denies the motion
21 based upon its findings that all or some of the requirements of NRS 86.296 needed to
22 invoke that statute’s liability limitation protections have not been complied with.
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IV.

**NRS 86.296 does not afford the sort of asset shield asserted by
defendants, at least not under the circumstances of this case.**

Even if it was established that the six alleged series LLCs had complied with all of the requirements of NRS 86.296, and the findings in II and III *supra* were not made by the Court, the Court would still deny the motion.

A.

As pointed out by plaintiffs, the language of NRS 86.296(3) speaks of a limitation on the enforcement of the liabilities of a series LLC to its assets only.⁴ It is silent on whether a liability of “the company generally” can be recovered from the assets of any of its series LLCs. Plaintiffs argue that NRS 86.296(3) allows limited liability companies and the series they issue to enjoy the same liability limitations as a conventional parent corporation that owns 100% of the stock of a subsidiary corporation. In that situation the subsidiary is an asset of the parent and a judgment against the parent can be satisfied from such asset. But a judgment against the subsidiary corporation cannot be pursued “upstream” against the parent’s assets. In support of that “one way” asset shield argument (against any “upstream” judgment

⁴ It states: “The debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series, if [explaining conditions]....”

1 enforcement but not vice versa), plaintiffs rely on NRS 86.296(3) speaking of a bar
2 against enforcing the liabilities of a series LLC against assets of the “company
3 generally” while saying nothing about barring enforcement of the liabilities of the
4 “company generally” against the assets of its series LLCs. They also point out that
5 another state’s series LLC statute using language that mirrors NRS 86.296(3) then
6 goes on to add an additional section expressly granting a “two way” asset shield for
7 series LLC assets against liabilities of the company generally. *See*, Texas Business
8 Organizations Code Sec. 101.602(a)(2).
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12 In situations where the ownership (member interests) of the creating limited
13 liability corporation (the “company generally” in NRS 86.296(3)) is identical to that
14 of the series LLC, the plaintiffs’ argument has some persuasive force. The Nevada
15 Legislature could have written Nevada’s series limited liability statute to expressly
16 recognize that a series LLC can shield its assets from the liabilities of the company
17 generally. It did not. The plaintiffs’ analogy to a conventional corporation that owns
18 100% of the stock of its subsidiary corporation is also imperfect, as limited liability
19 companies do not have stockholders but membership interests. On the other hand, a
20 series LLC can only be created by a limited liability company that is in turn duly
21 registered with the Nevada Secretary of State. The series LLC is in some sense a
22 creature of its master upon whom it completely depends for its very existence. A
23 conventional corporation, whether or not it is a wholly owned subsidiary, comes into
24 being through an independent process performed by the Nevada Secretary of State. If
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1 it is a subsidiary, it continues as an independent legal entity despite the dissolution of
2 its parent owner (though such an event would result in a transfer of its ownership).
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4 The same cannot be said for a series LLC which presumably⁵ has no continued legal
5 existence once its limited liability corporation creator has ceased to exist.

6 The Court finds that, at least in this case where it is undisputed that the member
7 interests (ownership) of the alleged series LLCs and the judgment debtor A Cab LLC
8 are one and the same, a judgment against a limited liability company that has created a
9 series LLC (in this case that would be A Cab LLC) is enforceable against the assets of
10 such series LLC. The Court further finds that the asset protections afforded to a
11 series LLC under NRS 86.296(3) do not, in all circumstances, bar enforcement of a
12 judgment against a limited liability corporation from the assets of the series LLCs it
13 has created and that compelling circumstances in this case, discussed *infra*, result in
14 the Court denying the motion.
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19 **B.**
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21 ⁵ The Court says “presumably” because under the overall structure of Nevada’s
22 series LLC law, it does not appear tenable for a series LLC, not registered with the
23 Nevada Secretary of State, to continue as a legal entity once its creating, and duly
24 registered, limited liability company has ceased its existence. Unfortunately this issue
25 is not squarely addressed in the relevant Nevada statutes. For example, NRS 86.491
26 sets forth a mechanism for dissolving both a limited liability company and just one of
27 its series but does not state how, or if, a series can continue to operate as a legal entity
28 once its creating limited liability corporation is dissolved. Yet NRS 86.213 imposes a
fine on anyone purporting to do business as a limited liability company without filing
articles of organization with the Nevada Secretary of State, a filing a series LLC is not
required to make.

1 While many aspects of the Nevada's series LLC law are not clearly addressed
2 by Nevada's statutes, and remain to be addressed by Nevada's Supreme Court, the
3 Court finds NRS 86.141(1)⁶ to provide compelling guidance in this case. It is clear
4 that Nevada's Legislature enacted the series LLC law to afford businesses wide range
5 of options and flexibility in managing their affairs and conducting business in Nevada.
6 Such a decision by the Legislature is not subject to question by the Court. Yet in
7 enacting the limited liability company law, the Nevada Legislature made
8 unequivocally clear in NRS 86.141(1) it was forbidding the use of such entities "for
9 any illegal purpose or with fraudulent intent to conceal any business activity, or lack
10 thereof, from any person." The Court finds this salutary directive, along with the
11 facts before the Court and the equitable considerations presented, to require denial of
12 the motion, irrespective of whether the six alleged series LLCs have complied with all
13 of the relevant provisions of NRS 86.296(3) (and as found by the Court in Parts II
14 and III they have not so complied).

15
16 The Nevada series LLC law does not authorize businesses to engage in a never
17 ending shell or "whack a mole" game to avoid satisfying their legal obligations by
18 issuing a limitless, continually changing, and unknown, line of series LLCs. That
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25 ⁶ "Except as otherwise provided in subsection 2 [relating to an insurance
26 business], a limited-liability company may be organized under this chapter for any
27 lawful purpose. A person shall not organize a limited-liability company for any illegal
28 purpose or with the fraudulent intent to conceal any business activity, or lack thereof,
from another person or a governmental agency."

1 intent is codified in NRS 86.141(1). Especially in a case such as this, involving the
2 liability of a business for unpaid minimum wages owed to its employees under the
3 Nevada Constitution, the Court must be vigilant to prevent such an abuse of the series
4 LLC form. Defendants' motion asserts that the employees of A Cab's taxi business
5 who are owed those minimum wages cannot collect such minimum wages from assets
6 held by the various alleged series LLCs because those alleged entities are not
7 judgment debtors. Yet, as noted in Part II, those assets are registered with Wells
8 Fargo bank under the same EIN number that was used to pay those employees their
9 wages in the first instance. That EIN number was also present on the W-2s issued to
10 those employees, the creditor class members.

11
12 If the Court were now to adopt defendants' claim that the Wells Fargo monies
13 are not actually assets of the employer/judgment debtor, it would be approving of the
14 "concealment" of business activities in violation of NRS 86.141(1), if not of an
15 overtly illegal and fraudulent scheme to avoid paying minimum wages. The class
16 members should be entitled, as a matter of law, to rely upon the representations given
17 to them about the nature and identity of their employer when they seek to collect
18 minimum wages owed to them under Nevada's Constitution (and in respect to this
19 motion, the EIN associated with that employer). If they bring suit in this Court
20 accordingly they must be afforded the ability to vindicate whatever award the Court
21 grants them. Having relied upon the representations of their employer to secure their
22 judgment they cannot now be denied access to the Wells Fargo accounts, monies so
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1 clearly tied to that employer, to satisfy such judgment. That is particularly true given
2 the unknown, and unknowable, existence of the alleged series LLCs which defendants
3 claim hold the assets used in A Cab's business beyond reach of the judgment. Those
4 alleged series LLCs do not exist in any public record or registration. They are
5 intended by the defendants to act as secret entities, to hold the assets of the A Cab taxi
6 business with their existence known to no one except such persons as the defendants
7 advise at a place and time of their choosing (such as now, when defendants proffer
8 them to be the true holders of the Wells Fargo accounts).

11
12 Particularly troubling is the defendants' apparently related attempt to insulate,
13 or divert, the "employer" liability for minimum wages owed under Nevada's
14 Constitution to an often changing group of series LLCs of A Cab LLC. Those
15 changing series LLCs appear to regularly cease their operations after a limited period
16 of time and to have no actual assets. At his 2017 deposition, defendant Nady testified
17 the alleged series LLC of A Cab LLC that defendants' claim was the true (and sole)
18 "employer" of the class members and paid their wages changed three times between
19 February of 2012 and June of 2017 (as discussed in plaintiffs' supplement filed on
20 September 27, 2018). While he refused to directly answer questions about that
21 practice (citing "legal advice" as the basis for such refusal at his deposition) he
22 admitted that A Cab LLC was using a large number of series LLCs, well over 100, to
23 avoid having to pay legal liabilities, including any judgment rendered in this case.

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25 As plaintiffs' aptly point out in their supplement, naming some, or even all, of
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1 the separate series LLCs as defendants in their lawsuit, prior to judgment (a task that
2 might be herculean) would be pointless given defendants' conduct. Undoubtably
3 defendants would, in that event, just prior to judgment, transfer the operations, and the
4 assets, of the A Cab taxi business to a newly minted set of unknown, and unknowable,
5 series LLCs. That such a course of conduct might be remedied, post judgment, via
6 additional litigation involving fraudulent conveyance or other sorts of claims, does not
7 cure the obvious impropriety of such conduct, which in the Court's view squarely
8 violates NRS 86.141(1). Accordingly, whatever legal significance the alleged series
9 LLCs of A Cab LLC may have, they cannot, under NRS 86.141(1), act to shield assets
10 from the collection of the judgment at issue, and the defendants' motion is denied on
11 that basis.
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16 C.

17 An additional reason for the denial of the motion is presented by the very nature
18 of A Cab's taxi business and the complete integration of such business (between A
19 Cab LLC and its series LLCs) as a matter of law in respect to the judgment at issue.
20 A Cab LLC operates a privileged, specially licensed, business pursuant to a Certificate
21 of Public Convenience and Necessity (a "CPCN") issued by the Nevada Taxicab
22 Authority. Its revenue is derived from the operation of taxicabs which, in turn,
23 require two things besides an operable motor vehicle. The first is a taxi driver, one of
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1 the class member employees.⁷ The second is a taxi medallion issued by the Nevada
2 Taxicab Authority pursuant to that CPCN. Defendants have furnished a copy of that
3 CPCN which states it is not a franchise or irrevocable and it cannot be transferred
4 without the approval of the Nevada Taxicab Authority.
5

6 While A Cab LLC can have its taxi medallions used by other persons or legal
7 entities, the revenue derived from each taxi medallion's operation is dependent upon
8 A Cab LLCs possession of its CPCN. Without that CPCN there is no taxi medallion,
9 and no "street legal" taxi, to operate and generate revenue. The CPCN is not, itself,
10 transferrable by A Cab LLC. The judgment rendered in this case was against A Cab
11 LLC and arose from its failure to properly compensate, as required by Nevada's
12 Constitution, the taxi drivers who drove the medallion taxi cabs it was privileged to
13 operate under its CPCN. It should not be allowed, under such circumstances, to
14 divert the revenue from those medallion taxi cabs, which is entirely dependent upon
15 its CPCN, to its series LLCs and place that revenue beyond the reach of such
16 judgment. The legal separation that may exist between A Cab LLC and the series
17 LLCs it creates cannot divorce such taxi medallion revenue from the minimum wage
18 liability imposed by Nevada's Constitution as that liability is also a product of the
19 same activity generating such revenue and the Court denies the motion on that basis.
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27 ⁷ During the time period at issue for the judgment, prior to January 1, 2016, A
28 Cab was required to use only employee taxi drivers in its business.

1 Therefore, IT IS HEREBY ORDERED for all of the foregoing reasons, that the
2 motion is denied; and
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5 IT IS FURTHER ORDERED that Well Fargo shall deposit with the Clerk of
6 the Court the funds subject to the writ of execution, with the Court to determine the
7 further disposition of those funds at a future date; and
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10 IT IS FURTHER ORDERED that plaintiffs' counter-motion is continued for
11 further hearing on October 22, 2018.
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14 **IT IS SO ORDERED.**
15

16 
17 _____
18 Honorable Kenneth Cory
19 District Court Judge
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12/17/2018
Date

Submitted by:

LEON GREENBERG PROF. CORP.

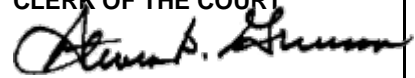
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7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 MICHAEL MURRAY, and MICHAEL
10 RENO, Individually and on behalf of
others similarly situated,

11 Plaintiffs,

12 vs.

13 A CAB TAXI SERVICE LLC, and A
14 CAB, LLC,

15 Defendants.
16

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that the Court entered the attached Order on
18 December 18, 2018

19 Dated: December 18, 2018

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg
22

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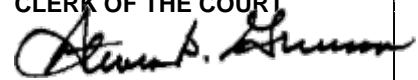
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8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

15 A CAB TAXI SERVICE LLC, A
16 CAB, LLC, and CREIGHTON J.
17 NADY,

18 Defendants.

Case No.: A-12-669926-C

DEPT.: I

**ORDER DENYING DEFENDANTS'
MOTION TO QUASH WRIT OF
EXECUTION**

**Hearing Dates:
September 26, 2018 and September 28,
2018**

19 On September 26, 2018 and September 28, 2018, with all the parties appearing
20 before the Court by their respective counsel as noted in the record, the Court
21 considered the defendants' ex-parte motion to quash writ of execution and in the
22 alternative motion for partial stay of execution on order shortening time (the
23 "motion"). Also before the Court at such time was the plaintiffs' opposition to the
24 motion and counter motion for appropriate judgment enforcement relief (the "counter-
25 motion"). After hearing and considering the arguments of counsel, and the written
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1 submissions of the parties, the Court denied the motion for the reasons orally stated in
2 the record. The Court also deferred action on the counter-motion and Ordered the
3 deposit with the Clerk of the Court of certain funds at Wells Fargo Bank that were
4 subject to the writ of execution. The Court now provides this Order to set forth,
5 along with its oral rulings at the hearing, its findings on the motion for the benefit of
6 the parties and for the record of this case. To the extent there is any ambiguity, or
7 arguable inconsistency, between this Order and the Court's oral findings at the
8 hearing, this Order shall control. Otherwise, this Order, and the Court's oral findings
9 at the hearing, should be read together as the full findings of the Court.
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14 **Ultimate Issue Presented - Are the Well Fargo Funds Subject to the Writ?**
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16 The event triggering the motion was the plaintiffs' service, post-judgment, of a
17 writ of execution on Wells Fargo Bank that resulted in a hold being issued by Wells
18 Fargo on \$233,619.56 maintained in six different bank accounts. Unless the writ is
19 quashed Wells Fargo, in compliance with the writ, is to turn those funds over to the
20 Sheriff to, in turn, transfer them to the plaintiffs' (judgment creditors) counsel. The
21 plaintiff judgment creditors are all members of an NRCP Rule 23(b)(3) certified class
22 who have been found to be owed unpaid minimum wages pursuant to Article 15,
23 Section 16, of the Nevada Constitution, the Nevada Minimum Wage Amendment (the
24 "MWA").
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28 The six Wells Fargo accounts were denominated in six different names. All of

1 those account names began with "A Cab Series LLC, " and then concluded with one
2 of six "company" names.¹ All of those six accounts were identified, in the records
3 maintained by Wells Fargo, under the same IRS Employer Identification Number
4 ("EIN"), 88-0470590.
5

6 The motion is based upon the contention that the six Wells Fargo accounts, and
7 the money in those accounts, are not property of the judgment debtor, A Cab LLC,
8 and cannot be levied upon to satisfy the judgment. According to the defendants,
9 those accounts are the property of six legally separate entities, each such entity being a
10 separate "series" LLC issued by the judgment debtor, A Cab LLC, as per NRS 86.296.
11 Defendants press the Court to adopt that conclusion, find the Wells Fargo funds are
12 not the property of the judgment debtor A Cab LLC, and quash the writ on that basis.
13

14 In opposing the defendants' request for relief, plaintiffs raise a number of
15 issues. They assert defendants lack standing to move to quash, since defendants
16 simultaneously claim to have no interest in the property subject to the writ, meaning
17 such motion has to be made by the six allegedly independent entities who, defendants
18 claim, have proper title to the property; that registration of the Wells Fargo accounts
19 under an EIN number that has been assigned to the judgment debtor A Cab LLC and
20 used by it to issue W-2 statements in previous years to the class members establishes
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27 ¹ Those "company" names were "Maintenance Company," "Administration
28 Company," "Taxi Leasing Company," "Employee Leasing Company Two,"
"Medallion Company," and "CCards Company."

1 that the funds levied upon are those of the judgment debtor; that no proof is tendered
2 that the claimed independent entity series LLCs exist or were ever created and the
3 nomenclature used to identify the Wells Fargo accounts are nothing more than labels
4 of convenience for different operating departments of A Cab LLC and without any
5 legal significance; that NRS 86.296 does not shield the assets of a series LLC from a
6 judgment against its master LLC (which in this case would be the judgment debtor A
7 Cab LLC if the alleged series LLCs actually exist) when there is a complete identity
8 of ownership between such entities; and that for various other reasons, some particular
9 to the circumstances of this case, involving MWA claims and the operation of a taxi
10 cab business pursuant to a highly regulated statutory scheme involving the issuance of
11 a certificate of public convenience and necessity by the Nevada Taxicab Authority,
12 NRS 86.296 cannot operate in the fashion postured by defendants.

17 The Court in this Order makes multiple separate findings as to the issues
18 presented and is of the opinion that any one of those findings would provide a
19 sufficient basis for the Court's denial of the motion. It makes those multiple findings
20 in an attempt to ensure that it is achieving a just and proper resolution of the issues
21 raised by the motion. None of those findings are advisory and all are intended, either
22 on their own or in conjunction, to provide a proper basis for the Court's decision.
23 And particularly because the standing finding made by the Court could be cured by a
24 belated appearance by the alleged series LLCs (if they are, in fact, properly
25 constituted and exist), the interests of justice, and the need to promote judicial

1 efficiency, compel the Court to address all of such issues and make all of such
2 findings.

3
4 **I.**

5 **Defendants' Lack of Standing Requires Denial of the Motion**

6 Defendants' motion rests upon an impermissible conflict. The granting of the
7 motion to quash would require a finding by the Court that the Wells Fargo accounts
8 do not belong to the defendant A Cab LLC. The other defendant, Nady, also does not
9 claim any interest in the accounts. Rather, the motion relies, in its entirety, on the
10 assertion that the accounts belong to the six allegedly separate, non-party, "series"
11 LLC entities. Yet those entities have not appeared in this case or sought any relief in
12 respect to their property. There is no basis for the Court to recognize defendants'
13 standing to make the motion when, to succeed in that motion and secure relief,
14 defendants must establish that they have no actual interest in the property that is the
15 subject of the motion. Furthermore, defendants' entire theory, that NRS 86.296 has
16 bestowed a separate legal existence and separate rights upon the alleged series LLCs,
17 requires that they, not the defendants, seek to enforce those rights. The Court cannot
18 countenance such an inconsistent approach to the law and its processes. The
19 defendants are not entitled to invoke the sanctity of the separate legal existence of the
20 alleged series LLCs when it suits them and then simultaneously ignore it when they
21 find it burdensome or inconvenient. Accordingly, the Court finds the defendants lack
22 standing to make the motion and denies the motion on that basis.

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II.

The Use of A Cab LLC's EIN Number Requires a Denial of the Motion

The EIN number used on the Wells Fargo accounts is shown in the record to have been used to report wages paid on a W-2 form for at least one class member, in the name "A Cab LLC." Defendants do not deny that the class members have always been reported to the IRS as having been paid wages, for their work in A Cab's taxi business, by an entity using that EIN number. That history is particularly germane given the nature of the judgment at issue, which is for unpaid minimum wages owed to a class of employees. The Court cannot reconcile the idea that every class member, having been paid wages by an entity using that EIN number, cannot now attach funds registered with Wells Fargo to that same entity's EIN number, such attachment also being for the same purpose: the payment of wages the class members are owed and that have been found due in the Court's judgment.

Plaintiffs' argument on this point is also bolstered by the relevant IRS requirements, discussed in their supplement filed on September 27, 2018. It was impossible for the EIN number at issue to have been used by any entity *besides* the judgment debtor A Cab LLC to pay employee wages and comply with IRS tax withholding rules. *See*, 26 CFR 301.7701-2. Defendants' assertions that certain monies held in the Wells Fargo account denominated with the name "A Cab Series LLC, Employee Leasing Company Two" are to compensate employees of that allegedly legally distinct series LLC, and are not funds of the judgement debtor A Cab

1 LLC, is contrary to those IRS regulations. For that allegedly legally independent
2 series LLC entity to be paying its own employees it would have to secure its own,
3 unique, EIN number, and process its payroll with the IRS under such number and not
4 under A Cab LLCs EIN number. *Id.* It apparently has never used any such unique
5 EIN number and has always used A Cab LLC's EIN number (or at least it does not
6 dispute the evidence presented supporting that conclusion) and, as established by the
7 record, has never assigned any such independent and unique EIN number to such bank
8 account.

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12 The Court concludes that the holding of the Wells Fargo funds under the A Cab
13 LLC EIN number, either on its own or in conjunction with the other circumstances
14 and findings made by the Court and discussed *infra*, establish that the Wells Fargo
15 funds are properly levied upon by the judgment and the Defendants' motion must be
16 denied.

17 18 19 20 III.

21
22 **There is no evidence that the allegedly independent series LLCs**
23 **exist or, if they exist, they have not complied with the asset shielding**
24 **provisions of NRS 68.296(3) and the motion is denied on that basis.**

25
26 Assuming, without concluding, that it is, potentially, possible for a series LLC
27 issued by the judgment debtor A Cab LLC to hold assets beyond the reach of the
28

1 judgment pursuant to NRS 86.296, there is nothing in the record supporting a
2 conclusion that compliance with NRS 86.296 has taken place. To comply with NRS
3 86.296 the alleged series LLCs must have (1) Been created by A Cab LLC; and (2)
4 Been organized to have specifically limited liability in respect to the obligations of A
5 Cab LLC; and (3) Maintained separate and distinct records and accounts for
6 themselves and the assets that are allegedly their property. Nothing is presented to
7 the Court establishing any of those three things.

8
9 Pursuant to NRS 86.296(2) “[a] series [LLC] may be created as a limited-
10 liability company, without the filing of articles of organization with the Secretary of
11 State, by the adoption of an operating agreement by the members of the series.” This
12 requires that a series LLC’s creation be confirmed by an operating agreement or in the
13 alternative by the filing of articles of organization with the Secretary of State. No
14 such articles of organization have been so filed for any of the six alleged series LLCs.
15 Nor have any operating agreements for those alleged entities, “adopted” by the
16 “members of the series” been presented to the Court. Defendants’ proffer (at Ex. “E”
17 of their supplement) six “Operating Agreements” *between* the six alleged series LLC
18 entities and another recited alleged entity identified as “A Cab Series LLC, Bally Taxi
19 Company.” Those documents are not the operating agreements specified by NRS
20 86.296(2). They purport to be transactional documents, contracts, between each of the
21 six alleged series LLC’s and such other identified alleged entity. Accordingly, the
22 Court finds that the six alleged series LLCs have not complied with NRS 86.296(2)

1 and have never been created in compliance with that statute. That defendants believe
2 they exist and may have purported to engage in business transactions with or through
3 them does not establish their legal existence.
4

5 Even if the Court were to find that the proffered documents constitute operating
6 agreements that establish the six alleged series LLCs were created, there is no
7 evidence they were organized to limit their obligations in respect to a judgment
8 against A Cab LLC. A properly constituted series LLC may limit its creditors'
9 recourse to the assets of the series LLC pursuant to NRS 86.296(3).² The critical
10 operative term is "may" meaning that to do so the series LLC must state in its
11 operating agreement or articles of organization it has adopted such a limitation. *See*,
12 NRS 86.296(3)(b). The six proffered documents contain language parroting the
13 language in NRS 86.296(3)(b) making such a limitation permissible but do not
14 actually recite, or confirm, that any such limitation is being adopted by any particular
15 identified series LLC.³ Accordingly, the Court finds that even if the six alleged series
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21 ² This statutory language speaks only of limiting the liabilities of the series
22 LLC to its assets. It is silent on whether the assets of the series LLC can be attached
23 to satisfy a judgment, such as in this case, against the creating or "master" LLC when
24 the owners (members) of both are identical. This important issue is discussed *infra*.

25 ³ The language used by defendants in the agreements is a virtually verbatim
26 recital of the first sentence of NRS 86.296(3)(b): "The debts, liabilities, obligations
27 and expenses incurred, contracted for or otherwise existing with respect to a particular
28 series are enforceable against the assets of that series only, and not against the assets
of the company generally or any other series." NRS 86.296(3)(b) then goes on to
specify how a series LLC can achieve this available protection of their assets,
language that defendants also substantially parrot in their agreements. But the

1 LLCs have been created, they have not complied with NRS 86.296(3) and have never
2 adopted the liability limitations available to series LLCs under that statute.
3

4 The record presented to the Court also establishes a failure of the alleged series
5 LLCs to comply with NRS 86.296(3)(a) requiring them, if they seek to enjoy that
6 statute's liability limitation provisions, to maintain "separate and distinct records" for
7 themselves and their assets and that such assets must be "accounted for separately
8 from the other assets of the [master creating LLC] company." As discussed, *supra*,
9 the assets at issue, the Wells Fargo bank accounts, were not maintained in a "separate
10 and distinct" fashion but under the EIN of the judgment debtor A Cab LLC, making
11 them indistinguishable from that entity's assets. Defendants do not dispute plaintiffs'
12 assertions that a thorough online public records search for business licenses for the six
13 alleged series LLCs confirms that none have any form of business license. They are
14 required to have such business licenses to legally engage in business as claimed by the
15 defendants. The Court finds that to meet the "separate and distinct records"
16 requirement of NRS 86.296(3)(a), the six alleged series LLC must have maintained
17 such a "distinct record" demonstrating the securing of the businesses licenses needed
18 to conduct business and they have failed to do so.
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20 Nor is any evidence presented that there exists any actual practice whereby the
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26 agreements, in their use of this language from NRS 86.296(3)(b), never identify any
27 "particular" series LLC that has elected to adopt such protection. They just recite the
28 statutory language explaining, in part, that such protection is potentially available, the
agreements never state any identified series LLC is actually adopting such protection.

1 assets of the six alleged series LLCs are “accounted for separately from the other
2 assets” of the judgment debtor A Cab LLC. Defendants’ moving papers contain a
3 non-specific declaration from Steven Beck that asserts, at paragraph 2, that “I keep the
4 books and records” of two of the alleged series LLCs at issue and others along with
5 those of the judgment debtor A Cab LLC. That is not even a clear allegation that such
6 a separate accounting of assets exists. Testimony introduced by plaintiffs from
7 defendant Nady’s deposition taken in 2017 is also, at most, just a bald assertion of that
8 fact, one that Nady’s testimony in many respects contradicts. In addition to
9 confirming that all of the series LLCs allegedly formed by A Cab LLC file a single tax
10 return (as part of his personal income tax return) Nady admits none of the alleged
11 series LLCs that he claims operate as part of A Cab’s taxi business (he calls each one
12 a “cell”) can function as independent businesses and that certain of those cells have a
13 “bailiff relationship” with the asset (a taxi medallion or vehicle) they use to generate
14 revenue. The Court finds that the six alleged series LLCs have failed to show any
15 basis to conclude that they have, in respect to the Wells Fargo accounts and any other
16 assets they are alleged to possess, accounted for such assets “separately from the other
17 assets” of the judgment debtor A Cab LLC as required by NRS 86.296(3)(a) to invoke
18 that statute’s liability limitations.
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20 For the reasons stated above, and in Section II, the Court denies the motion
21 based upon its findings that all or some of the requirements of NRS 86.296 needed to
22 invoke that statute’s liability limitation protections have not been complied with.
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IV.

**NRS 86.296 does not afford the sort of asset shield asserted by
defendants, at least not under the circumstances of this case.**

Even if it was established that the six alleged series LLCs had complied with all of the requirements of NRS 86.296, and the findings in II and III *supra* were not made by the Court, the Court would still deny the motion.

A.

As pointed out by plaintiffs, the language of NRS 86.296(3) speaks of a limitation on the enforcement of the liabilities of a series LLC to its assets only.⁴ It is silent on whether a liability of “the company generally” can be recovered from the assets of any of its series LLCs. Plaintiffs argue that NRS 86.296(3) allows limited liability companies and the series they issue to enjoy the same liability limitations as a conventional parent corporation that owns 100% of the stock of a subsidiary corporation. In that situation the subsidiary is an asset of the parent and a judgment against the parent can be satisfied from such asset. But a judgment against the subsidiary corporation cannot be pursued “upstream” against the parent’s assets. In support of that “one way” asset shield argument (against any “upstream” judgment

⁴ It states: “The debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series, if [explaining conditions]....”

1 enforcement but not vice versa), plaintiffs rely on NRS 86.296(3) speaking of a bar
2 against enforcing the liabilities of a series LLC against assets of the “company
3 generally” while saying nothing about barring enforcement of the liabilities of the
4 “company generally” against the assets of its series LLCs. They also point out that
5 another state’s series LLC statute using language that mirrors NRS 86.296(3) then
6 goes on to add an additional section expressly granting a “two way” asset shield for
7 series LLC assets against liabilities of the company generally. *See*, Texas Business
8 Organizations Code Sec. 101.602(a)(2).
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12 In situations where the ownership (member interests) of the creating limited
13 liability corporation (the “company generally” in NRS 86.296(3)) is identical to that
14 of the series LLC, the plaintiffs’ argument has some persuasive force. The Nevada
15 Legislature could have written Nevada’s series limited liability statute to expressly
16 recognize that a series LLC can shield its assets from the liabilities of the company
17 generally. It did not. The plaintiffs’ analogy to a conventional corporation that owns
18 100% of the stock of its subsidiary corporation is also imperfect, as limited liability
19 companies do not have stockholders but membership interests. On the other hand, a
20 series LLC can only be created by a limited liability company that is in turn duly
21 registered with the Nevada Secretary of State. The series LLC is in some sense a
22 creature of its master upon whom it completely depends for its very existence. A
23 conventional corporation, whether or not it is a wholly owned subsidiary, comes into
24 being through an independent process performed by the Nevada Secretary of State. If
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1 it is a subsidiary, it continues as an independent legal entity despite the dissolution of
2 its parent owner (though such an event would result in a transfer of its ownership).
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4 The same cannot be said for a series LLC which presumably⁵ has no continued legal
5 existence once its limited liability corporation creator has ceased to exist.

6 The Court finds that, at least in this case where it is undisputed that the member
7 interests (ownership) of the alleged series LLCs and the judgment debtor A Cab LLC
8 are one and the same, a judgment against a limited liability company that has created a
9 series LLC (in this case that would be A Cab LLC) is enforceable against the assets of
10 such series LLC. The Court further finds that the asset protections afforded to a
11 series LLC under NRS 86.296(3) do not, in all circumstances, bar enforcement of a
12 judgment against a limited liability corporation from the assets of the series LLCs it
13 has created and that compelling circumstances in this case, discussed *infra*, result in
14 the Court denying the motion.
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19 **B.**
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21 ⁵ The Court says “presumably” because under the overall structure of Nevada’s
22 series LLC law, it does not appear tenable for a series LLC, not registered with the
23 Nevada Secretary of State, to continue as a legal entity once its creating, and duly
24 registered, limited liability company has ceased its existence. Unfortunately this issue
25 is not squarely addressed in the relevant Nevada statutes. For example, NRS 86.491
26 sets forth a mechanism for dissolving both a limited liability company and just one of
27 its series but does not state how, or if, a series can continue to operate as a legal entity
28 once its creating limited liability corporation is dissolved. Yet NRS 86.213 imposes a
fine on anyone purporting to do business as a limited liability company without filing
articles of organization with the Nevada Secretary of State, a filing a series LLC is not
required to make.

1 While many aspects of the Nevada's series LLC law are not clearly addressed
2 by Nevada's statutes, and remain to be addressed by Nevada's Supreme Court, the
3 Court finds NRS 86.141(1)⁶ to provide compelling guidance in this case. It is clear
4 that Nevada's Legislature enacted the series LLC law to afford businesses wide range
5 of options and flexibility in managing their affairs and conducting business in Nevada.
6 Such a decision by the Legislature is not subject to question by the Court. Yet in
7 enacting the limited liability company law, the Nevada Legislature made
8 unequivocally clear in NRS 86.141(1) it was forbidding the use of such entities "for
9 any illegal purpose or with fraudulent intent to conceal any business activity, or lack
10 thereof, from any person." The Court finds this salutary directive, along with the
11 facts before the Court and the equitable considerations presented, to require denial of
12 the motion, irrespective of whether the six alleged series LLCs have complied with all
13 of the relevant provisions of NRS 86.296(3) (and as found by the Court in Parts II
14 and III they have not so complied).

15
16 The Nevada series LLC law does not authorize businesses to engage in a never
17 ending shell or "whack a mole" game to avoid satisfying their legal obligations by
18 issuing a limitless, continually changing, and unknown, line of series LLCs. That
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25 ⁶ "Except as otherwise provided in subsection 2 [relating to an insurance
26 business], a limited-liability company may be organized under this chapter for any
27 lawful purpose. A person shall not organize a limited-liability company for any illegal
28 purpose or with the fraudulent intent to conceal any business activity, or lack thereof,
from another person or a governmental agency."

1 intent is codified in NRS 86.141(1). Especially in a case such as this, involving the
2 liability of a business for unpaid minimum wages owed to its employees under the
3 Nevada Constitution, the Court must be vigilant to prevent such an abuse of the series
4 LLC form. Defendants' motion asserts that the employees of A Cab's taxi business
5 who are owed those minimum wages cannot collect such minimum wages from assets
6 held by the various alleged series LLCs because those alleged entities are not
7 judgment debtors. Yet, as noted in Part II, those assets are registered with Wells
8 Fargo bank under the same EIN number that was used to pay those employees their
9 wages in the first instance. That EIN number was also present on the W-2s issued to
10 those employees, the creditor class members.

11
12 If the Court were now to adopt defendants' claim that the Wells Fargo monies
13 are not actually assets of the employer/judgment debtor, it would be approving of the
14 "concealment" of business activities in violation of NRS 86.141(1), if not of an
15 overtly illegal and fraudulent scheme to avoid paying minimum wages. The class
16 members should be entitled, as a matter of law, to rely upon the representations given
17 to them about the nature and identity of their employer when they seek to collect
18 minimum wages owed to them under Nevada's Constitution (and in respect to this
19 motion, the EIN associated with that employer). If they bring suit in this Court
20 accordingly they must be afforded the ability to vindicate whatever award the Court
21 grants them. Having relied upon the representations of their employer to secure their
22 judgment they cannot now be denied access to the Wells Fargo accounts, monies so
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1 clearly tied to that employer, to satisfy such judgment. That is particularly true given
2 the unknown, and unknowable, existence of the alleged series LLCs which defendants
3 claim hold the assets used in A Cab's business beyond reach of the judgment. Those
4 alleged series LLCs do not exist in any public record or registration. They are
5 intended by the defendants to act as secret entities, to hold the assets of the A Cab taxi
6 business with their existence known to no one except such persons as the defendants
7 advise at a place and time of their choosing (such as now, when defendants proffer
8 them to be the true holders of the Wells Fargo accounts).

11
12 Particularly troubling is the defendants' apparently related attempt to insulate,
13 or divert, the "employer" liability for minimum wages owed under Nevada's
14 Constitution to an often changing group of series LLCs of A Cab LLC. Those
15 changing series LLCs appear to regularly cease their operations after a limited period
16 of time and to have no actual assets. At his 2017 deposition, defendant Nady testified
17 the alleged series LLC of A Cab LLC that defendants' claim was the true (and sole)
18 "employer" of the class members and paid their wages changed three times between
19 February of 2012 and June of 2017 (as discussed in plaintiffs' supplement filed on
20 September 27, 2018). While he refused to directly answer questions about that
21 practice (citing "legal advice" as the basis for such refusal at his deposition) he
22 admitted that A Cab LLC was using a large number of series LLCs, well over 100, to
23 avoid having to pay legal liabilities, including any judgment rendered in this case.

24
25 As plaintiffs' aptly point out in their supplement, naming some, or even all, of
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1 the separate series LLCs as defendants in their lawsuit, prior to judgment (a task that
2 might be herculean) would be pointless given defendants' conduct. Undoubtably
3 defendants would, in that event, just prior to judgment, transfer the operations, and the
4 assets, of the A Cab taxi business to a newly minted set of unknown, and unknowable,
5 series LLCs. That such a course of conduct might be remedied, post judgment, via
6 additional litigation involving fraudulent conveyance or other sorts of claims, does not
7 cure the obvious impropriety of such conduct, which in the Court's view squarely
8 violates NRS 86.141(1). Accordingly, whatever legal significance the alleged series
9 LLCs of A Cab LLC may have, they cannot, under NRS 86.141(1), act to shield assets
10 from the collection of the judgment at issue, and the defendants' motion is denied on
11 that basis.
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16 C.

17 An additional reason for the denial of the motion is presented by the very nature
18 of A Cab's taxi business and the complete integration of such business (between A
19 Cab LLC and its series LLCs) as a matter of law in respect to the judgment at issue.
20 A Cab LLC operates a privileged, specially licensed, business pursuant to a Certificate
21 of Public Convenience and Necessity (a "CPCN") issued by the Nevada Taxicab
22 Authority. Its revenue is derived from the operation of taxicabs which, in turn,
23 require two things besides an operable motor vehicle. The first is a taxi driver, one of
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1 the class member employees.⁷ The second is a taxi medallion issued by the Nevada
2 Taxicab Authority pursuant to that CPCN. Defendants have furnished a copy of that
3 CPCN which states it is not a franchise or irrevocable and it cannot be transferred
4 without the approval of the Nevada Taxicab Authority.
5

6 While A Cab LLC can have its taxi medallions used by other persons or legal
7 entities, the revenue derived from each taxi medallion's operation is dependent upon
8 A Cab LLCs possession of its CPCN. Without that CPCN there is no taxi medallion,
9 and no "street legal" taxi, to operate and generate revenue. The CPCN is not, itself,
10 transferrable by A Cab LLC. The judgment rendered in this case was against A Cab
11 LLC and arose from its failure to properly compensate, as required by Nevada's
12 Constitution, the taxi drivers who drove the medallion taxi cabs it was privileged to
13 operate under its CPCN. It should not be allowed, under such circumstances, to
14 divert the revenue from those medallion taxi cabs, which is entirely dependent upon
15 its CPCN, to its series LLCs and place that revenue beyond the reach of such
16 judgment. The legal separation that may exist between A Cab LLC and the series
17 LLCs it creates cannot divorce such taxi medallion revenue from the minimum wage
18 liability imposed by Nevada's Constitution as that liability is also a product of the
19 same activity generating such revenue and the Court denies the motion on that basis.
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27 ⁷ During the time period at issue for the judgment, prior to January 1, 2016, A
28 Cab was required to use only employee taxi drivers in its business.

1 Therefore, IT IS HEREBY ORDERED for all of the foregoing reasons, that the
2 motion is denied; and
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5 IT IS FURTHER ORDERED that Well Fargo shall deposit with the Clerk of
6 the Court the funds subject to the writ of execution, with the Court to determine the
7 further disposition of those funds at a future date; and
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10 IT IS FURTHER ORDERED that plaintiffs' counter-motion is continued for
11 further hearing on October 22, 2018.
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14 **IT IS SO ORDERED.**
15

16 
17 _____
18 Honorable Kenneth Cory
19 District Court Judge
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12/17/2018
Date

Submitted by:

LEON GREENBERG PROF. CORP.

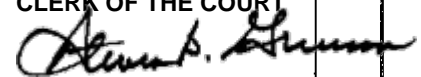
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Date



ORDER

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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,)

Plaintiff,)

v.)

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

Defendants.)

Case No. : A-12-669926-C

Dept. No.: I

**ORDER ON MOTION FOR
DISMISSAL OF CLAIMS ON ORDER
SHORTENING TIME**

Date of Hearing: October 22, 2018

Time of Hearing: 9:00 a.m.

**ORDER ON MOTION FOR DISMISSAL OF CLAIMS
ON ORDER SHORTENING TIME**

Defendants' motion for Dismissal of Claims on Order Shortening Time was heard on
October 22, 2018, Plaintiffs were represented by Leon Greenberg and Dana Sniegocki.

Defendants were represented by Esther Rodriguez, Michael Wall and Jay Shafer.

Defendants moved for dismissal based on the court's lack of subject matter jurisdiction
over the claims. Specifically, Defendants moved for dismissal pursuant to NRCP 12 (h)(3) and
NRCP 12 (6)(1). Defendants argue that pursuant to Article 6, Section 6 of the Nevada
Constitution, the District Courts shall have original jurisdiction in all cases excluded by law from
the original jurisdiction of the Justice Courts. Further, if a District Court lacks subject matter

1 jurisdiction, the judgment rendered is void. *Univ. of Nevada v. Tarkanian*, 95 Nev. 389, 396, 594
2 p. 2d 1159, 1163 (1979). Whether a court lacks subject matter jurisdiction can be raised by the
3 parties at any time, or sua sponte by a court of review, and cannot be conferred by the parties.
4 *Swam v. Swam*, 106 Nev. 464, 469, 796 P. 2d 221, 224 (1990).

5 Defendants rely upon *Castillo v. United Federal Credit Union*, wherein the Nevada
6 Supreme Court “conclud[ed] that in Nevada, aggregation of putative class member claims is not
7 permitted to determine jurisdiction”. *Castillo v. United Fed. Credit Union*, 134 Nev. Adv. Op.
8 No. 3 (February 1, 2018); 409 P. 3d 54. Defendants argue that all claims asserted by the named
9 Plaintiffs as well as all potential class members fall well-below the District Court’s minimum
10 threshold of \$15,000 per NRS 4.370. Further, Defendants argue that Plaintiffs’ claims for
11 injunctive relief are a non-issue as their claims cease as of December 31, 2015; and injunctive
12 relief was not pursued by Plaintiffs. An injunction is appropriate when monetary damages are
13 inadequate. *Czipott v. Fleigh*, 87 Nev. 496, 499, 489 P.2d 681, 683 (1971).

14 Plaintiffs argue that subject matter jurisdiction over the class claims is proper as they
15 sought, still seek, and were granted equitable relief. Plaintiffs argue that the District Court’s
16 jurisdiction extends to all damage claims, of whatever amount, when those claims are brought as
17 part of an action seeking equitable relief. Further, Plaintiffs assert that once the claim for
18 equitable relief is properly made, the District Court does not lose subject matter jurisdiction over
19 these damages claims also made in the same case even if equitable relief is denied. *Edwards v.*
20 *Emperor’s Garden Rest.*, 122 Nev. 317, 326 (2006).

21 Plaintiffs further argue that the Supreme Court’s “Order Denying Motion to Depublish”
22 filed June 12, 2018 in the Castillo matter, confirms that any conclusion pertaining to aggregation
23 of claims would be a reliance on non-precedential dicta.

24 Having reviewed the pleadings and heard₂ the arguments of the parties, the court does not
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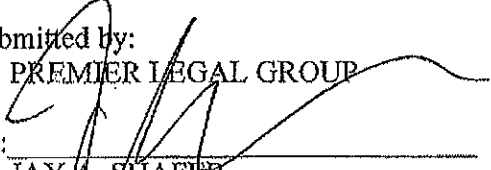
1 believe that it is devoid of jurisdiction in this matter for the reasons argued by the Defendants
2 and accordingly that motion is DENIED.

3 **IT IS SO ORDERED.**

4
5 Dated this 18th day of December, 2018.

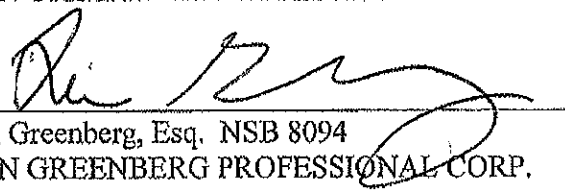
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DISTRICT COURT JUDGE

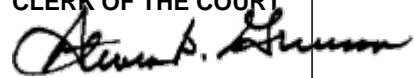
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12 Resolution Economics LLC

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C
16 Individually and on behalf of others similarly) Dept No.: I
17 situated)

18 Plaintiff,

19 vs.

20 A CAB TAXI SERVICE LLC, A CAB, LLC, and) Date: December 11, 2018
21 CREIGHTON J. NADY and DOES I-X and ROE) Time: 9:00 a.m.
22 CORPORATIONS I-X, inclusive)

23 Defendants

24 RESOLUTION ECONOMICS LLC) Date: December 13, 2018
25) Time 10:30 p.m.

Special Master,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,
and CREIGHTON J. NADY and DOES I-X and
ROE CORPORATIONS I-X, inclusive

Defendants

JUDGMENT AND ORDER GRANTING RESOLUTION ECONOMICS'
APPLICATION FOR ORDER OF PAYMENT OF SPECIAL MASTER'S FEES AND
ORDER OF CONTEMPT

1 Resolution Economics LLC ("Special Master") by and through its counsel of record,
2 Peter Dubowsky, Esq. of the DUBOWSKY LAW OFFICE, CHTD. having filed an Application
3 for an Order for the payment of its Special Master Fees in the amount of \$85,280.56, and an
4 Order of Civil Contempt; and this Court having heard the matter on December 11, 2018 and
5 December 13, 2018; and having heard the argument of counsel and statements of interested
6 parties, and good cause appearing therefor, the Court finds and orders as follows.

7 1. On February 7, 2018, this Court entered an Order Granting Plaintiffs' Motion to
8 Appoint a Special Master.

9 2. The February 7, 2018 Appointment Order stated in pertinent part the necessity of
10 the appointment of a Special Master:

11 In light of the above, the Court finds that the appointment of a Special Master is
12 the appropriate solution to determine the hours worked each pay period by each
13 class member and the amount of minimum wages, if any, that each one is owed
14 based upon A Cab's records. The Special Master is being appointed to report on
15 the hours worked, and the wages paid, as documented in A Cabs admittedly
16 accurate records; to what extent that information in those records demonstrates
17 wages of lesser than the minimum wage (that "lower tier" rate is \$7.25 an hour
18 since July 1, 2010) were paid during any pay period; and the amount of any such
19 minimum wage deficiencies for each class member.

20 3. The February 7, 2018 Order further commented on the complexity and
21 laboriousness of the Special Master's work:

22 Whether minimum wages are owed for any particular pay period is quite simple
23 when the relevant information (Hours worked and wages paid) is known. But in
24 this case the information must be gathered from over 200,000 trip sheets, a
25 complex process simile, performing the calculation on many thousands of pay
periods for approximate 1000 class members is also complicated and laborious.

4. This Court then went on to enumerate the "complicated and laborious" job
required of the Special Master.

5. On February 13, 2018, this Court entered an Order Modifying Court's Previous
Order of February 7, 2018 appointing a Special Master. The February 13, 2018 Modification
Order stated, in pertinent part:

1 The Court is extremely concerned with the passage of time in this matter for
 2 reasons previously expressed. In order to prevent one more issue from injecting
 3 itself into these proceedings, and in light of the possibility that any local firm may
 4 trigger another objection due to purported conflicts of interest, the Court rescinds
 its appointment and its selection of Mr. Rosten of Piercy Bowler Taylor & Kerns,
and selects Dr. Ali Saad of Resolution Economics to be the Special Master in this
case. (emphasis added)

5 6. On or around March 2, 2018, Defendants filed a Motion For Stay On an Order
 6 Shortening Time, claiming *inter alia*, an inability to pay the Special Master the initial \$25,000.00
 7 required by previous court order.

8 7. On March 6, 2018, this Court entered a Minute Order stating in pertinent part:

9 In the meantime [not longer than approximately 3 weeks] the Special Master is
 10 directed to cease all efforts to complete the task previously ordered by this Court
 11 until further order of this Court. Additionally, because there will be a breathing
 12 space of approximately three weeks the Defendants should well be able to set
aside the initial \$25,000 deposit, and are ordered to do so. (emphasis added)

13 8. On May 23, 2018 the Court Ordered:

14 This case needs to go forward and the Court is disinclined to hold up the matter
 15 for non-payment to the special master. COURT FURTHER ORDERED,
\$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to
be present at the next hearing to show proof of the posting. (emphasis added)

16 9. On August 21, 2018, this Court entered its Order Granting Summary Judgment,
 17 Severing Claims, and Directing Entry of Final Judgment ("Judgment Order), in which this Court
 18 reiterated the Defendants' failures to comply with its Orders. The Judgment Order stated in
 19 pertinent part:

20 The Court . . . via Orders entered on February 7, 2018 and February 13, 2018,
 21 appointed a Special Master . . . The Court directed that A Cab pay for such Special
 22 Master because of A Cab's failure to maintain proper records under NRS 608.115,
 23 and to deposit \$25,000 with the Special Master as a payment towards the cost of
 24 their work. . . . A Cab failed to make such payment within the time period
 25 specified by the Court. As a result, the Special Master advised the Court that they
 have incurred \$41,000 in costs towards their completion of their assignment and
 will not proceed further with that assignment until they are in receipt of sufficient
 assurances that they will be paid for their work. The Special Master has budgeted
 \$180,000 as the projected total cost to complete their assignment. (Judgment
 Order Page 7 lines 7-25)

1 10. The Judgment Order further stated that "A Cab proposed no cure for its violation
2 of the Court's Orders appointing the Special Master. It did not state when, if ever, it intended to
3 comply with those Orders." (Judgment Order Page 9 lines 1-3)

4 11. The Court went on to find that the Defendants were in contempt, "

5 [T]he Court finds that Defendants' persistent failure to comply with Court orders
6 . . . warrants holding defendants in contempt . . . (Judgment Order Page 28 lines
7 20-22)

8 The willfulness of A Cab in disregarding the Court's Orders appointing a Special
9 Master is apparent and A Cab's **** its failure to comply with those Orders is a
10 result of a financial inability to pay the Special Master cannot be properly
11 considered and its evidence to establish same is deficient. If A Cab truly lacks the
12 financial resources to comply with those Orders it has a remedy under the United
13 States Bankruptcy Code to seek the protection of the Bankruptcy Court which is
14 empowered to relieve it from those Orders and oversee the proper disposition of
15 whatever financial resources it does possess. It has declined to do so and
16 continues to do business and defend this case in this Court. Having elected to do
17 so, it must comply with this Court's Orders or face the consequences of its failure
18 to do so. (Judgment Page 31 lines 1-10)

19 12. In this case, as all counsel will recognize, probably painfully so, we have been at
20 pains to try and come to a resolution that was fair and just to both sides. All of this happens
21 within the framework or the context, in my mind, of a lawsuit that is filed to vindicate
22 constitutional rights. I've already commented before about -- what my opinion would be about
23 is it a good idea overall to include your minimum wage act in the constitution of the state. It
24 doesn't matter what I think. The people of this state determined that it was of sufficient
25 importance they put it in the constitution. Now, that means something to me and it also informs
the Court as to what powers it needs to exercise, both legal and equitable powers, in order to
determine if these rights have been violated, and secondarily to, as much as possible, undo the
violation and get them paid. At length the Court determined that the defendants simply were not
willing to produce any evidence on their own. At most every turn the response that I heard was,
well, it's only the time sheets, only the time sheets. But the defendant did not put forward any
calculations based on the time sheets, and so ultimately because of the passage of time in this

1 litigation the Court determined that we're going to have to go back and revisit a motion that had
2 been brought by the plaintiffs earlier, much earlier. And to say that the defendants were
3 blindsided by it I don't think is really accurate. It was argued, fully argued, briefed and argued
4 by both sides when it was first proposed by the plaintiff. Simply it was the case that it became
5 more obvious to the Court ultimately that something like that, as drastic and perhaps as expensive
6 as that was the only way that we were going to get down to having the best evidence, according
7 to the defendants, of what was owed. And so the Court ordered it and ordered that the defendant
8 would pay the cost because it was -- the Court had already at that point determined that there had
9 been a violation of the constitutional provisions regarding minimum wage; that there was indeed
10 liability and the question was what the amount of the damages would be. In preparing for today
11 I've gone back and looked at virtually all of the minute orders recounting the efforts of both sides
12 and the Court in this case for the last at least year or perhaps more, and what I see is that the
13 Court ordered the defendant to pay the first \$25,000. The defendant came and protested and said
14 that it couldn't and put some forward some figures, I believe, to try and show the Court that it
15 couldn't. Well, in hindsight what I see it was saying was that it couldn't afford to, that it didn't
16 fit in its budget to pay such fees. Before I -- well, ultimately the Court realized that the defendant
17 was simply refusing to pay it. They had the money. The Court ordered \$25,000 and then later
18 \$41,000 based upon an estimate, I believe. On March 6th the Court ordered that \$25,000 be paid.
19 On May 23rd, the Court ordered that \$41,000 be paid. Still, there was nothing from the
20 defendants to really show that the defendant was not able to pay. And as I said, ultimately I
21 concluded that what the defendant was really saying was not that they didn't have the money but
22 that they didn't want to pay it because they had other business expenses. Then on September 11th
23 a writ of execution was filed and lo and behold the defendants were in possession of somewhat
24 over \$233,000 in cash. It is frankly ludicrous for the defendants to claim that they do not have
25 the money. At that point that was clear. And while the defendants may argue, yeah, but that's all

1 gone, that was tied up, well, the defendant is still operating its business. It still has income coming
2 in. It has made -- this record is devoid of evidence that shows that the defendants could not pay
3 the money, that they did not have the money, and that's in the face of a Court order, several Court
4 orders. And as was already touched upon, there was a stay put in place. The Court was
5 constantly trying to -- I think my comment during one or more of the hearings was trying not to
6 kill the goose that lays the golden egg. And it has all come to naught and this Court cannot help
7 but find that in the course of protesting loudly having to pay anything, the defendant has just flat
8 violated Court orders and refused -- not that they couldn't -- they refused to pay the \$25,000 or
9 the \$41,000, or as was just argued by Mr. Dubowsky, in fact anything. Not a penny one has been
10 paid and tendered. This is a willful violation of a Court order.

11 13. The Court had the proper authority under N.R.C.P. 53 to appoint Resolution
12 Economics as Special Master. The Defendants incurred Special Master Fees of \$85,280.56,
13 which shall be deemed the amount fixed by this Court.

14 CONTEMPT OF COURT

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16 Based on the foregoing, and upon answer and evidence taken, the Court finds Defendants,
17 both A CAB, TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually,
18 guilty of contempt of Court for disobedience and/or resistance to this Court's lawful Orders to
19 pay the Special Master's compensation. This Court is reserving ruling on both the civil and
20 criminal penalties for Defendants' contempt. The Court reserves the right to hold Defendants in
21 Civil Contempt to coerce and/or compel the Defendants' future compliance. The Court reserves
22 the right to hold Defendants in criminal contempt and impose a fine on Defendants for \$500.00
23 and/or imprison Creighton J. Nady for up to 25 days.

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JUDGMENT

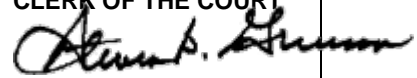
Special Master, RESOLUTION ECONOMICS LLC, shall be awarded Judgment for compensation fixed by the Court, pursuant to N.R.C.P. 53, in the amount of \$85,280.56 against Defendants, A CAB TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually, plus attorney's fees in the amount of \$9,500.00, pursuant to N.R.S. §22.100(3), with statutory interest accruing on the total foregoing until this Judgment is satisfied. The Special Master shall be entitled to all rights and remedies to enforce this Judgment against the delinquent Defendants, A CAB TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually.

Dated: June 18, 2019

Kenneth A. Brey
DISTRICT COURT JUDGE

Respectfully submitted,
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DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C
Individually and on behalf of others similarly) Dept No.: I
situated)

Plaintiff,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,))
and CREIGHTON J. NADY and DOES I-X and)
ROE CORPORATIONS I-X, inclusive)

Defendants)

RESOLUTION ECONOMICS LLC)

Special Master,

vs.

A CAB TAXI SERVICE LLC, A CAB, LLC,))
and CREIGHTON J. NADY and DOES I-X and)
ROE CORPORATIONS I-X, inclusive)

Defendants)

NOTICE OF ENTRY OF ORDER

1 Please take notice that on February 4, 2019, a JUDGMENT AND ORDER
2 GRANTING RESOLUTION ECONOMICS' APPLICATION FOR ORDER OF
3 PAYMENT OF SPECIAL MASTER'S FEES AND ORDER OF CONTEMPT was entered
4 by the Clerk of the Court in the above-referenced matter. A true and correct copy of the
5 order is attached.

6 Dated: February 4, 2019

7
8 DUBOWSKY LAW OFFICE, CHTD.

9
10 By: /s/Peter Dubowsky
11 Peter Dubowsky, Esq.
12 Attorney for Plaintiff
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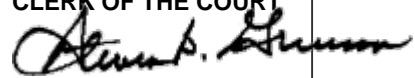
CERTIFICATE OF MAILING

The undersigned acknowledges that on February 5, 2019, a NOTICE OF ENTRY OF ORDER was served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing Conversion Rules:

Leon Greenberg, Esq.
Attorney for Plaintiff

Esther C. Rodriguez, Esq.
Attorney for Defendant

/s/William Thompson
An employee of Dubowsky Law Office, Chtd.



1 ORDR
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9 (702) 360-3500
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11 Attorney for Special Master
12 Resolution Economics LLC

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C
11 Individually and on behalf of others similarly) Dept No.: I
12 situated)

13 Plaintiff,

14 vs.

15 A CAB TAXI SERVICE LLC, A CAB, LLC, and)
16 CREIGHTON J. NADY and DOES I-X and ROE)
17 CORPORATIONS I-X, inclusive)

18 Defendants

19 RESOLUTION ECONOMICS LLC

20 Special Master,

21 vs.

22 A CAB TAXI SERVICE LLC, A CAB, LLC,)
23 and CREIGHTON J. NADY and DOES I-X and)
24 ROE CORPORATIONS I-X, inclusive)

25 Defendants

Date: December 11, 2018

Time: 9:00 a.m.

Date: December 13, 2018

Time 10:30 p.m.

24 **JUDGMENT AND ORDER GRANTING RESOLUTION ECONOMICS'**
25 **APPLICATION FOR ORDER OF PAYMENT OF SPECIAL MASTER'S FEES AND**
ORDER OF CONTEMPT

1 Resolution Economics LLC ("Special Master") by and through its counsel of record,
2 Peter Dubowsky, Esq. of the DUBOWSKY LAW OFFICE, CHTD. having filed an Application
3 for an Order for the payment of its Special Master Fees in the amount of \$85,280.56, and an
4 Order of Civil Contempt; and this Court having heard the matter on December 11, 2018 and
5 December 13, 2018; and having heard the argument of counsel and statements of interested
6 parties, and good cause appearing therefor, the Court finds and orders as follows.

7 1. On February 7, 2018, this Court entered an Order Granting Plaintiffs' Motion to
8 Appoint a Special Master.

9 2. The February 7, 2018 Appointment Order stated in pertinent part the necessity of
10 the appointment of a Special Master:

11 In light of the above, the Court finds that the appointment of a Special Master is
12 the appropriate solution to determine the hours worked each pay period by each
13 class member and the amount of minimum wages, if any, that each one is owed
14 based upon A Cab's records. The Special Master is being appointed to report on
15 the hours worked, and the wages paid, as documented in A Cabs admittedly
16 accurate records; to what extent that information in those records demonstrates
17 wages of lesser than the minimum wage (that "lower tier" rate is \$7.25 an hour
18 since July 1, 2010) were paid during any pay period; and the amount of any such
19 minimum wage deficiencies for each class member.

20 3. The February 7, 2018 Order further commented on the complexity and
21 laboriousness of the Special Master's work:

22 Whether minimum wages are owed for any particular pay period is quite simple
23 when the relevant information (Hours worked and wages paid) is known. But in
24 this case the information must be gathered from over 200,000 trip sheets, a
25 complex process simile, performing the calculation on many thousands of pay
periods for approximate 1000 class members is also complicated and laborious.

4. This Court then went on to enumerate the "complicated and laborious" job
required of the Special Master.

5. On February 13, 2018, this Court entered an Order Modifying Court's Previous
Order of February 7, 2018 appointing a Special Master. The February 13, 2018 Modification
Order stated, in pertinent part:

1 The Court is extremely concerned with the passage of time in this matter for
 2 reasons previously expressed. In order to prevent one more issue from injecting
 3 itself into these proceedings, and in light of the possibility that any local firm may
 4 trigger another objection due to purported conflicts of interest, the Court rescinds
 its appointment and its selection of Mr. Rosten of Piercy Bowler Taylor & Kerns,
and selects Dr. Ali Saad of Resolution Economics to be the Special Master in this
case. (emphasis added)

5 6. On or around March 2, 2018, Defendants filed a Motion For Stay On an Order
 6 Shortening Time, claiming *inter alia*, an inability to pay the Special Master the initial \$25,000.00
 7 required by previous court order.

8 7. On March 6, 2018, this Court entered a Minute Order stating in pertinent part:

9 In the meantime [not longer than approximately 3 weeks] the Special Master is
 10 directed to cease all efforts to complete the task previously ordered by this Court
 11 until further order of this Court. Additionally, because there will be a breathing
 space of approximately three weeks the Defendants should well be able to set
aside the initial \$25,000 deposit, and are ordered to do so. (emphasis added)

12 8. On May 23, 2018 the Court Ordered:

13 This case needs to go forward and the Court is disinclined to hold up the matter
 14 for non-payment to the special master. COURT FURTHER ORDERED,
 15 \$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to
be present at the next hearing to show proof of the posting. (emphasis added)

16 9. On August 21, 2018, this Court entered its Order Granting Summary Judgment,
 17 Severing Claims, and Directing Entry of Final Judgment ("Judgment Order), in which this Court
 18 reiterated the Defendants' failures to comply with its Orders. The Judgment Order stated in
 19 pertinent part:

20 The Court . . . via Orders entered on February 7, 2018 and February 13, 2018,
 21 appointed a Special Master . . . The Court directed that A Cab pay for such Special
 22 Master because of A Cab's failure to maintain proper records under NRS 608.115,
 and to deposit \$25,000 with the Special Master as a payment towards the cost of
 23 their work. . . . A Cab failed to make such payment within the time period
 specified by the Court. As a result, the Special Master advised the Court that they
 24 have incurred \$41,000 in costs towards their completion of their assignment and
 will not proceed further with that assignment until they are in receipt of sufficient
 25 assurances that they will be paid for their work. The Special Master has budgeted
 \$180,000 as the projected total cost to complete their assignment. (Judgment
 Order Page 7 lines 7-25)

1 10. The Judgment Order further stated that "A Cab proposed no cure for its violation
2 of the Court's Orders appointing the Special Master. It did not state when, if ever, it intended to
3 comply with those Orders." (Judgment Order Page 9 lines 1-3)

4 11. The Court went on to find that the Defendants were in contempt, "

5 [T]he Court finds that Defendants' persistent failure to comply with Court orders
6 . . . warrants holding defendants in contempt . . . (Judgment Order Page 28 lines
20-22)

7 The willfulness of A Cab in disregarding the Court's Orders appointing a Special
8 Master is apparent and A Cab's **** its failure to comply with those Orders is a
9 result of a financial inability to pay the Special Master cannot be properly
10 considered and its evidence to establish same is deficient. If A Cab truly lacks the
11 financial resources to comply with those Orders it has a remedy under the United
12 States Bankruptcy Code to seek the protection of the Bankruptcy Court which is
13 empowered to relieve it from those Orders and oversee the proper disposition of
whatever financial resources it does possess. It has declined to do so and
continues to do business and defend this case in this Court. Having elected to do
so, it must comply with this Court's Orders or face the consequences of its failure
to do so. (Judgment Page 31 lines 1-10)

14 12. In this case, as all counsel will recognize, probably painfully so, we have been at
15 pains to try and come to a resolution that was fair and just to both sides. All of this happens
16 within the framework or the context, in my mind, of a lawsuit that is filed to vindicate
17 constitutional rights. I've already commented before about -- what my opinion would be about
18 is it a good idea overall to include your minimum wage act in the constitution of the state. It
19 doesn't matter what I think. The people of this state determined that it was of sufficient
20 importance they put it in the constitution. Now, that means something to me and it also informs
21 the Court as to what powers it needs to exercise, both legal and equitable powers, in order to
22 determine if these rights have been violated, and secondarily to, as much as possible, undo the
23 violation and get them paid. At length the Court determined that the defendants simply were not
24 willing to produce any evidence on their own. At most every turn the response that I heard was,
25 well, it's only the time sheets, only the time sheets. But the defendant did not put forward any
calculations based on the time sheets, and so ultimately because of the passage of time in this

1 litigation the Court determined that we're going to have to go back and revisit a motion that had
2 been brought by the plaintiffs earlier, much earlier. And to say that the defendants were
3 blindsided by it I don't think is really accurate. It was argued, fully argued, briefed and argued
4 by both sides when it was first proposed by the plaintiff. Simply it was the case that it became
5 more obvious to the Court ultimately that something like that, as drastic and perhaps as expensive
6 as that was the only way that we were going to get down to having the best evidence, according
7 to the defendants, of what was owed. And so the Court ordered it and ordered that the defendant
8 would pay the cost because it was -- the Court had already at that point determined that there had
9 been a violation of the constitutional provisions regarding minimum wage; that there was indeed
10 liability and the question was what the amount of the damages would be. In preparing for today
11 I've gone back and looked at virtually all of the minute orders recounting the efforts of both sides
12 and the Court in this case for the last at least year or perhaps more, and what I see is that the
13 Court ordered the defendant to pay the first \$25,000. The defendant came and protested and said
14 that it couldn't and put some forward some figures, I believe, to try and show the Court that it
15 couldn't. Well, in hindsight what I see it was saying was that it couldn't afford to, that it didn't
16 fit in its budget to pay such fees. Before I -- well, ultimately the Court realized that the defendant
17 was simply refusing to pay it. They had the money. The Court ordered \$25,000 and then later
18 \$41,000 based upon an estimate, I believe. On March 6th the Court ordered that \$25,000 be paid.
19 On May 23rd, the Court ordered that \$41,000 be paid. Still, there was nothing from the
20 defendants to really show that the defendant was not able to pay. And as I said, ultimately I
21 concluded that what the defendant was really saying was not that they didn't have the money but
22 that they didn't want to pay it because they had other business expenses. Then on September 11th
23 a writ of execution was filed and lo and behold the defendants were in possession of somewhat
24 over \$233,000 in cash. It is frankly ludicrous for the defendants to claim that they do not have
25 the money. At that point that was clear. And while the defendants may argue, yeah, but that's all

1 gone, that was tied up, well, the defendant is still operating its business. It still has income coming
2 in. It has made -- this record is devoid of evidence that shows that the defendants could not pay
3 the money, that they did not have the money, and that's in the face of a Court order, several Court
4 orders. And as was already touched upon, there was a stay put in place. The Court was
5 constantly trying to -- I think my comment during one or more of the hearings was trying not to
6 kill the goose that lays the golden egg. And it has all come to naught and this Court cannot help
7 but find that in the course of protesting loudly having to pay anything, the defendant has just flat
8 violated Court orders and refused -- not that they couldn't -- they refused to pay the \$25,000 or
9 the \$41,000, or as was just argued by Mr. Dubowsky, in fact anything. Not a penny one has been
10 paid and tendered. This is a willful violation of a Court order.

11 13. The Court had the proper authority under N.R.C.P. 53 to appoint Resolution
12 Economics as Special Master. The Defendants incurred Special Master Fees of \$85,280.56,
13 which shall be deemed the amount fixed by this Court.

14 CONTEMPT OF COURT

15
16 Based on the foregoing, and upon answer and evidence taken, the Court finds Defendants,
17 both A CAB, TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually,
18 guilty of contempt of Court for disobedience and/or resistance to this Court's lawful Orders to
19 pay the Special Master's compensation. This Court is reserving ruling on both the civil and
20 criminal penalties for Defendants' contempt. The Court reserves the right to hold Defendants in
21 Civil Contempt to coerce and/or compel the Defendants' future compliance. The Court reserves
22 the right to hold Defendants in criminal contempt and impose a fine on Defendants for \$500.00
23 and/or imprison Creighton J. Nady for up to 25 days.

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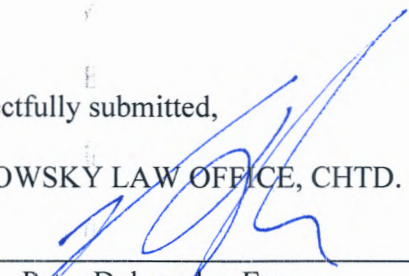
JUDGMENT

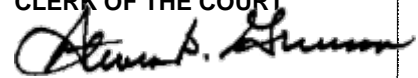
Special Master, RESOLUTION ECONOMICS LLC, shall be awarded Judgment for compensation fixed by the Court, pursuant to N.R.C.P. 53, in the amount of \$85,280.56 against Defendants, A CAB TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually, plus attorney's fees in the amount of \$9,500.00, pursuant to N.R.S. §22.100(3), with statutory interest accruing on the total foregoing until this Judgment is satisfied. The Special Master shall be entitled to all rights and remedies to enforce this Judgment against the delinquent Defendants, A CAB TAXI SERVICE LLC, A CAB, LLC and CREIGHTON J. NADY individually.

Dated: June 18, 2019


DISTRICT COURT JUDGE

Respectfully submitted,
DUBOWSKY LAW OFFICE, CHTD.

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7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

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

12 Plaintiffs,

13 vs.

14 A CAB TAXI SERVICE LLC, A
15 CAB, LLC, and CREIGHTON J.
16 NADY,
17

18 Defendants.

Case No.: A-12-669926-C

DEPT.: I

**ORDER GRANTING PLAINTIFFS'
MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND COSTS
PURSUANT TO NRCP 54 AND THE
NEVADA CONSTITUTION**

19 This motion came before the Court for a chambers decision on November 15,
20 2018. Via a Minute Order entered on November 29, 2018, the Court set the motion
21 for a decision announcement on December 4, 2018, when the parties were set to
22 appear for hearing on an unrelated motion. After reviewing the arguments submitted
23 by the parties in respect to plaintiffs' motion, the Court grants plaintiffs' motion, to the
24 extent indicated in this Order, and finds as follows:

25 **A. Attorney's Fees**

26 Plaintiffs' motion sought an award of attorneys' fees and costs pursuant to
27 Article 15, Section 16(B) of the Nevada Constitution which states "[a]n employee
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1 who prevails in any action to enforce this section shall be awarded his or her
2 reasonable attorney's fees and costs." Plaintiffs previously secured a judgment in
3 excess of one million dollars for over 900 members of the certified class of plaintiffs
4 via the Court's order of August 21, 2018. The Order further granted class counsel 60
5 days after notice of entry of that Order to apply for an award of fees and costs.
6 Plaintiffs' Motion for an Award of Attorneys Fees and Costs was filed on October 12,
7 2018, and the Court finds such motion was timely filed in compliance with the Court's
8 August 21, 2018 Order.

9 The motion laid out three separate formulations under which the Court was
10 asked to evaluate the request for fees and costs. The first formulation offered by the
11 plaintiffs was the "aggregate hours" formulation, under which plaintiffs sought
12 attorneys' fees based upon their counsel's recorded attorney hours expended upon
13 litigating this matter (minus time for which plaintiffs' counsel has already received
14 fees from the defendants pursuant to a prior sanctions order, and minus time expended
15 upon two claims that did not proceed to judgment) and for which plaintiffs' counsel
16 built in an across-the-board 10% discount. Under that scenario, plaintiffs were
17 seeking a total attorneys' fee award of \$626,481.00.

18 Under the second alternative formulation, the "partial exclusion of hours"
19 formulation, plaintiffs sought an award of fees that excluded for fee purposes recorded
20 attorney hours that defendants could colorably argue were not spent exclusively on
21 activities germane to the litigation or that defendants would argue were unnecessary,
22 or not of great utility or efficiency, or that concerned issues never fully resolved in the
23 litigation. They also eliminated any associate attorney time for appearances at
24 depositions and court hearings for which lead counsel was also present. They further
25 built in an across-the-board 10% discount. Under that scenario, plaintiffs were
26 seeking a total attorneys' fee award of \$568,071.00.

1 Under the third alternative formulation, the “presumptive exclusion of hours”
2 formulation, plaintiffs sought an award of fees based upon an exclusion of time
3 expenditures that, in any significant measure, defendants would presumptively argue
4 should not be included in the fee award, such as time devoted to settlement and
5 mediation efforts (as no settlement or mediated resolution was achieved). They
6 further built in an across-the-board 10% discount. Under that scenario, plaintiffs were
7 seeking a total attorneys’ fee award of \$527,571.00.

8 The Court is satisfied that plaintiffs’ counsel, through their sworn declarations,
9 have set forth a reasonable basis for an award of fees under the factors set forth in
10 *Brunzell v. Golden Gate National Bank*, 85 Nev. 345 (1969) as re-affirmed by *Shuette*
11 *v. Beazer Homes Holdings Corp.*—124 P.3d 530, 549 (Nev. Sup. Ct. 2005). The Court
12 makes the following findings addressing the four relevant considerations established
13 by *Brunzell* that it must examine in arriving at an appropriate attorney fee award,
14 along with exercising its discretion in calculating that award in a fair and reasonable
15 manner. *See, Shuette, id*, citing *Brunzell* and *University of Nevada v. Tarkanian*, 879
16 P.2d 1180, 1188, 1186 (Nev. Sup. Ct. 1994).

17 The first *Brunzell* consideration is the professional qualities demonstrated by
18 plaintiffs’ counsel. The majority of attorney hours detailed in plaintiffs’ motion for an
19 attorney fee award and for which compensation is sought, and ultimately awarded by
20 the Court, was performed by Leon Greenberg. Such counsel has demonstrated that he
21 has over 25 years of litigation experience. Such experience includes handling other
22 class action claims seeking unpaid wages owed to employees, including class action
23 claims involving unpaid minimum wages, the issue in this case. The professional
24 experience and qualities of such counsel is also confirmed by their appellate
25 advocacy, most importantly their success in the appeal in *Thomas v. Nevada Yellow*
26 *Cab* 327 P.3d 518 (Nev. Sup. Ct. 2014), such appeal establishing the basis for the
27 minimum wage claim made in this case. The Court has also extensively personally
28

1 observed the quality of the advocacy by Leon Greenberg and the other counsel for
2 plaintiffs in this case and finds such advocacy was of a high quality. Such counsel's
3 performance has -been more than adequate. They have presented the Court with
4 appropriate written briefings and demonstrated, both in those submissions and during
5 their oral advocacy, a level of competence, understanding of the relevant legal issues,
6 and professional performance, that is at least equal to the norm of counsel appearing
7 before the Court.

8 The second *Brunzell* consideration is the character of the work performed by
9 plaintiffs' counsel, considering such factors as its intricacy, importance, and the time
10 and skill it has required. The work performed by plaintiffs' counsel required a high
11 level of intricacy and attention to detail. While class action litigation is not
12 particularly common, and is not handled by most litigation attorneys, this case also
13 posed substantial additional and difficult litigation issues besides its class action
14 nature. Plaintiffs' counsel had to formulate a means to present -damages claims in
15 different amounts for hundreds of class members. Unlike some class action cases, this
16 case did not involve a single set amount of damages, if liability was established, for
17 every single class member. Plaintiffs' counsel had to work closely with a skilled
18 computer data analyst (Charles Bass) and expert economist (Dr. Terrence Clauretie) to
19 present an appropriate formulation of the class members' damages for the rendering of
20 a judgment in this case. Plaintiffs' counsel also was confronted with addressing legal
21 issues raised by the relative newness, and not substantially litigated, minimum wage
22 amendment to the Nevada Constitution that was only enacted in 2006. Defendants
23 exerted considerable vigor, at times to an improper extent as demonstrated by the
24 Court's sanction order of March 4, 2016 imposing sanctions of \$3,238.95, in opposing
25 the plaintiffs' discovery efforts in this litigation. Defendants also opposed class
26 certification and otherwise strongly defended this litigation. The work performed by
27 plaintiffs' counsel was of great importance to the plaintiffs' success in this case. It was
28

1 also of presumptively great public importance, as the rights sought to be vindicated by
2 the plaintiffs are secured directly by Nevada's Constitution. In sum, the Court finds
3 that the character, intricacy, difficulty and importance of the work performed by
4 plaintiffs' counsel was far above that of a typical litigation matter.

5 The third *Brunzell* consideration is the work actually performed by plaintiffs'
6 counsel, and the skill, time and attention actually given to that work (this overlaps to
7 some extent with the second consideration). The Court has observed a very high level
8 of competence and skill exercised by plaintiffs' counsel in the performance of the
9 work necessary to the successful prosecution of this case. As discussed in their sworn
10 declarations submitted to the Court, such counsel has also demonstrated the number of
11 hours that they have devoted to this litigation, a very significant amount of time.
12 Such time expenditures, in excess of 1,000 hours from the commencement of this
13 litigation through judgment, combined with the skillful performance of that very
14 detailed work, supports the fee awarded.

15 The fourth *Brunzell* consideration is the result secured and the benefits derived
16 from the efforts of plaintiffs' counsel. That result was substantial, the entry of a
17 judgment in excess of \$1,000,000 on behalf of 890 persons owed unpaid minimum
18 wages. Such a benefit is also best evaluated not just in respect to its sheer monetary
19 size, but its advancement of an important public policy goal, the payment of minimum
20 wages under Nevada's Constitution, to a large group of persons. Absent the
21 considerable efforts of the plaintiffs' counsel, that benefit would not have been secured
22 to such persons.

23 In rendering the fee award made by this Order the Court also finds that the
24 hourly rates used by plaintiffs' counsel in proposing the fee to be awarded, a rate of
25 \$400 for their senior counsel Leon Greenberg and lesser amounts for their other
26 counsel, were justified, reasonable and appropriate. The Court also believes the
27 attorney's fee proposed by plaintiffs' counsel is, at least to some implicit extent,
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1 rendered reasonable by defendants' failure to provide any form of meaningful,
2 quantified, information contesting plaintiffs' counsel's calculations and fee award
3 claims. Defendants have provided the Court with no information concerning the
4 hourly rates charged by their counsel or the attorney's fees they have incurred in
5 litigating this matter. Nor have defendants contested the appropriateness of the
6 hourly fee rates upon which plaintiffs' counsel rely or contested with any specificity
7 their overall stated time expenditures.
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12 -The Court is further satisfied that plaintiffs' counsel, as confirmed by their counsel,
13 Leon Greenberg, in open court on December 4, 2018, will not and cannot, by virtue of
14 this Court's final judgment, counsel's retainer agreements with the named plaintiffs,
15 and Rule 23, seek to obtain additional attorneys' fees from any money that has been or
16 will be collected for the class members in satisfaction of the judgment, absent a
17 further order of this Court being issued authorizing the same. Finally, the Court is
18 satisfied that plaintiffs' fee request is based upon plaintiffs' counsel's
19 contemporaneously recorded hours and the Court will not require plaintiffs' counsel to
20 disclose in the record their time notes. Accordingly, the Court finds an appropriate fee
21 award should be based under plaintiffs' second formulation, the "partial exclusion of
22 hours" formulation. Thus, the Court awards plaintiffs' counsel, pursuant to the
23 mandatory fee-shifting provision of Article 15, Section 16 of the Nevada Constitution,
24 \$568,071.00 in attorneys' fees.
25

26 **B. Costs**

27 With respect to plaintiffs' request for a costs award totaling \$46,528.07, the
28 Court also finds such an award is proper.

1 Defendants' argue that costs must be denied because Plaintiffs are seeking in
2 excess of \$29,000 for experts who were never utilized, but more so were subject to
3 being stricken as having not met the required standards for admissibility, citing to
4 Defendants Motion in Limine to Exclude Plaintiffs' Experts.

5 First, the Court will note that the Court was prepared to DENY Defendants
6 motion holding that the court is satisfied that (1) Charles Bass and Terrence Claurite
7 have the requisite knowledge, skill, experience, training, or education to express
8 expert opinions on the Plaintiff's model; (2) their testimony as to the reliability of the
9 model, and the propriety of using such a model in the instant case, would assist the
10 trier of fact in determining whether and to what extent wages are owed to the class
11 members; (3) is appropriately limited in scope to each of their areas of expertise; (4) is
12 based upon sufficiently reliable methodology; and (5) is largely based on
13 particularized facts.

14 In post summary judgment proceedings Defendants continue to allege they
15 were blindsided by the Court's appointing a Special Master and subsequent granting
16 of Plaintiff's Motion for Summary Judgment, as evident once again by their citation to
17 their Motion in Limine. The Court will take this opportunity to explain to the
18 Defendants the course and reasoning of the December and January proceedings.

19 The Court heard Plaintiff's Motion for Partial Summary Judgment on
20 December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has
21 established liability. Thereafter, Plaintiff filed "Plaintiffs' Supplement in Support of
22 Motion for Partial Summary Judgment" arguing that damages and liability are
23 inextricably related. Defendants' also filed their Motion for Summary Judgment on
24 November 27, 2017, and heard on January 2, 2018. Other motions before the Court in
25 the end of December 2017 and early January 2018 included Plaintiffs' Motion to
26 Place Evidentiary burden on Defendant, Plaintiffs' motion to bifurcate or limit issues
27 at trial, Defendants' objection to the Discovery Commissioners Report and
28

1 Recommendation, both Defendants' and Plaintiffs' motions in limine, Defendants'
2 Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to
3 16.1(3), and Plaintiffs' motions to strike affirmative defenses. It was upon review of
4 all of these motions that the Court found that liability and damages were indeed
5 inextricably related. That is precisely why the Court gave Defendants' one more
6 opportunity to present evidence which would rebut that liability, and yet they could
7 not.

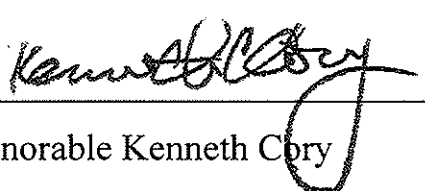
8 It was in preparation of those pretrial motions that the Court inquired into what
9 evidence would be submitted and presented at trial. In Defendants' Motion in Limine,
10 Defendants argued that Plaintiffs' experts methodology was unreliable because it
11 calculated damages derived from inaccurate information, despite Plaintiffs' experts
12 using information consisting of computer data files provided by A Cab. Defendants'
13 argued at that time that the Tripsheets were the only accurate information. That is
14 precisely why this Court appointed a special master, who expended more than \$85,000
15 to review Tripsheets which did not comply with NRS 608.115, to make a
16 determination on a precise calculation of hours. Defendants continued to use their
17 noncompliance with the record keeping statute as both a sword and a shield. That is
18 when this Court decided to apply the reasoning of the United States Supreme Court in
19 *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946), which stated that "the
20 employer cannot be heard to complain that the damages lack the exactness of
21 measurement that would be possible had he kept records..." *Id.* at 687.

22 Contrary to the Defendants' assertions that the experts were never utilized,
23 Plaintiffs' experts were necessary to this Court granting summary judgment. It was
24 defendants' lack of evidence of the precise amount of work performed to negate the
25 reasonableness of the inference to be drawn from the employees' evidence which
26 warranted the granting of summary judgment. *See Anderson v. Mt. Clemens Pottery*
27 *Co.*, 328 U.S. 680, 687 (1946) ("The burden then shifts to the employer to come
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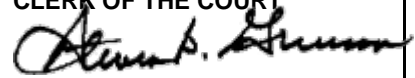
1 forward with evidence of the precise amount of work performed or with evidence to
2 negative the reasonableness of the inference to be drawn from the employee's
3 evidence. If the employer fails to produce such evidence, the court may then award
4 damages to the employee, even though the result be only approximate."'). This Court
5 gave defendants every opportunity to come forward with precise evidence, and they
6 did not. They also failed to provide the initial \$25,000 deposit as ordered by this
7 Court, so that the Special Master could provide more precision to the damages
8 calculation by recourse to the trip sheets. Defendants might have a colorable
9 argument against Plaintiff's expert costs had the Special Master completed his work
10 regarding the Tripsheets, and had the trial proceeded on that basis. However, that is
11 not the case here. Plaintiffs' experts were necessary and their expenses reasonable
12 given the extent of the work performed in calculating damages based upon computer
13 data information provided by ACAB. Therefore, the Court grants plaintiffs' request in
14 its entirety and awards a total of \$46,528.07 in costs. Accordingly,
15

16 IT IS HEREBY ORDERED that Plaintiffs' Motion for an Award of Attorneys'
17 Fees and Costs pursuant to NRCP 54 and the Nevada Constitution is GRANTED to
18 the extent specified in this Order in the total amount of \$614,599.07.
19

20 **IT IS SO ORDERED.**
21

22 
23 Honorable Kenneth Cory
24 District Court Judge
25 KC

22 Feb 6, 2019
23 Date



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Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC, and A
CAB, LLC,

Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Court entered the attached Order on February
6, 2019

Dated: February 7, 2019

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 Plaintiffs

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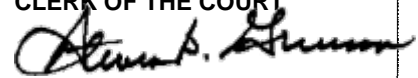
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7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

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

12 Plaintiffs,

13 vs.

14 A CAB TAXI SERVICE LLC, A
15 CAB, LLC, and CREIGHTON J.
16 NADY,
17

18 Defendants.

Case No.: A-12-669926-C

DEPT.: I

**ORDER GRANTING PLAINTIFFS'
MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND COSTS
PURSUANT TO NRCP 54 AND THE
NEVADA CONSTITUTION**

19
20 This motion came before the Court for a chambers decision on November 15,
21 2018. Via a Minute Order entered on November 29, 2018, the Court set the motion
22 for a decision announcement on December 4, 2018, when the parties were set to
23 appear for hearing on an unrelated motion. After reviewing the arguments submitted
24 by the parties in respect to plaintiffs' motion, the Court grants plaintiffs' motion, to the
25 extent indicated in this Order, and finds as follows:

26 **A. Attorney's Fees**

27 Plaintiffs' motion sought an award of attorneys' fees and costs pursuant to
28 Article 15, Section 16(B) of the Nevada Constitution which states "[a]n employee

1 who prevails in any action to enforce this section shall be awarded his or her
2 reasonable attorney's fees and costs." Plaintiffs previously secured a judgment in
3 excess of one million dollars for over 900 members of the certified class of plaintiffs
4 via the Court's order of August 21, 2018. The Order further granted class counsel 60
5 days after notice of entry of that Order to apply for an award of fees and costs.
6 Plaintiffs' Motion for an Award of Attorneys Fees and Costs was filed on October 12,
7 2018, and the Court finds such motion was timely filed in compliance with the Court's
8 August 21, 2018 Order.

9 The motion laid out three separate formulations under which the Court was
10 asked to evaluate the request for fees and costs. The first formulation offered by the
11 plaintiffs was the "aggregate hours" formulation, under which plaintiffs sought
12 attorneys' fees based upon their counsel's recorded attorney hours expended upon
13 litigating this matter (minus time for which plaintiffs' counsel has already received
14 fees from the defendants pursuant to a prior sanctions order, and minus time expended
15 upon two claims that did not proceed to judgment) and for which plaintiffs' counsel
16 built in an across-the-board 10% discount. Under that scenario, plaintiffs were
17 seeking a total attorneys' fee award of \$626,481.00.

18 Under the second alternative formulation, the "partial exclusion of hours"
19 formulation, plaintiffs sought an award of fees that excluded for fee purposes recorded
20 attorney hours that defendants could colorably argue were not spent exclusively on
21 activities germane to the litigation or that defendants would argue were unnecessary,
22 or not of great utility or efficiency, or that concerned issues never fully resolved in the
23 litigation. They also eliminated any associate attorney time for appearances at
24 depositions and court hearings for which lead counsel was also present. They further
25 built in an across-the-board 10% discount. Under that scenario, plaintiffs were
26 seeking a total attorneys' fee award of \$568,071.00.

1 Under the third alternative formulation, the “presumptive exclusion of hours”
2 formulation, plaintiffs sought an award of fees based upon an exclusion of time
3 expenditures that, in any significant measure, defendants would presumptively argue
4 should not be included in the fee award, such as time devoted to settlement and
5 mediation efforts (as no settlement or mediated resolution was achieved). They
6 further built in an across-the-board 10% discount. Under that scenario, plaintiffs were
7 seeking a total attorneys’ fee award of \$527,571.00.

8 The Court is satisfied that plaintiffs’ counsel, through their sworn declarations,
9 have set forth a reasonable basis for an award of fees under the factors set forth in
10 *Brunzell v. Golden Gate National Bank*, 85 Nev. 345 (1969) as re-affirmed by *Shuette*
11 *v. Beazer Homes Holdings Corp.*—124 P.3d 530, 549 (Nev. Sup. Ct. 2005). The Court
12 makes the following findings addressing the four relevant considerations established
13 by *Brunzell* that it must examine in arriving at an appropriate attorney fee award,
14 along with exercising its discretion in calculating that award in a fair and reasonable
15 manner. *See, Shuette, id*, citing *Brunzell* and *University of Nevada v. Tarkanian*, 879
16 P.2d 1180, 1188, 1186 (Nev. Sup. Ct. 1994).

17 The first *Brunzell* consideration is the professional qualities demonstrated by
18 plaintiffs' counsel. The majority of attorney hours detailed in plaintiffs' motion for an
19 attorney fee award and for which compensation is sought, and ultimately awarded by
20 the Court, was performed by Leon Greenberg. Such counsel has demonstrated that he
21 has over 25 years of litigation experience. Such experience includes handling other
22 class action claims seeking unpaid wages owed to employees, including class action
23 claims involving unpaid minimum wages, the issue in this case. The professional
24 experience and qualities of such counsel is also confirmed by their appellate
25 advocacy, most importantly their success in the appeal in *Thomas v. Nevada Yellow*
26 *Cab* 327 P.3d 518 (Nev. Sup. Ct. 2014), such appeal establishing the basis for the
27 minimum wage claim made in this case. The Court has also extensively personally
28

1 observed the quality of the advocacy by Leon Greenberg and the other counsel for
2 plaintiffs in this case and finds such advocacy was of a high quality. Such counsel's
3 performance has -been more than adequate. They have presented the Court with
4 appropriate written briefings and demonstrated, both in those submissions and during
5 their oral advocacy, a level of competence, understanding of the relevant legal issues,
6 and professional performance, that is at least equal to the norm of counsel appearing
7 before the Court.

8 The second *Brunzell* consideration is the character of the work performed by
9 plaintiffs' counsel, considering such factors as its intricacy, importance, and the time
10 and skill it has required. The work performed by plaintiffs' counsel required a high
11 level of intricacy and attention to detail. While class action litigation is not
12 particularly common, and is not handled by most litigation attorneys, this case also
13 posed substantial additional and difficult litigation issues besides its class action
14 nature. Plaintiffs' counsel had to formulate a means to present -damages claims in
15 different amounts for hundreds of class members. Unlike some class action cases, this
16 case did not involve a single set amount of damages, if liability was established, for
17 every single class member. Plaintiffs' counsel had to work closely with a skilled
18 computer data analyst (Charles Bass) and expert economist (Dr. Terrence Clauretie) to
19 present an appropriate formulation of the class members' damages for the rendering of
20 a judgment in this case. Plaintiffs' counsel also was confronted with addressing legal
21 issues raised by the relative newness, and not substantially litigated, minimum wage
22 amendment to the Nevada Constitution that was only enacted in 2006. Defendants
23 exerted considerable vigor, at times to an improper extent as demonstrated by the
24 Court's sanction order of March 4, 2016 imposing sanctions of \$3,238.95, in opposing
25 the plaintiffs' discovery efforts in this litigation. Defendants also opposed class
26 certification and otherwise strongly defended this litigation. The work performed by
27 plaintiffs' counsel was of great importance to the plaintiffs' success in this case. It was
28

1 also of presumptively great public importance, as the rights sought to be vindicated by
2 the plaintiffs are secured directly by Nevada's Constitution. In sum, the Court finds
3 that the character, intricacy, difficulty and importance of the work performed by
4 plaintiffs' counsel was far above that of a typical litigation matter.

5 The third *Brunzell* consideration is the work actually performed by plaintiffs'
6 counsel, and the skill, time and attention actually given to that work (this overlaps to
7 some extent with the second consideration). The Court has observed a very high level
8 of competence and skill exercised by plaintiffs' counsel in the performance of the
9 work necessary to the successful prosecution of this case. As discussed in their sworn
10 declarations submitted to the Court, such counsel has also demonstrated the number of
11 hours that they have devoted to this litigation, a very significant amount of time.
12 Such time expenditures, in excess of 1,000 hours from the commencement of this
13 litigation through judgment, combined with the skillful performance of that very
14 detailed work, supports the fee awarded.

15 The fourth *Brunzell* consideration is the result secured and the benefits derived
16 from the efforts of plaintiffs' counsel. That result was substantial, the entry of a
17 judgment in excess of \$1,000,000 on behalf of 890 persons owed unpaid minimum
18 wages. Such a benefit is also best evaluated not just in respect to its sheer monetary
19 size, but its advancement of an important public policy goal, the payment of minimum
20 wages under Nevada's Constitution, to a large group of persons. Absent the
21 considerable efforts of the plaintiffs' counsel, that benefit would not have been secured
22 to such persons.

23 In rendering the fee award made by this Order the Court also finds that the
24 hourly rates used by plaintiffs' counsel in proposing the fee to be awarded, a rate of
25 \$400 for their senior counsel Leon Greenberg and lesser amounts for their other
26 counsel, were justified, reasonable and appropriate. The Court also believes the
27 attorney's fee proposed by plaintiffs' counsel is, at least to some implicit extent,
28

1 rendered reasonable by defendants' failure to provide any form of meaningful,
2 quantified, information contesting plaintiffs' counsel's calculations and fee award
3 claims. Defendants have provided the Court with no information concerning the
4 hourly rates charged by their counsel or the attorney's fees they have incurred in
5 litigating this matter. Nor have defendants contested the appropriateness of the
6 hourly fee rates upon which plaintiffs' counsel rely or contested with any specificity
7 their overall stated time expenditures.
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12 -The Court is further satisfied that plaintiffs' counsel, as confirmed by their counsel,
13 Leon Greenberg, in open court on December 4, 2018, will not and cannot, by virtue of
14 this Court's final judgment, counsel's retainer agreements with the named plaintiffs,
15 and Rule 23, seek to obtain additional attorneys' fees from any money that has been or
16 will be collected for the class members in satisfaction of the judgment, absent a
17 further order of this Court being issued authorizing the same. Finally, the Court is
18 satisfied that plaintiffs' fee request is based upon plaintiffs' counsel's
19 contemporaneously recorded hours and the Court will not require plaintiffs' counsel to
20 disclose in the record their time notes. Accordingly, the Court finds an appropriate fee
21 award should be based under plaintiffs' second formulation, the "partial exclusion of
22 hours" formulation. Thus, the Court awards plaintiffs' counsel, pursuant to the
23 mandatory fee-shifting provision of Article 15, Section 16 of the Nevada Constitution,
24 \$568,071.00 in attorneys' fees.
25

26 **B. Costs**

27 With respect to plaintiffs' request for a costs award totaling \$46,528.07, the
28 Court also finds such an award is proper.

1 Defendants' argue that costs must be denied because Plaintiffs are seeking in
2 excess of \$29,000 for experts who were never utilized, but more so were subject to
3 being stricken as having not met the required standards for admissibility, citing to
4 Defendants Motion in Limine to Exclude Plaintiffs' Experts.

5 First, the Court will note that the Court was prepared to DENY Defendants
6 motion holding that the court is satisfied that (1) Charles Bass and Terrence Claurite
7 have the requisite knowledge, skill, experience, training, or education to express
8 expert opinions on the Plaintiff's model; (2) their testimony as to the reliability of the
9 model, and the propriety of using such a model in the instant case, would assist the
10 trier of fact in determining whether and to what extent wages are owed to the class
11 members; (3) is appropriately limited in scope to each of their areas of expertise; (4) is
12 based upon sufficiently reliable methodology; and (5) is largely based on
13 particularized facts.

14 In post summary judgment proceedings Defendants continue to allege they
15 were blindsided by the Court's appointing a Special Master and subsequent granting
16 of Plaintiff's Motion for Summary Judgment, as evident once again by their citation to
17 their Motion in Limine. The Court will take this opportunity to explain to the
18 Defendants the course and reasoning of the December and January proceedings.

19 The Court heard Plaintiff's Motion for Partial Summary Judgment on
20 December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has
21 established liability. Thereafter, Plaintiff filed "Plaintiffs' Supplement in Support of
22 Motion for Partial Summary Judgment" arguing that damages and liability are
23 inextricably related. Defendants' also filed their Motion for Summary Judgment on
24 November 27, 2017, and heard on January 2, 2018. Other motions before the Court in
25 the end of December 2017 and early January 2018 included Plaintiffs' Motion to
26 Place Evidentiary burden on Defendant, Plaintiffs' motion to bifurcate or limit issues
27 at trial, Defendants' objection to the Discovery Commissioners Report and
28

1 Recommendation, both Defendants' and Plaintiffs' motions in limine, Defendants'
2 Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to
3 16.1(3), and Plaintiffs' motions to strike affirmative defenses. It was upon review of
4 all of these motions that the Court found that liability and damages were indeed
5 inextricably related. That is precisely why the Court gave Defendants' one more
6 opportunity to present evidence which would rebut that liability, and yet they could
7 not.

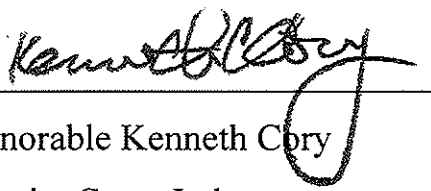
8 It was in preparation of those pretrial motions that the Court inquired into what
9 evidence would be submitted and presented at trial. In Defendants' Motion in Limine,
10 Defendants argued that Plaintiffs' experts methodology was unreliable because it
11 calculated damages derived from inaccurate information, despite Plaintiffs' experts
12 using information consisting of computer data files provided by A Cab. Defendants'
13 argued at that time that the Tripsheets were the only accurate information. That is
14 precisely why this Court appointed a special master, who expended more than \$85,000
15 to review Tripsheets which did not comply with NRS 608.115, to make a
16 determination on a precise calculation of hours. Defendants continued to use their
17 noncompliance with the record keeping statute as both a sword and a shield. That is
18 when this Court decided to apply the reasoning of the United States Supreme Court in
19 *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946), which stated that "the
20 employer cannot be heard to complain that the damages lack the exactness of
21 measurement that would be possible had he kept records..." *Id.* at 687.

22 Contrary to the Defendants' assertions that the experts were never utilized,
23 Plaintiffs' experts were necessary to this Court granting summary judgment. It was
24 defendants' lack of evidence of the precise amount of work performed to negate the
25 reasonableness of the inference to be drawn from the employees' evidence which
26 warranted the granting of summary judgment. *See Anderson v. Mt. Clemens Pottery*
27 *Co.*, 328 U.S. 680, 687 (1946) ("The burden then shifts to the employer to come
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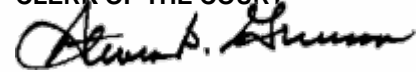
1 forward with evidence of the precise amount of work performed or with evidence to
2 negative the reasonableness of the inference to be drawn from the employee's
3 evidence. If the employer fails to produce such evidence, the court may then award
4 damages to the employee, even though the result be only approximate.”). This Court
5 gave defendants every opportunity to come forward with precise evidence, and they
6 did not. They also failed to provide the initial \$25,000 deposit as ordered by this
7 Court, so that the Special Master could provide more precision to the damages
8 calculation by recourse to the trip sheets. Defendants might have a colorable
9 argument against Plaintiff’s expert costs had the Special Master completed his work
10 regarding the Tripsheets, and had the trial proceeded on that basis. However, that is
11 not the case here. Plaintiffs’ experts were necessary and their expenses reasonable
12 given the extent of the work performed in calculating damages based upon computer
13 data information provided by ACAB. Therefore, the Court grants plaintiffs’ request in
14 its entirety and awards a total of \$46,528.07 in costs. Accordingly,
15

16 IT IS HEREBY ORDERED that Plaintiffs’ Motion for an Award of Attorneys’
17 Fees and Costs pursuant to NRCP 54 and the Nevada Constitution is GRANTED to
18 the extent specified in this Order in the total amount of \$614,599.07.
19

20 **IT IS SO ORDERED.**
21

22 
23 Honorable Kenneth Cory
24 District Court Judge
25 *KC*

22 Feb 6, 2019
23 Date



1 **ORDR**
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 2 Nevada Bar No. 363
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 Las Vegas NV 89145-8868
 4 (702) 384-9900
 (702) 384-5900 (fax)
 5 Steve@SJPlawyer.com

6 Attorney for Special Master
GEORGE C. SWARTS, CPA

DISTRICT COURT

CLARK COUNTY, NEVADA

9 **MICHAEL MURRAY, and MICHAEL RENO,**
 individually and on behalf of others similarly
 10 situated,

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

11 Plaintiffs,

ORDER

12 vs.

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

14 Defendants.
 15 _____/

- 16 1. ACCEPTING AND APPROVING THE FEBRUARY 1, 2019 REPORT OF
- 17 2. SPECIAL MASTER GEORGE C. SWARTS, CPA;
- 18 3. APPROVING THE RETENTION OF COUNSEL FOR THE SPECIAL MASTER;
- 19 4. APPROVING THE INTERIM FEES AND COSTS OF THE SPECIAL MASTER
- 20 5. AND HIS COUNSEL;
- 21 6. THE PAPERS INCLUDING THE EXHIBITS TO THE SPECIAL MASTER'S
- 22 7. REPORT OF FEBRUARY 1, 2019 TO REMAIN IN THE CONFIDENTIAL
- 23 POSSESSION OF THE COURT AND SPECIAL MASTER AND NOT
- OTHERWISE BE DISCLOSED TO THE PARTIES OR PUBLISHED;
5. THE ONGOING SERVICE AND THE REAPPOINTMENT OF THE SPECIAL
- 21 MASTER;
- 22 6. PLAINTIFFS SHALL NOT INITIATE ANY FURTHER EFFORTS AT
- 23 COLLECTION OF JUDGMENT AGAINST DEFENDANTS; and,
7. CONTINUING ALL OTHER MATTERS FOR HEARING ON WEDNESDAY,
- FEBRUARY 27, 2019 at 10:00 AM.

24 The Motions of the Parties having been previously set for hearing by the Court, and the
 25 parties appearing before the Court in open, regular session on February 6, 2019, Plaintiffs
 26 being represented by Leon Greenberg, and Dana Sniegocki, of LEON GREENBERG PC, and
 27 Christian Gabroy, of GABROY LAW OFFICES; Defendants being represented by Esther Rodriguez,

1 of RODRIGUEZ LAW OFFICES, PC, and Jay A. Shafer, of PREMIER LEGAL GROUP; the Court's Special
2 Master George C. Swarts, CPA, present with his counsel Steven J. Parsons, of LAW OFFICES OF
3 STEVEN J. PARSONS; and Resolution Economics, an earlier Special Master, Judgment Creditor,
4 represented by its counsel Peter Dubowsky, of DUBOWSKY LAW OFFICE, CHTD.

5 The Court having reviewed the Motions, the responses thereto, and the Report of the
6 Special Master, and having considered the same, and upon review of all the papers and
7 arguments made by counsel for all parties, and the Court having determined that there is good
8 cause and proper reasons, makes the following findings:

9 1. The Court receives and accepts the Report of Special Master, **GEORGE C.**
10 **SWARTS, CPA**, dated February 1, 2019;

11 2. Upon the oral Motion of Special Master that the Court approve the retention of
12 his attorney, Steven J. Parsons of LAW OFFICES OF STEVEN J. PARSONS, the Court finds that this
13 is an appropriate case in which the Special Master should have counsel;

14 3. Upon the representation by the Special Master and his counsel that the fees and
15 costs they incurred in advance of the February 6, 2019 hearing are less than the amount
16 budgeted and allowed for in compensation for the efforts of the Special Master, specifically,
17 Twenty thousand dollars (\$20,000.00), the Court finds the expenses of the Special Master
18 and his counsel are reasonable and should be allowed;

19 4. Upon inquiry of the Special Master and counsel for the parties, there is no
20 present need to disclose the papers and reports provided to the Special Master by Defendants,
21 and the parties do no object that the papers including the Exhibits to the Special Master's
22 Report of February 1, 2019 remain in the confidential possession of the Special Master and
23 not otherwise disclosed or published, until further Order of the Court;

24 5. The parties expressed an interest in ongoing service and the reappointment of
25 the Special Master, and that the parties stipulate to the matter being continued for
26 consideration of a further Order of the Court addressing the ongoing service of the Special
27 Master, to Wednesday, February 27, 2019 at 10:00 am, in this Department. Before the next

1 hearing, the Special Master and his counsel shall prepare and circulate to the parties' counsel
2 a proposed Order for the ongoing service and the reappointment of the Special Master;

3 6. The parties expressed that pending a further mediation of the parties on
4 February 11, 2019, and the resumption of consideration of these matters by the Court on
5 February 27, 2019, that Plaintiffs shall not initiate any further efforts at collection of judgment
6 against Defendants, pending further Order of the Court on February 27, 2019;

7 7. The parties stipulate to all other issues including the pending Motions of the
8 parties be continued to the further hearing on Wednesday, February 27, 2019 at 10:00 am;
9 and

10 8. All other Orders of the Court shall continue pending any modification or further
11 Orders of the Court.

12 The Court, in consideration of the forgoing findings and this being an appropriate case,
13 therefore, enters the following Orders:

14 **IT IS HEREBY ORDERED:**

15 A. That the Special Master be allowed to retain and utilize counsel in this case, and
16 that the fees and costs of the Special Master and his counsel incurred before the hearing on
17 February 6, 2019 be paid, forthwith, by Counsel for Plaintiff as previously provided for by the
18 Court's earlier Order;

19 B. That the papers and reports provided to the Special Master by Defendants,
20 including the Exhibits to the Special Master's Report of February 1, 2019 provided to the Court
21 with the Report remain in the confidential possession of the Court and the Special Master and
22 not otherwise disclosed or published, until further Order of the Court;

23 C. That the matter be continued to Wednesday, February 27, 2019 at 10:00 am,
24 in this Department, for consideration of a further Order of the Court regarding the ongoing
25 service of the Special Master, and further, that before the next hearing, the Special Master
26 and his counsel shall prepare and circulate to the parties' counsel a proposed Order for the
27 ongoing service and the reappointment of the Special Master;

1 D. Plaintiffs shall not initiate any further efforts at collection of judgment against
2 Defendants, pending further Order of the Court on February 27, 2019; and

3 E. All other issues including the pending Motions of the parties be continued to the
4 further hearing on Wednesday, February 27, 2019 at 10:00 am; and all other Orders of the
5 Court shall continue pending any modification or further Orders.

6 DATED: this 1 day of March, 2019.

7
8 
DISTRICT JUDGE

9 Respectfully submitted by:

10 LAW OFFICES OF STEVEN J. PARSONS

11 

12 STEVEN J. PARSONS

Nevada Bar No. 363

13 Attorney for Special Master
14 **GEORGE C. SWARTS, CPA**

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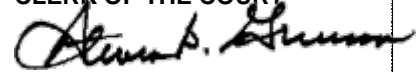
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1 ORDR

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3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

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6
7
8 MICHAEL MURRY, and
9 MICHAEL RENO, Individually and
 on behalf of others similarly
 situated

10 Plaintiffs,

11
12 A CAB TAXI SERVICE LLC, A
13 CAB, LLC, and CREIGHTON J.
 NADY and DOES I-X and ROE
 CORPORATIONS I -X, inclusive,

14 Defendants.

Case No.: A-12-669926-C

DEPARTMENT: 1

**ORDER DENYING IN PART AND
CONTINUING IN PART
PLAINTIFFS' MOTION ON OST TO
LIFT STAY, HOLD DEFENDANTS IN
CONTEMPT, STRIKE THEIR
ANSWER, GRANT PARTIAL
SUMMARY JUDGMENT, DIRECT A
PROVE UP HEARING, AND
COORDINATE CASES**

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19 Plaintiffs' Motion on Order Shortening Time to Lift Stay, Hold Defendants in
20 Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up
21 Hearing, and Coordinate Cases, having first come before the Court on May 23, 2018,
22 the Honorable Kenneth C. Cory presiding; Leon Greenberg and Christian Gabroy
23 appearing for and on behalf of Plaintiffs; and Esther C. Rodriguez appearing for and
24 on behalf of Defendants. This Court having heard arguments of counsel and being
25 fully advised in the premises, the Court incorporates by reference the Minute Order
26 filed on February 5, 2019 and ORDERS as follows:

27
28 IT IS ORDERED that Plaintiffs' above referenced Motion is DENIED in part and

1 CONTINUED in part,
2

3 IT IS ORDERED that the Motion to Lift Stay is DENIED as moot, having been lifted
4 on May 22, 2018;
5

6 IT IS FURTHER ORDERED that the Motion to Hold Defendants in Contempt is
7 CONTINUED to June 1, 2018;
8


9 IT IS FURTHER ORDERED that the Motion to Strike Defendants' Answer is
10 CONTINUED to June 1, 2018;
11

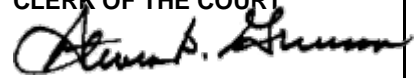
12 IT IS FURTHER ORDERED that the Motion to Grant Partial Summary Judgment is
13 CONTINUED to June 5, 2018;
14

15 IT IS FURTHER ORDERED that the Motion to Direct a Prove-Up hearing is
16 CONTINUED to June 1, 2018.
17

18 IT IS FURTHER ORDERED that the Motion to Coordinate Cases is DENIED.
19

20
21 DATED this 1 day of March, 2018.⁹
22

23
24 
25 Honorable Kenneth Cory
26 District Court Judge
27
28



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

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 MICHAEL MURRAY, and MICHAEL
10 RENO, Individually and on behalf of
others similarly situated,

11 Plaintiffs,

12 vs.

13 A CAB TAXI SERVICE LLC, and A
14 CAB, LLC,

15 Defendants.
16

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that the Court entered the attached Order on March 5,
18 2019.

19 Dated: March 5, 2019

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg
22

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

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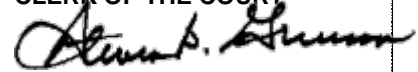
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1 ORDR

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3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
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7
8 MICHAEL MURRY, and
9 MICAHEL RENO, Individually and
 on behalf of others similarly
 situated

10 Plaintiffs,

11
12 A CAB TAXI SERVICE LLC, A
13 CAB, LLC, and CREIGHTON J.
 NADY and DOES I-X and ROE
 CORPORATIONS I –X, inclusive,

14 Defendants.

Case No.: A-12-669926-C

DEPARTMENT: 1

**ORDER DENYING IN PART AND
CONTINUING IN PART
PLAINTIFFS' MOTION ON OST TO
LIFT STAY, HOLD DEFENDANTS IN
CONTEMPT, STRIKE THEIR
ANSWER, GRANT PARTIAL
SUMMARY JUDGMENT, DIRECT A
PROVE UP HEARING, AND
COORDINATE CASES**

15
16
17
18
19 Plaintiffs' Motion on Order Shortening Time to Lift Stay, Hold Defendants in
20 Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up
21 Hearing, and Coordinate Cases, having first come before the Court on May 23, 2018,
22 the Honorable Kenneth C. Cory presiding; Leon Greenberg and Christian Gabroy
23 appearing for and on behalf of Plaintiffs; and Esther C. Rodriguez appearing for and
24 on behalf of Defendants. This Court having heard arguments of counsel and being
25 fully advised in the premises, the Court incorporates by reference the Minute Order
26 filed on February 5, 2019 and ORDERS as follows:

27
28 IT IS ORDERED that Plaintiffs' above referenced Motion is DENIED in part and

1 CONTINUED in part,
2

3 IT IS ORDERED that the Motion to Lift Stay is DENIED as moot, having been lifted
4 on May 22, 2018;
5

6 IT IS FURTHER ORDERED that the Motion to Hold Defendants in Contempt is
7 CONTINUED to June 1, 2018;
8


9 IT IS FURTHER ORDERED that the Motion to Strike Defendants' Answer is
10 CONTINUED to June 1, 2018;
11

12 IT IS FURTHER ORDERED that the Motion to Grant Partial Summary Judgment is
13 CONTINUED to June 5, 2018;
14

15 IT IS FURTHER ORDERED that the Motion to Direct a Prove-Up hearing is
16 CONTINUED to June 1, 2018.
17

18 IT IS FURTHER ORDERED that the Motion to Coordinate Cases is DENIED.
19

20
21 DATED this 1 day of March, 2018.⁹
22

23
24 
25 Honorable Kenneth Cory
26 District Court Judge
27
28

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dana@overtimelaw.com

DISTRICT COURT

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

Plaintiffs,

V.

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

Defendants.

)
)
) Case No. : A-12-669926-C
) Dept. No.: I
)
) **ORDER ON DEFENDANTS'**
) **MOTION FOR RECONSIDERATION**

) Date of Hearing: October 22, 2018
) Time of Hearing: 9:00 a.m.

Defendants' Motion for Reconsideration, Amendment, for New Trial, and For Dismissal of Claims was heard on October 22, 2018. Plaintiffs were represented by Leon Greenberg and Dana Sniegocki. Defendants were represented by Esther Rodriguez, Michael Wall, and Jay Shafer.

1 Pursuant to NRCP 52, NRCP 59, NRCP 60, NRCP 12, and NRCP 41, Defendants moved
2 the Court for reconsideration and amendment to the summary judgment order entered on August
3 22, 2018, and for a new trial, and for dismissal of claims. Defendants argued that the Court
4 lacked subject matter jurisdiction over the claims, and should reconsider its certification under
5 NRCP 23 as improper. Defendants asserted the Court must reconsider its aggregation of these
6 claims to establish subject matter jurisdiction, relying upon *Castillo v. United Fed. Credit Union*,
7 134 Nev. Adv. Op. No. 3, Feb 1, 2018, 409 P3d 54.
8

9 Defendants also requested the Court amend its judgment to acknowledge it had received
10 the details of the settlement reached, as well as the specific overlap of the claimants and their
11 respective claims in the matter of Jasminka Dubric v. A Cab, LLC et. al, Case No. A-15-721063-
12 C. Defendants also argued the Court should amend the order to acknowledge it was made aware
13 of the prior settlement of claims, and has made a determination to disapprove it.
14

15 Defendants also sought a dismissal pursuant to NRCP 41 (e), asserting that five years
16 from the filing of the complaint had expired October 8, 2017. Defendants supplied
17 documentation to the court which they believed demonstrated Plaintiffs continued to disregard
18 any stay. Thus, they asserted they should be prohibited from seeking to rely upon these stays as
19 tolling NRCP 41(e). Defendants further asserted they did not agree to waive this rule.
20

21 In the absence of a complete dismissal, Defendants also moved for a new trial on the
22 issues which remain. Defendants argued they were prepared for a jury trial but have been
23 deprived of the same and of their right to due process. They asserted Plaintiffs have failed to
24 prove the bare minimum of liability as pled in their complaint and rely upon an assertion of
25 fraudulent break times written into trip sheets. They further claimed Plaintiffs have failed to
26 prove any actual damages, and have no Plaintiff who complied with NAC 608.155. They also
27 asserted Plaintiffs are pursuing claims for a class₂ with no representative plaintiff for that class.
28

1 Defendants also argued the claims against Defendant Nady must be dismissed.
2 Defendants argued the Court never addressed Defendants' previous motion on this issue, but had
3 allowed those claims to remain in limbo.

4 Plaintiffs asserted that Defendants' requests for relief are identical to those previously
5 made and rejected by the court. Plaintiffs further argued, relying upon *Edwards v. Emperor's*
6 *Garden Rest.*, 122 Nev. 317, 326 (2006), that this Court has subject matter jurisdiction over the
7 claims as Plaintiffs have sought equitable relief.

8 Plaintiffs further asserted that the Court's granting of class certification was appropriate
9 and that the matter should not be subject to NRCP 41(e) dismissal as the various stays ordered by
10 the Court resulted in a suspension of the time subject to Rule 41(e) by a period of 377 days.
11 Plaintiffs submit the law is clear that when the Court suspends proceedings via a stay, the time
12 under which a case must normally be brought to trial under NRCP 41(e) is extended by the
13 duration of the stay.
14

15 Plaintiffs further argued that none of Defendants' arguments have merit or should
16 concern the court. NAC 608.155 does not apply. Plaintiffs state all arguments have previously
17 been given due consideration by the Court and have all previously been rejected, including
18 Defendants' assertion that plaintiffs have pleaded claims under a fraud theory for which class
19 certification is improper; the sufficiency of Plaintiffs' expert submissions and summaries; and
20 the lack of a proper class representative. No basis exists for the Court to reconsider any of its
21 prior rulings on these issues.
22

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1 Having reviewed the briefs and heard oral argument, Defendants' motion is DENIED.
2 The Court adopts the assertions of Plaintiffs for the bases for its decision.

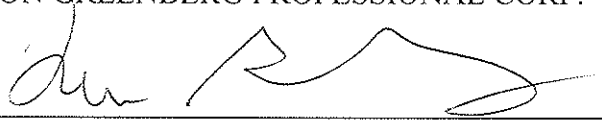
3 **IT IS SO ORDERED.**

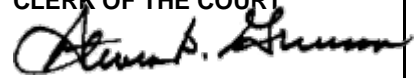
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5 Dated this 1 day of March, 2019.

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8 
9 DISTRICT COURT JUDGE

10
11
12 Submitted by:

13
14 LEON GREENBERG PROFESSIONAL CORP.

15 
16 Leon Greenberg, Esq. NSB 8094
17 LEON GREENBERG PROFESSIONAL CORP.
18 2965 S. Jones Boulevard - Ste. E-3
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21 Attorney for the Plaintiffs
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Attorneys for Plaintiffs

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 MICHAEL MURRAY, and MICHAEL
10 RENO, Individually and on behalf of
others similarly situated,

11 Plaintiffs,

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15 Defendants.
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Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

17 PLEASE TAKE NOTICE that the Court entered the attached Order on March 5,
18 2019.

19 Dated: March 5, 2019

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg
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23 Leon Greenberg, Esq.
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DISTRICT COURT

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

Plaintiffs,

V.

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

Defendants.

)
)
) Case No. : A-12-669926-C
) Dept. No.: I
)
) **ORDER ON DEFENDANTS'**
) **MOTION FOR RECONSIDERATION**

) Date of Hearing: October 22, 2018
) Time of Hearing: 9:00 a.m.

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1 Having reviewed the briefs and heard oral argument, Defendants' motion is DENIED.
2 The Court adopts the assertions of Plaintiffs for the bases for its decision.

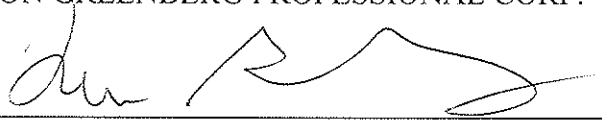
3 **IT IS SO ORDERED.**

4
5 Dated this 1 day of March, 2019.

6
7
8 
9 DISTRICT COURT JUDGE

10
11
12 Submitted by:

13
14 LEON GREENBERG PROFESSIONAL CORP.

15 
16 Leon Greenberg, Esq. NSB 8094
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18 2965 S. Jones Boulevard - Ste. E-3
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21 Attorney for the Plaintiffs
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 17, 2013

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

January 17, 2013 9:00 AM Motion to Dismiss

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney

JOURNAL ENTRIES

- Statements by the Court as to reasoning by Judge Jones and amendment to the Constitution. Ms. Rodriguez argued as to NRS 608.250. Mr. Greenberg referred to the first sentence in the Constitution and argued the term of employee. Statements by the Court. Mr. Greenberg argued the Court is bound by the Constitution. Ms. Rodriguez argued Judge Jones did take notice the amendment made no reference to NRS 608.250. Further arguments by counsel. COURT STATED FINDINGS and ORDERED, Motion DENIED. Mr. Greenberg to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 01, 2013

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

**April 01, 2013 3:00 AM Motion For
Reconsideration**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Motion for Reconsideration

COURT ORDERED, Defendant's Motion for Reconsideration is DENIED. Mr. Greenberg to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq., and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 29, 2013

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

April 29, 2013 3:00 AM Motion to Strike

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant's Motion to Strike Amended Complaint

COURT ORDERED, Defendant's Motion to Strike Amended Complaint DENIED. The Court is persuaded by the Ninth Circuit FRCP 15(a) jurisprudence that filing a motion to dismiss does not constitute filing a responsive pleading. See, e.g. Miles v. Department of Army, 881 F.2d 777, 781. Mr. Greenberg to prepare the Order. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Default Judgment or Sanctions DENIED. Ms. Rodriguez to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriquez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 17, 2014

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

July 17, 2014 9:00 AM Pretrial/Calendar Call

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT: Rodriguez, Esther Attorney
 Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Ms. Rodriguez advised the matter has been stayed pending a Supreme Court decision which came down last week. Request the stay remain in place until July 28, 2014. Ms. Lawson, JEA advised counsel will need to file 3.25 and go to discovery. Further advised the stay will remain until 7/28/14.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 14, 2014

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

October 14, 2014 9:00 AM Status Check

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Dania Batiste

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT: Rodriguez, Esther Attorney
 Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Ms. Rodriguez advised the Court that there was a Stay, pending the rendition of a decision regarding minimum wage from the Nevada Supreme Court (NSC); which has been returned. Ms. Rodriguez further advised that the parties are in currently discussing settlement discussions; and are ready for the Stay to be lifted so each side may proceed accordingly.

COURT SO ORDERED, and DIRECTED counsel to submit the necessary documents to the Discovery Commissioner, who will provide a trial-ready date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 18, 2015

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

March 18, 2015	9:00 AM	Motion to Compel	Notice of Pltfs' Motion to Compel the Production of Documents
-----------------------	----------------	-------------------------	--

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Sandra Pruchnic**REPORTER:****PARTIES**

PRESENT:	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Jay Nady present.

Commissioner inquired what documents were turned over in the Federal lawsuit. Ms. Rodriguez stated counsel came on site to review trip sheets and payroll records, and pay stubs and time records were provided for Pltfs Murray and Reno. Ms. Rodriguez is willing to work with Pltf to provide information, but counsel needs guidance with timeframes, and Deft's system is not as sophisticated as other cab companies.

Ms. Sniegowski addressed computer process for drivers (check in time, meter upload, meter checkout procedure, and validated cash drop). Statement by Mr. Nady regarding how the system is used, and Mr. Nady can provide an Affidavit of attempts to fix the clock. Mr. Nady will give the same data the DOL had.

Commissioner advised counsel the records can be produced in a hard copy format, but it doesn't

have to be a searchable format for Pltf. Upon Commissioner's inquiry, Mr. Nagy will check what it takes to write a program to pull out information. Ms. Rodriguez stated redacting documents is too voluminous, but Pltf's counsel is welcome to look at data. Argument by Ms. Sniegocki.

COMMISSIONER RECOMMENDED, motion is CONTINUED to determine 1) whether there is a computer program that can be written to pull up electronic information for wages, commissions, and payment that qualify as part of the claim; 2) Commissioner advised Ms. Sniegocki to review documents at Deft's premises. COMMISSIONER RECOMMENDED, the timeframe for writing a code is October 2008 through January 1, 2015.

Statement by Mr. Nagy re: voluminous documents provided to DOL, but all trip sheets were not returned from the DOL. COMMISSIONER RECOMMENDED, Pltf to prepare and send a Rule 34 inspection notice, and set forth exactly what will be looked at, and who will do it; inspection notice reduced to five business days. Commissioner is available by conference call if necessary. COMMISSIONER RECOMMENDED, names and addresses are OFF LIMITS for now.

4/8/15 9:30 a.m. Notice of Pltfs' Motion to Compel the Production of Documents

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 20, 2015

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

May 20, 2015

9:00 AM

Motion to Compel

Notice of Pltfs'
Motion to Compel
the Production of
Documents

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Jay Nady, Owner, present.

The Inspection that Commissioner Bulla envisioned did not happen. Commissioner stated the Attorneys must be in control of the situation and remain professional; if inappropriate conduct occurs, disregard it, and bring issue to Commissioner Bulla's attention.

Argument by Ms. Rodriguez; her expert was put in an uncomfortable situation. Colloquy re: notice of inspection; Ms. Rodriguez stated Mr. Morgan's answers were miscommunicated by Mr. Greenberg. Commissioner advised Ms. Rodriguez she should have diffused the situation and spoken with counsel re: how to move forward.

Commissioner did not order a videotaped Inspection. COMMISSIONER RECOMMENDED, no fees or costs. Commissioner typically does not allow discussions directly with the client at an Inspection;

counsel must ensure the perception is appropriate. COMMISSIONER RECOMMENDED, no videotaped Inspection and clients will not be present, but attorneys and experts will be present.

COMMISSIONER RECOMMENDED, take the 30(b)(6) deposition first if possible (outline categories specifically); then speak about an Inspection with parameters. Mr. Greenberg filed a Motion for Class Certification with Judge Cory (set 6/22/15). Colloquy re: if Mr. Nady should be present at upcoming depositions. If Commissioner receives a call re: interference with the process, Commissioner will ask the party to leave the room. Ms. Rodriguez stated there won't be any problems.

Arguments by counsel. Location of payroll documents should be a 30(b)(6) topic. Commissioner will move the continuance date upon counsel's request. Counsel did not get to QuickBooks during Inspection. COMMISSIONER RECOMMENDED, all information must be provided; motion is CONTINUED. Mr. Nagy stated QuickBooks is the payroll tool. Commissioner is available by conference call if necessary.

Send Commissioner the entire copy of transcript as discussed in Open Court. Mr. Greenberg requested briefing. If a courtesy copy is provided to Commissioner, provide a copy to Defense counsel so there is no ex-parte. Provide courtesy copy to Commissioner by July 21, 2015 at 12:00 noon.

7/22/15 9:00 a.m. Notice of Pltfs' Motion to Compel the Production of Documents

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 22, 2015

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

June 22, 2015 3:00 AM Motion to Certify Class

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's Notice of Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53 CONTINUED to this Court's oral calendar.

CONTINUED TO: 7/15/15 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 15, 2015

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

July 15, 2015 9:00 AM Motion to Certify Class

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- null

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 22, 2015

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

July 22, 2015	9:00 AM	Motion to Compel	Notice of Pltfs' Motion to Compel the Production of Documents
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Motion on Class Certification set before the Judge on August 11, 2015. Arguments by Ms. Sniegocki. Commissioner advised counsel send an Interrogatory asking who held former positions, and Commissioner will make them answer it. Colloquy. Ms. Rodriguez made offers, but discovery was over broad.

Commissioner's order should not be taken to such an extent it prohibits relevant discovery that should be completed. Commissioner stated Pltfs need cab driver pay stubs and trip sheets. COMMISSIONER RECOMMENDED, revenue from Medallion is NOT COMPELLED. Colloquy re: Pltf took a deposition of the IT person, and Pltf was supposed to take a 30(b)(6) deposition, but Pltf vacated it (August dates are expected).

Ms. Rodriguez stated everything for Michael Reno and Michael Murray (two Pltfs) was produced a long time ago; counsel always offered the trip sheets and driver pay stubs. Ms. Rodriguez stated Commissioner offered a site inspection, Pltfs were not interested in seeing driver pay stubs and trip

sheets, and part of Motion requested appointment of a Special Master to look at documents (Pltf requested at Deft's expense). Arguments by counsel.

When Ms. Sniegocki receives Mr. Morgan's transcript, she will provide it to Commissioner. Pltfs' counsel requested 60 days to complete Rule 30(b)(6) depositions (23 categories with subparts), provide the transcript, and Ms. Sniegocki requested further briefing.

COMMISSIONER RECOMMENDED, motion is CONTINUED; Status Check SET; Deft must respond to Interrogatories re: specific positions as discussed in Open Court.

9/23/15 10:00 A.M.

Notice of Pltfs' Motion to Compel the Production of Documents Status Check: Scheduling Order

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 27, 2015

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

July 27, 2015 3:00 AM Motion for Leave

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's Motion for Leave to File a Second Amended and Supplemental Complaint GRANTED. Mr. Greenberg to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 11, 2015

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

August 11, 2015 10:30 AM Motion to Certify Class

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Mr. Greenberg gave summary of previous hearing. Mr. Greenberg argued defendants have only focused on one issue which as to individuals not being appropriate named plaintiffs. Ms. Rodriguez argued the two year statute of limitations has run. The names attached to plaintiffs motion are inappropriate as they have not been produced. Statements by the Court. Ms. Rodriguez argued NRCF 23 has not been met by plaintiff. Mr. Greenberg argued it would be in the defendants best interest to certify. There was a judgment entered in Federal Court that wages were owed. Under Federal Law this creates the common issue, were they owed the extra dollar an hour if they had health insurance, and the other is Federal Law allowed a tip credit and they were allowed to continue their tips. The States standing is they could not take the tip and they have been for about 15 months. Mr. Greenberg further argued they have a common issue. Out of 400 people this is a constitutional directive and there is strict public policy. All requirements for certification have been met. Ms. Rodriguez argued there is no prima facie as to these two plaintiffs. Nothing has been proven regarding the tips. Ms. Rodriguez argued Mr. Greenberg is leaving out the fact these two plaintiffs have to give rise to judicial controversy. Ms. Rodriguez further argued the matter regarding the statute of limitations needs to be heard. Ms. Rodriguez stated the decision in Federal Court Mr. Greenberg is referring to was a settlement agreement not a judgment and it is improper for Mr.

Greenberg to refer to it as a judgment. There is no showing these two plaintiffs have been under paid. Ms. Rodriguez further argued this has been filed as a minimum wage claim and drivers were shorted by a \$1.00 an hour; this is a claim for unpaid hours and needs to go before the Labor Commissioner as there are allegations of fraud. Ms. Rodriguez argued Walmart vs. Duke and Moore vs. PaineWebber. Statements by the Court as to commonality. Mr. Greenberg referenced Walmart vs. Duke and argued the common exam will resolve the liability issue. Mr. Greenberg argued common course of conduct. Statements by the Court. Mr. Greenberg argued the defendants have had an opportunity to bring before the Court why these two individuals are not qualified representatives and what they have brought is unsubstantiated. Defendants did not raise these objections in their responses. Mr. Greenberg requested the Court certify the class conditionally and appoint all four representatives and if later it is found they need to be removed the Court can remove them. Statements by the Court regarding requirements to certify as a class action. Mr. Greenberg argued as to the statute of limitations and there is no injury if it is found some of the class are not eligible for the claims. Mr. Rodriguez argued they would like to know who they are purposing as representative; they have never named anyone except Murray and Reno. Further arguments. Court inquired as to the costs for a Special Master. Mr. Greenberg advised he did not know. Colloquy. COURT ORDERED, Supplemental Opposition due 9/11/15 and Reply due 9/18/22; Matter CONTINUED.

CONTINUED TO: 9/22/15 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 22, 2015

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

September 22, 2015 10:30 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Nady, Creighton J Defendant
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- ALL PENDING - DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF...PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53

Court STATED it is inclined to hold off until a decision from the Supreme Court. Colloquy. COURT ORDERED, Motions CONTINUED.

CONTINUED TO: 11/3/15 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 23, 2015

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

September 23, 2015 10:00 AM Motion to Compel

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- As parties failed to appear, COMMISSIONER RECOMMENDED, motion is CONTINUED.

10/14/15 9:30 A.M. Notice of Pltfs' Motion to Compel the Production of Documents

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Leon Greenberg
Esther Rodriguez

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 03, 2015

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

November 03, 2015 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Billie Jo Craig

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF MICHAEL RENO...

DEFENDANT'S MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST PLAINTIFF MICHAEL MURRAY...

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF...

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF...

PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53...

DEFENDANT'S MOTION FOR DECLARATORY ORDER REGARDING STATUTE OF LIMITATIONS

Paralegal Susan Dillow present with Attorney Rodriguez.

Court noted defendant was requesting a Continuance for Creighton Nady to be present. As he was in Russia and due to the Court's concerns, matter to proceed today.

AS TO MOTION REGARDING STATUTE OF LIMITATIONS: Extensive arguments by counsel. Court stated its findings, and ORDERED, that it is governed by a 4-year statute of limitations. Further clarification of the Court's Order.

AS TO MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order.

AS TO MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF: Extensive arguments by counsel. Court advised it wished to review the matter, and ORDERED, matter CONTINUED to the Chambers Calendar and it will issue a Minute Order.

AS TO MOTION TO DISMISS AND FOR SUMMARY JUDGMENT AGAINST RENO AND MURRAY: Extensive arguments by counsel. Ms. Rodriguez argued Discovery was closed. Ms. Rodriguez provided documentation to the Court. Court heard argument as to Summary Judgment Against Murray. Court stated its findings, and ORDERED, both Motions are DENIED WITHOUT PREJUDICE.

AS TO MOTION TO CERTIFY THIS CASE AND APPOINT A SPECIAL MASTER: Ms. Rodriguez requested this Motion be Continued as there are issues before the Discovery Commissioner next week regarding extending Discovery. If Granted, she will refile the Motions for Summary Judgment Against Reno and Murray. Court advised it wished to hear this matter today. COURT ORDERED, matter to TRAIL to the afternoon.

RECALLED. Extensive arguments by counsel. Mr. Greenberg advised he was before Judge Israel recently who Granted Certification on a similar case. Court inquired what would a Special Master do, how long it would take him to create the records requested, and whether he would become a fact finder. Mr. Greenberg advised he would create records, trip sheets start and end times and practices, and compare hours. There were over 230,000 trip sheets and a Special Master would not be a fact finder as he was doing math. Further arguments by counsel. Court stated its findings, and ORDERED, matter CONTINUED to Monday for a ruling.

CONTINUED TO: 11/9 CHAMBERS - DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF...DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF...PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 09, 2015

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

November 09, 2015 3:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- ALL PENDING

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' FIRST CLAIM FOR RELIEF:
COURT ORDERED, Motion DENIED.

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' SECOND CLAIM FOR RELIEF:
COURT ORDERED, Motion DENIED.

PLAINTIFF'S MOTION TO CERTIFY THIS CASE AS A CLASS ACTION PURSUANT TO NRCP
RULE 23 AND APPOINT A SPECIAL MASTER PURSUANT TO NRCP RULE 53

After oral argument and reviewing the authorities submitted in this matter, the Court finds that the Plaintiffs have adequately met the requirements of class certification and that the motion to certify the class should be granted. However, the Court cannot grant Plaintiffs motion to appoint a special master. The underlying reasons advanced by the Plaintiffs do not provide a sufficient basis for the Court to place the entire financial burden of the requested work on the Defendants. The Court must deny the motion to appoint a special master without prejudice at this time. Accordingly, COURT ORDERS, Plaintiffs Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53 GRANTED IN PART and DENIED IN PART.

Plaintiffs are to prepare the order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 18, 2015

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

November 18, 2015 9:00 AM

All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Alan Castle

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Pltfs' Motion to Compel the Production of Documents ... Plaintiffs' Motion to Extend Discovery Schedule ... Status Check: Scheduling Order

Colloquy regarding status of case discovery. Discovery Commissioner pointed out from review of events in this matter that counsel does have a responsibility for their client. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Extend Discovery Deadlines is GRANTED; COMMISSIONER RECOMMENDED, Phase 2 Liability and Damages discovery cutoff is 06/29/16; adding parties, amended pleadings, and initial expert disclosures DUE 04/01/16; rebuttal expert disclosures DUE 04/29/16; dispositive motions TO BE FILED BY 07/29/16; and case will be ready for trial by 09/12/16. FURTHER RECOMMENDED, 01/04/2016 Jury Trial is VACATED. Discovery Commissioner notes based on the deposition testimony, the cab manager program/documentation is not difficult to obtain; and, therefore is expected to be turned over to the Plaintiff in their electronic 'searchable' form. As far as employment records, specifically, driver payroll information from QuickBooks is to be turned over as well. Any records and times of taxi cabs or taxi drivers engaged in activities from a particular vehicle back to October 8, 2011 up to present. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Production is GRANTED within the parameters

discussed. FURTHER RECOMMENDED, all production is DUE NO LATER THAN 12/31/15 for all parties. Arguments regarding fees. COMMISSIONER FINDS based on the testimony that there is no special code or that a special program would need to be written to produce the requested information from the cab manager, COMMISSIONER RECOMMENDED, fees and costs from the Morgan deposition are GRANTED; any remaining fees are deferred until a determination can be made by the Discovery Commissioner as to whether the information already produced matches what has been ordered in the electronic formats, in addition to the Defendant's conduct at deposition, the incomplete transcript even though it went over 7 hours. COMMISSIONER RECOMMENDED, \$638.95 Court Reporter fees; attorney fees (2.8 hrs. attendance, 2.5 hrs. preparation, 1.2 hrs. travel time) @ \$400.00/hr., \$2,600.00 is GRANTED. Status check set. Mr. Greenberg to prepare the Report and Recommendations, and to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Greenberg to appear at status check hearing to report on the Report and Recommendations.

01/08/16 11:00 a.m. Status Check: Compliance - Report and Recommendations

01/13/16 9:00 a.m. Further Proceedings - Discovery Production / Deferred Ruling - Defendant's Rule 37 Sanctions

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 13, 2016

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

January 13, 2016	9:00 AM	Further Proceedings	Further Proceedings: Discovery Production / Deferred Ruling - Deft's Rule 37 Sanctions
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Deft was going to produce additional information, however, Ms. Rodriguez requested Judge Cory modify the Order to limit time. Ms. Rodriguez produced Quickbooks and the Cab Manager production, but Pltf's counsel isn't happy with production. Ms. Rodriguez addressed the prior order. Commissioner may need to speak with the Judge re: class certification on names of Drivers. Arguments by counsel.

Colloquy re: identifying the employees by number or letter. Mr. Greenberg stated the opt-out will not be concluded until April or May 2016. Commissioner advised counsel prepare a 2.35 Stipulation or submit something to Commissioner. Ms. Rodriguez stated a number of issues are pending before Judge Cory. COMMISSIONER RECOMMENDED, Commissioner advised counsel talk, try to work out issues, and provide a list of names with documents already turned over. Ms. Rodriguez stated

another case is pending.

Arguments by counsel. Commissioner suggested a Mandatory Settlement Conference. Ms. Rodriguez agreed. COMMISSIONER RECOMMENDED, Deft's Rule 37 Sanctions is GRANTED IN PART; GRANTED as to allowing Pltf to submit an Affidavit for bringing a Motion and referencing the conduct; further Rule 37 Sanctions are DENIED WITHOUT PREJUDICE; if the conduct continues, Commissioner will deal with it appropriately. Colloquy re: prior award of costs. COMMISSIONER RECOMMENDED, Mr. Greenberg will prepare a supplemental Affidavit with the Brunzel factors by 3/1/16; Further Proceedings set on Discovery Production / Fees and Costs.

Commissioner stated counsel should go back before the Judge to determine how a class certification notice will be prepared and proceed. Mr. Greenberg stated it will be addressed in the Order submitted on the Minute Order. Before returning to see Commissioner Bulla in March, COMMISSIONER RECOMMENDED, disclose the names of Drivers before 3/16/16.

Commissioner has not made a decision on deduction information from payroll as Mr. Greenberg requested Commissioner not make a decision pending further discussion between counsel. Commissioner will honor Mr. Greenberg's request.

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

2/19/16 11:00 a.m. Status Check: Compliance

3/16/16 10:00 a.m. Further Proceedings: Discovery Production / Fees and Costs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 16, 2016

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

March 16, 2016 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION TO IMPOSE SANCTIONS AGAINST DEFENDANTS FOR VIOLATING THIS COURT'S ORDER OF February 10, 2016 AND COMPELLING COMPLIANCE WITH THAT ORDER ON AN ORDER SHORTENING TIME...DEFENDANT'S OPPOSITION TO MOTION TO IMPOSE SANCTIONS ON ORDER SHORTENING TIME AND COUNTERMOTION FOR SANCTIONS AGAINST PLAINTIFFS

Statements by the Court regarding going before the Discovery Commissioner. Mr. Greenberg advised the hearing had been continued. Court STATED it is inclined to deny the Motion for Stay Pending Proceedings set for April 18, 2016. Ms. Rodriguez advised the motion for stay pertains only to the stay; request all the hearings be continued to the same day for argument. Statements by the Court. Mr. Rodriguez argued the Order submitted included a number of items that were not brought up before the Court. Court suggested continuing the 3/28/16 Motion for Reconsideration to an oral calendar. Mr. Greenberg argued the class action was filed in May and was fully briefed in July. The Court has heard over four hours of argument regarding this. Defendants are moving in this fashion to deliberately slow this down The Court has adopted the Discovery Commissioner's Report and

Recommendation and defense counsel has advised they were not going to comply with certain parts of the Order. Further arguments by counsel. COURT ORDERED, Motions DENIED. COURT FURTHER ORDERED, the 4/18/16 Motion for Stay Pending Proceedings RESCHEDULED to the 3/28/16 Chamber calendar and the Motion for Reconsideration will STAND on the Chamber calendar. COURT FURTHER ORDERED, Defendant's Motion for Stay Pending Court's Reconsideration of Prior Order set for 4/4/16 GRANTED and once the Court rules on the Motion for Reconsideration it will resolve or dissolve the Stay.

3/28/16 CHAMBERS MOTION FOR RECONSIDERATION

RESCHEDULED TO: 3/28/16 CHAMBERS DEFENDANT'S MOTION FOR STAY PENDING PROCEEDINGS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 21, 2016

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

March 21, 2016 9:26 AM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At the request of Mrs. Rodriguez, the Court is extending the time for Defendants to file a reply to the motions set in chambers on March 28, 2016. Please file any replies by Friday, March 25, 2016 at 12:00 p.m. The current date of the hearings remains unchanged.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 28, 2016

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

March 28, 2016 3:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR RECONSIDERATION ...DEFENDANTS' MOTION FOR STAY
PENDING PROCEEDINGS

COURT ORDERED, Defendants Motion for Reconsideration is GRANTED IN PART and DENIED IN PART. The Court agrees with Defendants and ORDERS that claims Nos. 3 and 4 were not certified as class claims. The COURT FURTHER ORDERS that language on p. 5: 11-13 regarding qualifying health insurance be removed. Lastly, the COURT ORDERS that language on p. 5:26 stating that defendants do not dispute be removed. COURT FURTHER ORDERS, the balance of the motion is DENIED. Plaintiff to submit a new order with the above changes.

This case is now three and a half years old. Defendants have no reason to believe that the pending matters before the Supreme Court will be resolved in the near term. Accordingly, this matter must proceed forward. The fact that this is a class action that little or no discovery has been done is alarming to say the least. There can be no more delays. COURT ORDERS, Defendants' Motion for Stay Pending Proceedings DENIED.

Mr. Greenberg to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

CLERK'S NOTE: Minute Order has been corrected to indicate the correct Motion For Reconsideration.
/mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 05, 2016

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

April 05, 2016 3:00 PM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Based upon Discovery Commissioner Bulla s Order on 11/18/15, the Jury Trial for this case will be set on a five-week stack date beginning 1/3/17 at 10 AM in District Court Department I. The Pretrial Conference/Calendar Call will be set for 12/8/16 at 9:00 AM in District Court Department I.

A new trial order WILL NOT issue.

Please abide by the following Notice pertaining to motions in limine and trial counsel:

**NOTICE TO ALL COUNSEL IN DISTRICT COURT DEPARTMENT I CASES REGARDING
SUPPLEMENTATION TO THE COURT S TRIAL ORDERS IN ALL CASES CURRENTLY PENDING
IN DEPARTMENT I.**

A word about motions in limine: The Court is singularly unimpressed with attorneys who wait until too close to motion deadlines to hold meaningful conferences pursuant to EDCR 2.47(b), prompting the filing of many form motions and/or a standard omnibus motion in limine, with little or no particularized reference to the facts of the matter going to trial. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel s opportunity to raise prior to trial those few evidentiary issues which the particular facts of the instant case are likely to raise.

Also, in those instances where the deadline for dispositive motions has preceded the limine cutoff, the motion in limine should not be a motion for summary judgment in disguise. An omnibus motion in limine is a sure tip-off to the Court that the stock motions in limine which EDCR 2.47 seeks to avoid are being filed. Accordingly, in District Court Department I, failure to evidence meaningful EDCR 2.47(b) conferences will result in all motions in limine being stricken by the court sua sponte. The Court will make the determination not only from the certificate of compliance with EDCR 2.47 but also from the substance of the motions themselves.

Additionally, the chief attorney who will be trying the case must be in attendance at the Pretrial Conference and should have access to his/her calendar availability for trial dates during the five-week stack for which the trial is scheduled. The attorney who attends the Pretrial Conference will be denominated the lead attorney at trial.

This order is effective as of October 12, 2015.

12/8/16 9:00 AM PRETRIAL CONFERENCE

1/3/17 10:00 AM JURY TRIAL

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. and Esther Rodriguez, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 08, 2016

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

**April 08, 2016 10:00 AM Further Proceedings Further Proceedings:
Discovery Production
/ Deferred Ruling**

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Colloquy re: the District Court Judge has not made all Decisions, a stay is in place on the February 10th order, and a separate Motion is set to stay all proceedings. Commissioner is not inclined to Recommend further fees and costs today as Motions are pending. Colloquy. Ms. Rodriguez explained her attempts to comply with Commissioner's Recommendation. Arguments by counsel. Print out of production provided from Mr. Greenberg to Commissioner in Open Court. Colloquy re: data disclosed. Discussion re: the Bahena Decision. Commissioner DENIED Mr. Greenberg's request for Defense counsel to correspond with him in writing. Colloquy re: providing information with a Motion pending.

Ms. Rodriguez will re-format the data from Quickbooks in a meaningful way. Colloquy re: submission in camera. COMMISSIONER RECOMMENDED, produce 1) employees (absent names until the Court rules on class certification), 2) wage earned and hours, 3) pay period, and 4) any deductions and for what (including health deductions). Commissioner advised Mr. Greenberg to

put in writing to Defense counsel a letter re: what is necessary and an explanation, and courtesy copy Commissioner; Ms. Rodriguez will identify employees by number and develop a key. No Report and Recommendation today. Commissioner expects better communication between counsel. COMMISSIONER RECOMMENDED, Status Check SET in 30 days.

5/20/16 10:00 a.m. Status Check: Status of Case

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 25, 2016

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

**April 25, 2016 3:00 AM Motion For
Reconsideration**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Defendants' Motion for Reconsideration of Two Orders Entered March 4, 2016, Pertaining to Discovery Commissioner's Reports & Recommendations DENIED. Mr. Greenberg to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 20, 2016

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

May 20, 2016 10:00 AM **Status Check: Status of
Case**

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Alan Castle

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Discovery Commissioner directed counsel to make future submissions via memorandum or supplemental brief for purposes of keeping information in the record. Counsel acknowledged. Mr. Greenberg stated parties may have reached an agreement regarding resolution of electronic production format and protocols. Colloquy regarding stay being lifted. Colloquy regarding pending class certification and exchange of information. Discovery Commissioner hopes the resolution will be worked out; and, expressed concern and advised parties if there are some additional problems, counsel will need to bring another motion. Parties addressed the prior scheduling order and requested updated deadlines. Colloquy regarding status disclosures from trial setting. Discovery Commissioner Finds parties have worked out how to properly get the information on the computers exchanged; or, at least a good faith effort has been shown; and no further action will be taken this date. Status conference set. COMMISSIONER RECOMMENDED, new discovery cutoff is 10/31/16; adding parties, amended pleadings, and initial expert disclosures DUE 08/01/16; rebuttal expert disclosures DUE 08/31/16; dispositive motions TO BE FILED BY 11/23/16; and trial date STANDS.

Mr. Greenberg to prepare the Report and Recommendations for extension of discovery deadlines,

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

06/29/16 9:00 a.m. Status Check: Compliance - Report and Recommendations

06/29/16 9:00 a.m. Status Conference: Status of Case - Exchange of Electronic Information

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 13, 2016

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

July 13, 2016	9:00 AM	Motion to Compel	Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Ms. Sniegocki requested a 30 day continuance to try and resolve the issue (Opposition was recently filed). The Opposition came through July 12th per Mr. Wall; counsel associated in for Appellate purposes, and Ms. Rodriguez is out of the country.

COMMISSIONER RECOMMENDED, Motion is CONTINUED; provide a courtesy copy of Opposition to Commissioner. Colloquy re: the Stay. Mr. Wall stated both counsel understand the Stay is no longer in place.

8/10/16 9:00 a.m. Pltfs' Motion to Compel the Production of Documents and Interrogatory

PRINT DATE: 03/07/2019

Page 39 of 148

Minutes Date: January 17, 2013

Responses

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 20, 2016

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

July 20, 2016 10:00 AM All Pending Motions

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

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney

JOURNAL ENTRIES

- Status Check: Compliance - DCRR Status Conference: Status of Case - Exchange of Electronic Information

Mr. Nady present.

Mr. Greenberg addressed production, and outstanding production was discussed. Ms. Rodriguez stated a Third Party Contractor pulls the information, older records were kept differently, and counsel requested 10 days. Colloquy re: the cost sharing provision, Stays in case, and when the Five Year Rule runs (May / June 2018 per Mr. Greenberg). Commissioner advised counsel to perform calculation.

Commissioner advised counsel to submit a Stipulation and Order to Judge Cory to extend discovery and Move the Trial date. As Ms. Rodriguez does not agree to move the Trial date, Commissioner advised Mr. Greenberg to bring a Motion. Ms. Rodriguez doesn't agree the Stay tolled the Five Year

Rule. COMMISSIONER RECOMMENDED, Motion to Compel set 8/10/16 is RESET to 8/24/16; Status Check SET; counsel may provide supplements to Commissioner by 8/22/16.

8/24/16 9:00 a.m. Status Check: Status of Case Pltfs' Motion to Compel Production of Documents and Interrogatory Responses

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 29, 2016

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

August 29, 2016 3:00 AM Motion to Continue Trial

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Plaintiff's Motion to Continue Trial Date and Extend Discovery Schedule and for Other Relief GRANTED. Mr. Greenberg to prepare the Order.

Counsel are directed to prepare a EDCR 2.35 Stipulation and Order and submit to chambers.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Michael Wall, Esq. (mwall@hutchlegal.com), and Esther Rodriguez, Esq. (esther@rodriguezlaw.com)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 07, 2016

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

September 07, 2016 9:30 AM

All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
 Sniegocki, Dana Attorney
 Wall, Michael K. Attorney

JOURNAL ENTRIES

- Pltfs' Motion to Compel the Production of Documents and Interrogatory Responses Status
Check: Status of Case

Commissioner advised counsel other discovery disputes must be by Motion (first conduct a 2.34 conference). Colloquy re: electronic data produced was incompatible. Argument by Mr. Greenberg re: Quickbooks data. Argument by Mr. Wall. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Mr. Wall has until 9/21/16 to re-run Quickbooks data, match names and wage data, and produce in a useable format. If it isn't done, bring a Motion for Rule 37 Sanctions, and Commissioner will award sanctions. Mr. Wall will check if the last four digits of Social Security numbers can be included. Status Check SET.

Five Year Rule runs 2018. If a Motion for Rule 37 Sanctions is presented the week of October 3, 2016, Discovery can hear the Motion Oct. 12, 2016. Colloquy re: production of Excel files re: Trip sheets. COMMISSIONER RECOMMENDED, produce Trip sheets (U.S. Department of Labor) as discussed

by 9/21/16, or provide a sworn Affidavit from Deft on efforts taken. Colloquy re: NRCP 16.1. COMMISSIONER RECOMMENDED, make all efforts to locate information for Request to Produce by 9/21/16, and confirm Mr. Nagy knew what he was talking about.

COMMISSIONER RECOMMENDED, Pltf will bear costs and provide a hard drive for Deft to download PDF files on Trip sheets; for other costs, have a 2.34 conference to decide how to handle. Commissioner will discuss updated Historic Manual in October. Colloquy re: health insurance coverage in 2010 and 2011. Commissioner advised counsel to speak with Ms. Rodriguez re: outstanding issues. Evidentiary rulings are decided by the District Court Judge. Commissioner advised Mr. Greenberg to send an Interrogatory on historic records.

COMMISSIONER RECOMMENDED, answers are COMPELLED to Interrogatories and Request for Production on insurance information and efforts taken by 9/21/16. Commissioner advised Mr. Greenberg he may need to Subpoena insurance information, and Mr. Wall must help figure out the issues. If additional time for production is needed, contact Commissioner by conference call. COMMISSIONER RECOMMENDED, no fees or costs.

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

10/12/16 9:00 a.m. Status Check: Production SC: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 22, 2016

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

September 22, 2016 5:00 PM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff has submitted a proposed Order to the Court, to which the Defendants have objected.

A reading of the Defendants opposition to the present Motion leaves one with the question of whether the Defense appreciates the gravity that inures to a Plaintiffs case when alleging the denial of constitutional rights under Nevada s Constitution. The Second Amended Complaint alleges a wholesale denial of constitutional rights to Defendants employees. It follows that a careful examination of the serious allegations and the evidence that underlies those allegations must be made by the Court. To the extent that Plaintiffs are unable to prove their allegations in the matter because Defendants are in sole possession of evidence Plaintiffs would utilize, then unless some privilege protects disclosure of the evidence it will not do for Defendants to simply fail to produce the evidence. In the event that Defendants protest that they do not possess such evidence, then it is the proper course for this Court to determine the truth of that position through all means necessary and reasonable.

Nonetheless, in light of Defendants continued objections to providing the evidence called for (the Court notes Defendants have now filed a Motion for a Protective Order from the Discovery Commissioner), and their protest that the burden of proof in this matter should not be shifted to Defendants, the Court will not order the burden shifted at this time. It would behoove the Court to

move cautiously in this area. Accordingly, the Court will echo Defendants' request in their Motion for a Protective Order that the Discovery Commissioner give what time she can to the monitoring of the discovery process in this area of controversy.

Only after discovery discloses whether the Defendants could provide the already ordered discovery will the Court further consider Plaintiffs' request to shift the burden of proof on this issue, and other measures.

The Order submitted by Plaintiffs should be amended accordingly.

Given the allegations of the Second Amended and Supplemental Complaint, the Order submitted by Plaintiffs as to the certification of the third and fourth claims for relief in the Second Amended Complaint against Defendant Creighton Nady are accurately framed in the Order submitted.

COURT ORDERS, Plaintiff is to resubmit in compliance with this Order.

A copy of this minute order shall be submitted to the Discovery Commissioner.

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com); Michael Wall, Esq. (mwall@hutchlegal.com), and Esther Rodriguez, Esq. (esther@rodriguezlaw.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 12, 2016

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

October 12, 2016 9:00 AM All Pending Motions

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

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Defts' Motion for Protective Order Or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on OST Status Check: Compliance Status Check: Production

Commissioner had a conference call 10/7/16 on the Report and Recommendations. Ms. Rodriguez will review and sign it after court for submission to Discovery. Colloquy re: Judge Cory's 9/22/16 hearing. Argument by Ms. Rodriguez re: production. Arguments by counsel. COMMISSIONER RECOMMENDED, how to conduct the 30(b)(6) deposition is DEFERRED to Pltf's counsel; however, post-judgment debtor discovery is not appropriate at this time without a judgment.

COMMISSIONER RECOMMENDED, questions allowed on distribution of funds to family members including total amount of distributions; further discussion re: appropriate questions; Motion is

GRANTED IN PART and DENIED IN PART; written discovery served is PROTECTED; alternative relief is provided, and Mr. Nady will provide supporting documentation and identification of distribution, salary, payment for 2007 through 2015; A Cab Taxi Service will provide profit and loss statements for 2007 through 2015; remaining requested information is PROTECTED at this time, but may be revisited if punitive damages are part of the Trial; parties may also agree to provide information requested by Stipulation, Interrogatory, or Request to Produce instead of deposition categories. No duplicative questions.

COMMISSIONER RECOMMENDED, with the CAVEAT to notice other 30(b)(6) witnesses for deposition if they would provide information. Counsel must be on the same Page on Topics and logistical issues must be addressed. Mr. Greenberg is given an additional 40 Interrogatories. MATTER TRAILED AND RECALLED. COMMISSIONER RECOMMENDED, 30(b)(6) deposition is one day, seven hours; Depose Mr. Nady individually for half a day. Topic areas discussed. Arguments by counsel.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 2/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 12/23/16; rebuttal expert disclosures DUE 1/23/17; FILE dispositive motions by 3/23/17; Trial ready 7/10/17. Status Check SET.

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

11/18/16 9:00 a.m. Status Check: Status of Case SC: Compliance

CLERK'S NOTE: Minutes amended to reflect Trial ready 7/10/17. (JL 1-9-17)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 18, 2016

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

November 18, 2016 9:00 AM Status Check: Compliance

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

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- New case law came down. Colloquy. Arguments by counsel. Commissioner suggested answering issues in Interrogatories; discussion why counsel didn't address discovery and the Trial date, and why Ms. Rodriguez filed an Objection. COMMISSIONER RECOMMENDED, 1/3/17 Trial date VACATED; discovery cutoff EXTENDED to 4/28/17; adding parties, amended pleadings, and initial expert disclosures DUE 1/27/17; rebuttal expert disclosures DUE 2/28/17; FILE dispositive motions by 5/31/17; Trial ready 7/10/17.

Mr. Greenberg requested briefing issues. Commissioner advised counsel to bring a Motion to Compel to brief issues. Commissioner advised Ms. Rodriguez to provide costs of insurance for the timeframe at issue. COMMISSIONER RECOMMENDED, Ms. Rodriguez will provide 1) costs to employees of plans for all five years at issue (all levels); 2) what criteria is to access plans; 3) what was the waiting period. Ms. Rodriguez provided the list of employees. Colloquy. Both sides can supplement.

Mr. Greenberg discussed difficulties at depositions, and requested depositions taken at the RJC with Commissioner present. Deposition set 11/22/16 will be videotaped. Commissioner will be in court, however, call if problems continue with Deft. If deposition is discontinued pursuant to Rule 30(d), and Commissioner hears the Motion for Protective Order, the losing party will pay fees and costs. Ms. Rodriguez requested confidentiality on tax records. COMMISSIONER RECOMMENDED, records will REMAIN CONFIDENTIAL within the confines of litigation until otherwise ordered by the District Court Judge.

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

12/9/16 9:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 21, 2016

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

November 21, 2016 3:00 AM Motion

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief CONTINUED to this Court's oral calendar.

CONTINUED TO: 1/3/17 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 09, 2016

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

December 09, 2016 9:00 AM All Pending Motions

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

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- Motion to Compel Interrogatory Responses Status Check: Compliance - Report and Recommendation

Counsel do not agree to a Mandatory Settlement Conference. Commissioner cannot suspend Rule 41(e) as it is by agreement of counsel. Colloquy re: two Report and Recommendations from the November 18, 2016 Hearing. Commissioner will sign the Report and Recommendation after court today. Status Check is OFF CALENDAR.

Commissioner clarified prior Recommendations from the November 18, 2016 Hearing. Commissioner will not revisit the issues. Commissioner envisioned costs of health insurance for five years at issue for all employees at all levels, for individual plan, family plan, paid for by employees. COMMISSIONER RECOMMENDED, Motion to Compel Interrogatory Responses is GRANTED; supplement Interrogatories 8, 9, 10, 15, and 19.

Ms. Rodriguez stated Mr. Nagy's deposition was set 12/1/16. COMMISSIONER RECOMMENDED, counsel have until 4/28/17 to complete discovery. Colloquy re: expert disclosure in January; Ms. Rodriguez has a two week Trial. Commissioner relied on counsel to prepare the case for Trial; if counsel are not satisfied with Recommendation, file a Motion to Reconsider before the Judge. Ms. Rodriguez requested more time to review Mr. Greenberg's supplement received yesterday. Arguments by counsel. Colloquy re: request for spousal coverage. Bring a separate Motion. Counsel will follow up on the PDF issue. Commissioner advised counsel to have a 2.34 conference, and file a Motion on Dept. of Labor authorizations (include J roll). No further Status Checks; file a separate Motion.

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

1/13/17 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 21, 2016

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

December 21, 2016 8:45 AM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Order of Referral to the Discovery Commissioner

In this matter the Discovery Commissioner has entered a Report and Recommendation to which the Plaintiffs object. In this complex class action matter, the issue of compliance with the Discovery Commissioner s previous Order on the pertinent discovery to be produced by the Defendant is itself complicated. The Court is taking the unusual step of referring this matter back to the same Discovery Commissioner who authored the Report and Recommendation to which the Plaintiffs object. Before the Court rules, the Court wishes the Discovery Commissioner to have the benefit of the precise objections raised by the Plaintiffs. The Discovery Commissioner may simply refer the matter back to the Court if in the Discovery Commissioner s consideration the objection is meritless, or may modify the prior Report and Recommendation and determine it warranted. The Court takes this step having considerable confidence in the Discovery Commissioner s abilities on such matters.

CLERK S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 03, 2017

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

January 03, 2017 9:00 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Alan Castle

RECORDER: Jennifer Gerold

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations ... Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing ... Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint ... Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and Attorneys' Fees ... Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief

No parties being present, COURT ORDERED, ALL PENDING MOTIONS CONTINUED for Motion to Compel to be heard before the Discovery Commissioner on 1/25/17.

02/07/17 9:00 a.m. Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(C) with Respect to All Claims for Damages Outside the Two-year Statue of Limitations /// Plaintiff's Opposition to Defendants' Motion for Judgment on the Pleadings and Counter Motion for Toll of Statute of Limitations and for an Evidentiary Hearing /// Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint /// Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint And Counter-Motion for Sanctions and

Attorneys' Fees /// Plaintiff's Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /apc

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 24, 2017

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

January 24, 2017 11:00 AM Motion

HEARD BY: Loehrer, Sally **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Denise Trujillo

RECORDER: Jennifer Gerold

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- PLTF'S MOTION TO HAVE CASE REASSIGNED TO DEPT. 1 PER EDCR RULE 1.60 AND DESIGNATED AS COMPLEX LITIGATION PER NRCP RULE 16.1(f)

COURT noted she read motion and opposition and noted she doesn't see this as forum shopping, but more as judicial economy. Statements by counsel. COURT ORDERED, Motion GRANTED insofar as case is REASSIGNED BACK to Dept. 1, but DENIED as to Designation as Complex, as that should be decided by Judge Cory. Pending motions set in Dept. 18 are to be RESET by Dept. 1, but motions in front of discovery commissioner STAND. COURT admonished Mr. Greenberg the five year rule runs in October 2017, and he better get a trial date. Mr. Greenberg to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 25, 2017

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

January 25, 2017	9:00 AM	Motion to Compel	Pltfs' Motion to Compel the Production of Documents
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Commissioner read the MDC Restaurant case again, and discovery in the case is being made too complicated; coverage gaps discussed. Arguments by counsel. Ms. Rodriguez will double check the rates for the timeframe. COMMISSIONER SO RECOMMENDED, verify and update schematic. Colloquy re: how to verify whether employees had spouses or families and were offered coverage, but to ensure coverage did not exceed ten percent of their taxable gross income; single, married, had children. COMMISSIONER RECOMMENDED, Deft is REQUIRED to produce W-4s for Deft's employees during the timeframe at issue in this case; information will be maintained as CONFIDENTIAL to be utilized at Trial for this litigation only (share with experts), and CONFIDENTIALITY will be MAINTAINED until such time as ordered by the District Court Judge.

COMMISSIONER RECOMMENDED, Ms. Rodriguez is instructed to look with the payroll person if

there is a way to identify employees marital status with/without dependents as told by employees to the Company, and can Deft print it out without too much difficulty (only information provided to Deft for the class for timeframe at issue). Colloquy. COMMISSIONER RECOMMENDED, go to the present time. Ms. Rodriguez requested only the timeframe. COMMISSIONER RECOMMENDED, only turn over through December 31, 2015, but have other information ready to go as needed, and include W-4s for all employees; if class certification period is extended, Mr. Greenberg requested information to the present. COMMISSIONER RECOMMENDED, if extended, request will be Granted. Colloquy re: J-roll. J-roll is Quickbooks per Ms. Rodriguez. COMMISSIONER RECOMMENDED, Ms. Rodriguez must produce J-roll or at least point Pltf in the right direction; confirm whether or not they had Quickbooks prior to 2013 (or stored in another format); Deft will provide Trip sheets as discussed.

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

2/24/17 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 08, 2017

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

February 08, 2017 9:00 AM Motion to Compel Pltf's Motion to
Compel Compliance
with Subpoena

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- No one from the Law Firm present, but Mr. Greenberg and Ms. Rodriguez didn't request an appearance. However, Ms. Rodriguez can obtain an Affidavit from the Attorney. Colloquy re: Pltf's request for Excel files given to Dept. of Labor (four pay period compilation, two months, random selection). Upon Commissioner's inquiry, Ms. Rodriguez stated three documents were not disclosed to the DOL, but Deft is claiming privilege. Arguments by counsel. No courtesy copy provided from Pltf to Commissioner. Provided in Open Court. Document provided from Ms. Rodriguez to Commissioner in Open Court. Commissioner stated the personal attacks between counsel need to stop, and counsel must communicate more effectively. Colloquy.

COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Ms. Rodriguez must turn over data in document including driver names and shift information; redact opinions within document; upon Ms. Rodriguez's request, Commissioner provided 2.34(e) relief, and produce hard copies within five days after Court signs recommendation. Commissioner asked Ms. Rodriguez to

double check if information was kept in Excel format, and if available in Excel, produce it and Mr. Greenberg will pay costs; Ms. Rodriguez to telephone Mr. Greenberg if the information exists, and produce in the format as discussed between counsel.

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

3/17/17 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 14, 2017

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

February 14, 2017 9:00 AM Motion

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
 Wall, Michael K. Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions GRANTED and issued the following Order.

IT IS ORDERED that the defendants are, upon entry of this Order, prohibited and enjoined from entering into any settlement on a class action basis through the use of NRCP Rule 23 with any of their current or former taxi driver employees for claims under Article 15, Section 16, of the Nevada Constitution, the Nevada Minimum Wage Amendment, whether styled as a claim for breach of contract, conversion, or under any other theory of recovery. The foregoing settlement prohibition can only be amended or removed by a further order issued in this case. The foregoing settlement prohibition bars the defendants from seeking approval for a settlement under NRCP Rule 23 of any such persons' claims on a class action basis in any other proceeding now pending before or in the future filed in the Courts of the State of Nevada, including, but not limited to, their joint motion filed on January 24, 2017 requesting preliminary class settlement approval and class certification in the case of Dubric v. A Cab LLC at A-15-721063-C currently pending in Department 25 of this Court. Defendants are commanded to within one judicial day of the service of this Order with Notice of

Entry to file with this Court in the Dubric case a request for withdrawal of that joint motion and make all available efforts to have that motion withdrawn and proceed no further with the same. This Order does not limit the defendants ability to settle the claims of the named plaintiff Jasminka Dubric, only, in Dubric v. A Cab LLC et at A- 15-721063-C.

The foregoing is without prejudice to the grant of further relief by the Court on the motion and the Court intends to issue a subsequent Order addressing the same.

Order issued February 16, 2016.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 17, 2017

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

February 17, 2017 12:20 AM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Please be advised due to the Court's schedule, COURT ORDERS, Motion for Partial Summary Judgment RESCHEDULED from Tuesday, 3/7/17 to Tuesday, 2/28/17 at 9:00 am.

RESCHEDULED TO: 2/28/17 9:00 AM

CLERK S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 27, 2017

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

February 27, 2017 3:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES

COURT ORDERS, Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Mr. Greenberg to prepare the Order.

COURT ORDERS, Plaintiff's Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-party Complaint And Counter-motion for Sanctions and Attorneys' Fees DENIED WITHOUT PREJUDICE to being re-raised, as this case is currently stayed. Ms. Rodriguez to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

CLERK'S NOTE: Court VACATES its previous ruling as Denied Without Prejudice as to both

Motions. COURT ORDERS, the Motions CONTINUED to 5/18/17 @ 9:00 AM.

CONTINUED TO: 5/18/17 9:00 AM DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 28, 2017

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

February 28, 2017 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- STATUS CHECK: TRIAL SETTING... PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT...DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12(C) WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO-YEAR STATUE OF LIMITATIONS... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR AN EVIDENTIARY HEARING... DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT.... PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES

Court requested counsel calculate the five (5) year rule. Colloquy regarding setting trial February 5, 2018. Ms. Rodriguez advised the parties have been negotiating going to mediation and staying the proceedings pending the outcome of mediation. If the matter does not resolve the Court would be notified to lift the stay. Mr. Greenberg agreed with Ms. Rodriguez's statements. Mr. Greenberg

advised he would like the Motion for Partial Summary Judgment argued today, but would leave it to the Court's discretion. Statements by the Court as to the Order for Injunction. Mr. Greenberg requested the hearing be continued into the future so they would not have to re-notice it if the matter does not settle. COURT ORDERED, ALL MOTIONS CONTINUED. COURT FURTHER ORDERED, Trial date SET.

Mr. Greenberg to prepare the Order.

CONTINUED TO: 5/18/17 9:00 AM

1/18/18 9:00 AM PRETRIAL CONFERENCE

2/5/18 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing**COURT MINUTES****March 06, 2017**

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

March 06, 2017 12:00 AM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Jury Trial for this case has been continued to a Stack date of 02/05/18 at 1:30 p.m.

The continuance was by stipulation between counsel pursuant to Rule 2.35 EJDRC. The stipulation should contain the dates for the close of discovery pursuant to Rule 2.35. The date for the deadline for filing dispositive motions shall remain no more than 30 days following the discovery cutoff, pursuant to NRCP 16.1 (c) (8). Counsel should not presume that by informally stipulating to continue some discovery past the discovery cutoff date that the above deadline for dispositive motions is somehow affected. The deadline to file motions in limine, in accordance with Rule 2.47 EJDRC remains no less than 45 days prior to the stacked trial date, and heard not less than 14 days prior to the same stacked trial date.

The Pretrial Conference/Calendar Call will be held on 01/18/18 at 9:00 a.m. in District Court Dept. 1. The lead trial attorney trying the case shall attend and should come prepared with his/her calendar for the entire 5-week stack, as well as the 5-week calendar for all witnesses to be called in the trial. Your case may be tried anywhere within the 5-week stack, regardless of age of the case. The Court notes that it becomes increasingly difficult to accommodate the schedules of out-of-state witnesses, particularly expert witnesses. It is up to counsel to anticipate scheduling difficulties with witnesses and to notify the Court and opposing counsel well in advance of the Pretrial Conference/Calendar

Call date. It will not do to simply appear at Calendar Call expecting to notify the Court at that late date of the need to reschedule the trial. If you do so, you may expect to be treated with the same consideration which you have shown for both the Court and opposing counsel. A ready alternative to live, in-court testimony is available through the use of either deposition testimony or live video testimony, through the use of now-available technology installed by the Eighth Judicial District Court. The Court has presided over a number of trials where expert testimony was admitted utilizing a live video feed technique and has noted little or no diminution in the effectiveness of live video testimony compared to live in-court testimony.

Rule 2.47 EJDRC The Court is singularly unimpressed with attorneys who wait too close to motion deadlines to hold meaningful conferences pursuant to EJDRC 2.47(b), prompting the filing of many form motions in limine, or worse yet, a form omnibus motion in limine, with little or no particularized reference to the facts of the present case. Often the motions merely ask that settled law be enforced at trial. A motion in limine is moving counsel's opportunity to raise prior to trial those few evidentiary issues which are novel or as to which the law is thus far silent. Rather than ask that settled law be enforced in a motion in limine, counsel are invited to file a trial brief outlining an issue in which, in counsel's estimation, the Court may not be as well versed as counsel would wish. An omnibus motion in limine is a sure tip-off that the very stock motions which EJDRC 2.47 seeks to avoid are being filed and accordingly should not be filed. The failure to evidence that meaningful Rule 2.47 conferences are being held will likely result in all motions in limine being stricken by the Court sua sponte. The Court will make the determination not only from the certificate evincing compliance with the Rule but also from the substance of the motions themselves. Also, given that the deadline for filing dispositive motions will have already passed, a motion in limine should not be a motion for summary judgment in disguise.

This Order shall supplement the original trial order, which counsel are invited to re-read.

2/5/18 1:30 PM JURY TRIAL

1/18/18 9:00 AM PRETRIAL CONFERENCE

CLERK'S NOTE: The above minute order has been distributed to: Leon Greenberg, Esq. Esther Rodriguez, Esq., and Michael Wall, Esq. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 18, 2017

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

May 18, 2017 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker
Cassidy Wagner

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT... DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUE OF LIMITATIONS... PLTFS' OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING... PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF... DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY COMPLAINT... PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION FOR SANCTIONS AND ATTORNEYS' FEES

Mr. Greenberg advised the five (5) year rule should run in late 2018. Colloquy.

DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY COMPLAINT... PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION FOR SANCTIONS AND ATTORNEYS' FEES

Mr. Greenberg argued against Defendants' motion as to third party as it would be directed at him with the allegations he interfered with a contract. Mr. Rodriguez argued there have been other defendants who have brought claims against Mr. Greenberg and his firm. These are legitimate causes of action as Mr. Greenberg has interfered. COURT ORDERED, Matter CONTINUED FOR CHAMBERS DECISION.

PLAINTIFF'S RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Mr. Greenberg gave summary of low tier and high tier and advised the calculations have been made as to \$8.25 versus \$7.25. Further advised as to when the \$7.25 was applied, payroll records provided, and the computations. Mr. Rodriguez argued as to the errata and reply and not receiving a timely expert report or expert. Mr. Greenberg argued there has been a designation of expert. Mr Rodriguez argued plaintiff has reserved an expert, but not designated. Ms. Rodriguez further argued as to the computations their CPA came up with. COURT ORDERED, Matter CONTINUED matter for Mr. Greenberg to provide the Court and counsel a copy of the raw data/spreadsheets.

PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF

Mr. Greenberg argued as to alter ego and unjust enrichment. Ms. Rodriguez stated no objection if bifurcated for trial, but believe this is just to open discovery. Ms. Rodriguez advised they would be moving at the end of discovery for summary judgment. COURT ORDERED, further briefing; supplemental opposition due 5/24/17, supplemental reply due 5/31/17 and Matter CONTINUED FOR CHAMBERS DECISION.

DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO NRCP 12 WITH RESPECT TO ALL CLAIMS FOR DAMAGES OUTSIDE THE TWO YEAR STATUE OF LIMITATIONS... PLTFS' OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND COUNTER MOTION FOR TOLL OF STATUTE OF LIMITATIONS AND FOR EVIDENTIARY HEARING

Ms. Rodriguez argued as to Perry vs. Terrible Herbst and NRCP 12(c). Statements by the Court. Mr. Greenberg argued as to duty when the wages changed as of 7/1/2007. The issue is what the employer was required to do. Ms. Rodriguez advised they have attached photos of the notice which was posted. Ms. Rodriguez advised Mr Nady testified each driver was noticed of the change in the minimum wage. Court inquired if a Copeland hearing was needed. Mr. Rodriguez stated not unless the Court is inclined to hear from the State Labor Commissioner. Mr. Greenberg argued it is not

necessary to hear how the Labor Commissioner interprets the requirements, it is for the Court to decide. Mr. Greenberg further argued a written change should be placed in the hands of each employee. It is the obligation of the employer to notice each employee. Ms. Rodriguez argued it just has to be posted. Further arguments. COURT ORDERED, Defendants' Motion GRANTED IN PART and Plaintiffs' Countermotion GRANTED as to Toll.

CONTINUED TO: 5/25/17 1:30 PM PLAINTIFFS' RE-NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

CONTINUED TO: 6/5/17 CHAMBERS (PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF and DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD PARTY COMPLAINT... PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD PARTY COMPLAINT AND COUNTER MOTION FOR SANCTIONS AND ATTORNEYS' FEES)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 25, 2017

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

**May 25, 2017 1:30 PM Motion for Partial
Summary Judgment**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- Following supplemental briefing and statements by counsel; COURT ORDERED, Plaintiff's Re-Notice of Motion for Partial Summary Judgment DENIED. Ms. Rodriguez to prepare the Order. COURT FURTHER ORDERED, All Discovery is OPEN until June 30, 2017.

Court ADMONISHED Counsel as to their conduct to in each other.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 05, 2017

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

June 05, 2017 3:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT A THIRD-PARTY COMPLAINT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER TO ASSERT THIRD-PARTY COMPLAINT AND COUNTER-MOTION FOR SANCTIONS AND ATTORNEYS' FEES PLAINTIFFS' RE-NOTICE OF MOTION TO BIFURCATE ISSUE OF LIABILITY OF DEFENDANT CREIGHTON J. NADY FROM LIABILITY OF CORPORATE DEFENDANTS OR ALTERNATIVE RELIEF

COURT ORDERS, Plaintiffs' Re-Notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief GRANT for reasons urged by Plaintiff. Plaintiff to prepare the Order.

COURT ORDERS, Defendant s Motion for Leave to Amend is DENIED WITHOUT PREJUDICE. If the Court were to grant the Motion, it would simply have to severe determination of that cause of action from the Complaint in this case. Plaintiff to prepare the Order.

COURT ORDERS, Plaintiff s Countermotion DENIED WITHOUT PREJUDICE. Additionally, COURT ORDERS, Plaintiff s anti-SLAPP Motion is DENIED as presently MOOT in light of the Court s denial of the Motion for Leave to Amend. Defendant to prepare the Order

Counsel are reminded of the Court's stern admonition at the 05/18/17 hearing to quit fighting amongst themselves and litigate their clients' cases first.

CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 13, 2017

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

June 13, 2017

9:00 AM

Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Statements by the Court regarding the five year rule running in July 2018 and inquired if the motion were granted would it not continue the trial, which is set for 2/5/18. Ms. Sniegocki stated it would only extend the class certification person. The only thing needed is how many hours worked, paid, and would just be a supplement of new people added. Ms. Rodriguez argued it is not that simple. Defendant has had to hire a third party to create a program to generate these reports. Ms. Rodriguez argued discovery is almost closed and in granting this motion they would have to extend discovery for new expert reports. Ms. Sniegocki stated there is an Order from the Discovery Commissioner the defendants were to get the data collected and then wait on this Court's ruling. Further arguments by counsel. COURT ORDERED, RULING DEFERRED on Plaintiff's Motion on OST to Extend damages Class Certification and for Other Relief. Court advised it would refer the matter to the Discover Commissioner for her recommendations.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 13, 2017

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

June 13, 2017

2:28 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- When considering Plaintiff's Motion on OST to Extend Damages Class Certification and for Other Relief the Court concludes it could benefit from the reference to the Discovery Commissioner of a question, given the Discovery Commissioner's thorough and complete familiarity with the on going discovery disputes in this matter. The Court, therefore, refers the matter to the Discovery Commissioner for her recommendation, including whether or not the granting of the Plaintiff's motion would eventuate in the future continuance of the trial in this matter, set for February 5, 2018. Because of time constraints, the Court requests the Discovery Commissioner to give her recommendation by Tuesday, June 27, 2017, if possible. The parties will thereafter have five (5) days to file with this Court an objection to the Discovery Commissioner's recommendations. The matter will then be placed on the Court's chamber calendar on July 10, 2017.

7/10/17 CHAMBERS DECISION: PLAINTIFF'S MOTION ON OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 10, 2017

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

July 10, 2017

3:00 AM

Decision

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR OST TO EXTEND DAMAGES CLASS CERTIFICATION AND FOR OTHER RELIEF

Court referred the matter to the Discovery Commissioner, in which she recommended the matter be denied. Therefore, COURT ORDERS, MATTER OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 08, 2017

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

August 08, 2017 10:00 AM Discovery Conference

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- Court Directed counsel to return to Discovery. Trial date is 2-5-18. Mr. Greenberg stated the Five Year Rule expires 2018. Ms. Rodriguez disagrees, and it expires October 2017. Discovery closed in June. Judge Cory extended discovery deadlines for experts; initial expert disclosure 9-30-17, and rebuttal expert disclosure 10-30-17. Arguments by counsel. Commissioner advised counsel the 2-5-18 Trial date STANDS unless something is done with the Five Year Rule. Commissioner needs a written Stipulation. Colloquy re: current claimants from January 2016 through the present time.

Based on how the Judge rules, if Pltfs prevail, Pltfs will be allowed to collect full wages up to and including the present time if they've been employed during the proper timeframes. Colloquy re: carving out another exception post-Judgment that will not deal people who have a remedy in other cases. No further discovery in this case except for what was discussed post-Judgment.

Ms. Rodriguez to prepare the Report and Recommendations, and Mr. Greenberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing.

Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 14, 2017

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

August 14, 2017 3:00 AM Motion for Sanctions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Inasmuch as the sanctions sought have to do with a Discovery Order this matter is referred to the Discovery Commissioner for her recommendation of the present Motion seeking sanctions for violations of that Order.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 05, 2017

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

September 05, 2017 3:00 AM Motion

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiffs Motion for Partial Rehearing of Court's Order Entered on July 17, 2017

The Motion will be treated as a Motion to Modify or Clarify the Court's Order entered on July 17, 2017, and to that extent, the Motion is GRANTED to include the following to be inserted in paragraph 5, and after the first sentence:

This conclusion is without prejudice to Plaintiffs, through the use of experts or otherwise, to demonstrate to the court the lack of a genuine issue of fact regarding the calculation of damages.

CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 04, 2017

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

October 04, 2017 9:30 AM Discovery Conference Discovery
Conference - referred
by Judge

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Counsel dispute whether records were produced. Commissioner Recommended production 2-8-17, and Ms. Rodriguez produced documents 6-13-16. Arguments by counsel. Ms. Rodriguez provided a Declaration from the expert, his Report, and Plaintiff's Tenth supplemental disclosure to Commissioner in Open Court. Colloquy re: production. COMMISSIONER RECOMMENDED, matter is UNDER ADVISEMENT and CONTINUED; Commissioner will issue a Decision. Ms. Sniegocki will submit supplemental Reports to Commissioner (copy Defense counsel).

11-8-17 9:00 a.m. Discovery Conference - referred by Judge (VACATED 10-19-17 JL)

CLERK'S NOTE: The Discovery Commissioner having conducted a Conference Call with counsel (noted above) on 10-13-17, Recommends that by 11-13-17 Defendant will submit a sworn statement (Affidavit or Declaration) that Defendant did not maintain records of "total hours worked per pay

period" per employee prior to January 1, 2013, in contravention of NRS 608.115. The imposition of potential sanctions regarding this conduct is Deferred to the District Court Judge. Plaintiffs' counsel to prepare the Report and Recommendation, Defense counsel to approve as to form and content. The Report and Recommendations must be submitted to Discovery within 10 days of receiving this Clerk's note.

The Hearing set for 11-8-17 at 9:00 a.m. is hereby vacated.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Michael Wall - Hutchinson & Steffen
Dana Sniegocki - Greenberg Leon
Esther Rodriguez

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 16, 2017

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

**November 16, 2017 3:00 AM Motion for Appointment of
Attorney**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff s Motion for Appointment of Co-Class Counsel GRANTED. Mr. Greenberg to prepare the Order.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 28, 2017

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

November 28, 2017 9:00 AM Motion to Continue

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- Colloquy regarding rescheduling Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(b) Invalid set for December 5, 2017. COURT ORDERED, Motion RESCHEDULED TO 12/14/17.

RESCHEDULED TO: 12/14/17 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 07, 2017

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

December 07, 2017 3:00 AM Motion to Bifurcate

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERS, Plaintiff s Motion for Bifurcation and/or to Limit Issues for Trial is DENIED, except to the extent that Plaintiff seeks to admit evidence of damages by representative sampling, pattern or practice evidence, or other approximation.

NRS 608.115 requires, in relevant part, that employers keep records of its employees wages and hours worked for each pay period. Nev. Rev. Stat. Ann. 608.115 (West). Plaintiff argues that because Defendant failed to keep these records, and because employees do not have the records nor a duty to keep the records, Plaintiff should be allowed to present evidence of the employees average hours worked per shift. Defendant argues that it kept records of the actual hours its employees worked in the form of handwritten tripsheets, and that evidence of an approximation is inadmissible in lieu of the precise data.

Defendant s tripsheets document the hours each of its employees worked during any given shift. Because the tripsheets are handwritten physical documents, compiling data from the records requires litigants to undertake the task of locating and compiling each employee s several tripsheets for each of the thousands of pay periods in question. Apparently, NRS 608.115 does not specify a particular medium in which employers must keep the records; however, an employer cannot avoid liability under Nevada s Minimum Wage Act by keeping records in a form that makes it virtually impossible

for litigants to challenge the sufficiency of compensation paid. And at any rate, NRS 608.115 requires that employers keep a record of its employees' hours per pay period; Defendant's tripsheets do not do so. In this case, an approximation would provide a reasonably expeditious means of calculating and allocating damages, whereas an individual calculation for each class member would impose impossible burdens on the litigants. See *Bell v. Farmers Ins. Exch.*, 115 Cal. App. 4th 715, 753 (2004).

Defendant understandably argues the disadvantages of such approximation evidence, and we acknowledge that such an approach necessarily yields an average figure that will overestimate or underestimate the right to relief of individual employees. See *id.* We have weighed the disadvantages of such evidence against the opportunity to vindicate an important constitutional mandate in a manner that does not impose an undue burden on the court or the litigants. See *id.* Like under-compensation cases that employees have brought under the Fair Labor Standards Act, calculation of damages on an individualized basis in this case would be impracticable and would undermine the purpose and utility of class actions. See *Smith v. Lowe's Home Centers, Inc.*, 236 F.R.D. 354, 357 (S.D. Ohio 2006).

For the foregoing reasons, and for other reasons argued by the Plaintiff, the Court ORDERS the following: Plaintiff may present at trial evidence of approximate damages so long as he makes an ultimate approximation (not merely advances a model by which damages could be approximated), so long as there is a sufficient basis from which a reasonable inference of damages could be drawn, and so long as the evidence is otherwise admissible. Defendant may counter by advancing evidence of its employees' precise shift length, by advancing its own approximation and demonstrating its superior accuracy, or by advancing other evidence that would tend to negate the reasonableness of the inference to be drawn from Plaintiff's evidence. See *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 688 (1946).

Ms. Rodriguez to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

CLERK'S NOTE: Minutes Amended and re-circulated to all parties on 12/21/17. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 14, 2017

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

**December 14, 2017 9:00 AM Motion for Partial
Summary Judgment**

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Nady, Creighton J Defendant
Rodriguez, Esther C. Attorney

JOURNAL ENTRIES

- Mr. Greenberg argued as to factual issue of wages and listed the three facts. Ms. Rodriguez argued the plaintiff's argument is relied upon inadmissible evidence and argued Rule 56(e). The experts used by the plaintiff do not meet the Hallmark requirement and their reports are not admissible. Further arguments by counsel. COURT ORDERED, Plaintiff's Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(B) Invalid DENIED as to Motion to Place Evidentiary Burden on Defendants to Establish Lower Tier Minimum Wage and Declare NAC 608.102(2)(B) Invalid and GRANTED only to the extent Plaintiff has established the liability claim; the only thing left are the damages. Mr. Greenberg to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 02, 2018

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

January 02, 2018 9:00 AM **Motion for Summary
Judgment**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Ms. Rodriguez argued there have been no calculations of damages and believe the Court should dismiss the case in its entirety as there is no evidence of actual damages for on individual, or a class of individuals. If the Court is not willing to dismiss entirely the defense request the dismissal of the claims against Mr. Nady. There is no evidence to support plaintiff's claims of civil conspiracy, aiding and abetting. Court NOTED bifurcation had been granted. Ms. Rodriguez argued the plaintiffs have not come up with any evidence while doing discovery to support a civil conspiracy, unjust enrichment, or punitive damages claim. The only response the plaintiffs put forth in their claim for punitive damages is the fraud claim. Plaintiffs accusation is that A Cab forced its drivers to write fraudulent break times into the trip sheet, but then they argue that its not a fraud claim. Ms. Rodriguez stated she has always argued this isn't a minimum wage claim, its a claim for unpaid hours and should only be considered through 2012. Mr. Greenberg argued The Sarvas case, Just Film case, Hanon case, Parsons, and East Texas Motor Freight case. Mr. Greenberg argued the U.S. Department of Labor made a finding in 2013 that the defendants were manipulating the trip sheets and were forcing drivers to put in break time in their trip sheets that were false to conceal the hours

they worked. Mr. Greenberg argued the constitutional amendment's language which says "shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including, but not limited to back pay damages, reinstatement, or injunctive relief." It doesn't say compensatory damages, punitive damages, it just says damages. Mr. Greenberg suggested the Court look beyond the language to the broader circumstances of this case. Mr. Greenberg stated in there is a finding of liability against A Cab and A Cab satisfies that liability, there would be no claim against Mr. Nady, but if A Cab does not satisfy the judgment plaintiffs are prepared to proceed against Mr. Nady. The actual claim against Mr. Nady if they were to proceed would be a claim in equity, under a theory of unjust enrichment or alter ego. Mr. Greenberg further argued the question here is how much did the defense pay these people and how many hours did they work. Further arguments by Ms. Rodriguez.

COURT ORDERED, Defendant's Motion seeking Summary Judgment in favor of defendants and complete dismissal DENIED.

COURT ORDERED, Defendant's Motion seeking Dismissal of the Class Action/Decertification on the Class DENIED.

COURT ORDERED, Defendant's Motion seeking Dismissal of the Punitive Damages DENIED.

COURT FURTHER ORDERED, Dismissal of the Claims Made Against Defendant Nady DENIED WITHOUT PREJUDICE.

Mr. Greenberg to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 18, 2018

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

January 18, 2018 9:00 AM Calendar Call

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Gabroy, Christian Attorney
 Greenberg, Leon Attorney
 Messer, Kaine Attorney
 Rodriguez, Esther C. Attorney
 Sniegocki, Dana Attorney

JOURNAL ENTRIES

- Colloquy regarding trial time. COURT ORDERED, Trial date SET. COURT FURTHER ORDERED, Joint PreTrial Memorandum, Proposed Jury Instructions, and Proposed Voir Dire due 2/12/18.

2/26/18 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 25, 2018

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

January 25, 2018 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- PLAINTIFFS' OMNIBUS MOTION IN LIMINE #1-25...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' EXPERTS

Court STATED the Motions in Limine would NOT be heard.

Court STATED the purpose of today s hearing will be the subject of a motion filed by plaintiffs in May of 2015 to request the Court to appoint a special master paid for by the defendants to compile the hours of work information as contained in the trip sheets. Ultimately the Court denied the motion and the reason that the Court gave at that time was: The Court is not persuaded that the underlying reasons advanced by the plaintiffs provide a sufficient basis to place the entirety of the financial burden of such a process upon the defendants. The entirety of the litigation process since that time to the present convinces the Court that indeed is not only an appropriate way to resolve this issue, but is perhaps the only way to accurately resolve this issue and for that reason if that motion is renewed at

this time, the Court is going to grant it. Mr. Greenberg advised they would not renew the request for the appointment of the special master if plaintiffs and the class had to bear the cost of the process. Court indicated if the motion is renewed as it was with the costs borne to the defendants it would be granted. If it is going to be done, it needs to be done immediately. The order needs to be entered so if the defendants choose to seek any appellate relief they can do so. Mr. Greenberg requested two additional items; if the Court has someone in mind that would be appropriate as a special master, to advise. Secondly, that the findings of the special master in respect to the hours worked per pay period be deemed established as the working time for purposes of this litigation. Defendants have continually insisted in this litigation that the trip sheets do contain an accurate statement of the time. Ms. Rodriguez argued the plaintiffs have had over two years to come up with a methodology for calculation. They've had the trip sheets and other routes. They chose this Excel spreadsheet. At the end of the day that route and that methodology doesn't work and they have not met their burden. That was their decision and in-between there were a lot of red herrings, there was a lot of cost, and thousands of dollars to the defendant to chase W-4s, to chase cab manager data, to chase the trip sheets themselves and plaintiffs never even looked at any of it. Now the Court is saying plaintiffs have failed to meet their burden, shifting the burden now to the defendants financially now again to basically start over with what plaintiff should have done back in May of 2015. Ms. Rodriguez requested the Court to consider that this is a very large financial burden to the defendants that the plaintiffs should share in, due to everything else that the defendants have had to bear in-between there for two and a half years. Court STATED in the end if the Court found that there was not compliance with the Minimum Wage Act in our Constitution and therefore they prevailed to some extent in the lawsuit. Would not the costs that they would soak up at that time still shift to the defendant. Court cited NRS 608.115 and stated it is satisfied that this is a quest driven by or founded in the Constitution and therefore it must be accorded particular deference when it comes to the ways that the Court might use to enforce the Minimum Wage Act. Ms. Rodriguez advised the plaintiffs are willing to stipulate to not make a claim for the 8.25 an hour and inquired if the Court is asking the special master to look for any violations based on the 7.25 an hour as opposed to the 8.25 an hour. Secondly, the time frame the special master will be looking at. Mr. Greenberg argued the statute of limitations applicable to the class claims in their entirety extends from October of 2010 and the class period concludes under the Court's order at the end of 2015. Ms. Rodriguez argued she did not believe there was a dispute after July of 2014, why would they have a special master go through 18 months of thousands of trip sheets that are not in question. Mr. Greenberg argued they have been trying to litigate this case to judgment based upon the Court's rulings and how they can present the case within the confines of those rulings. Plaintiffs have looked extensively to the QuickBooks records from 2013 to 2015. Court inquired if the order on file cut it off at mid-2014. Mr. Greenberg stated no and advised defendants' expert conducted their own very limited study of trip sheets for that 2013 to 2015 period. Mr. Greenberg requested the study period by the special master be to the end of the class period of December 31, 2015. Further, Mr. Greenberg stated plaintiff's position is it would be more sensible to decertify the class to the limited extent of saying the only claims that will be adjudicated here on a class-wide basis are the class members' entitlement under the 7.25 an hour rate. If any individual class member believes that they are entitled to the higher rate, they would then be free to litigate that issue independently, but that would not be heard or determined as part of this proceeding. Court STATED it would be anticipating the order would be at the 7.25 rate. For purposes

of what we're trying to accomplish here, the special master would be asked to provide this work at the 7.25 rate. Court DIRECTED counsel to submit the names of Special Masters by Thursday, February 1, 2018. COURT ORDERED, Trial date VACATED.

2/2/18 9:00 AM STATUS CHECK: APPOINTMENT OF SPECIAL MASTER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 02, 2018

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

February 02, 2018 9:00 AM Status Check

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- COURT ORDERS, Micahael Rosten and the firm of Piercy Bowler Taylor & Kern of Las Vegas, Nevada, APPOINTED as Special Master in this case. The purpose of such Special Master appointment is to determine for each class member, based upon the hours of work set forth in their trip sheets for each pay period, and the wages they were paid in each such pay period as set forth in A Cab's QuickBooks records, the unpaid minimum wages they are owed by A Cab pursuant to Article, 15, Section 16, of Nevada's Constitution (the "MWA") under the "lower tier" or "health insurance provided" minimum wage rate. That determination is to be made for all class members for all pay periods falling entirely within the class period of October 8, 2010 through December 31, 2015. That determination is also to be made for those class members who were granted a statute of limitations toll pursuant to this Court's Order entered on June 7, 2017 for all pay periods occurring entirely after the statute of limitations toll date listed for them in Exhibit "A" of that Order and prior to December 31, 2015.

COURT ORDERS, in determining the hours of work shown by a trip sheet, the Special Master shall accept as correct the characterization of time as "breaks" or "meals" or non-working time in the trips sheet as accurate and subtract all such time from the interval between the start and end time for the shift as recorded on the trip sheet. The Special Master in their report shall also note the indicated start and end time of "break" or "meal" time entry on each trip sheet. In the event that no shift end time is recorded or fully legible on a trip sheet the Special Master shall indicate in their report the times on that trip sheet's copy of the printed receipt that included Meter Details and that trip sheet's copy of the printed fuel purchase receipt and use the earlier of each time arrive as a "shift end" time for purposes of calculating the hours worked during the shift. If no legible "Meter Details" or fuel purchase receipt time exists on that trip sheet the Special Master shall not calculate any hours of work for that trip sheet and that shift and shall record that they were unable to arrive at a working hours total, or perform a minimum wage underpayment calculation, for the class member during a pay period the Special Master shall include all items of taxable income paid by A Cab to the class member during the pay period as recorded in A Cab's QuickBooks records but shall not include any amounts identified as "Tips" or "Tips Supplemental." The Special Master shall rely on the parties' stipulated agreement as to the wages paid to the class members each period if the parties so agree to stipulate.

COURT ORDERS, A Cab shall, forthwith, provide the Special Master all records necessary for the performance of its appointment and as the Special Master requests. The first meeting of the parties and the Special Master directed by NRCP 53(d)(1) is dispensed with. The Special Master shall deliver the report of their findings to the Court and parties no later than 45 days from the Special Master's receipt of the deposit specified in this Order. The report so furnished shall state the total amount of unpaid minimum wages so owed, if any, for each class member; the amount of hours each class member was found to have worked each pay period for A Cab; and the amount of wages within the meaning of the MWA they were paid each pay period by A Cab. The report shall also indicate every pay period for every class member that the Special Master finds the records reviewed contained incomplete or not fully legible information and for which no determination on whether proper minimum wages were paid could be made. At the request of any party, the Special Master shall provide the report's foregoing findings in an Excel file.

COURT ORDERS, the costs of the Special Master shall be borne by the defendant A Cab who shall, within 10 days of the entry of this Order deposit with the Special Master the amount of \$25,000 for their services, the Court also expressly reserving the possibility that it may in the future direct some portion of the Special Master's cost be shifted to the plaintiffs if the Special Master's report documents circumstances that the Court finds warrant it doing so.

COURT FURTHER ORDERS, the Court WILL NOT be entertaining a motion for reconsideration of this order by the defendants.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 13, 2018

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

February 13, 2018 11:04 AM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court has in its possession copies of the letter of Ms. Rodriguez to Michael Rosten of Piercy Bowler Taylor & Kerns, as well as the responsive letter from Mr. Greenberg. As of this writing it has been nineteen (19) days since the Court Ordered that a Special Master be appointed, and yet inadequate progress is being made toward implementation of that Order. The Court is extremely concerned with the passage of time in this matter for reasons previously expressed.

In order to prevent one more issue from injecting itself into these proceedings, and in light of the possibility that any local firm may trigger another objection due to purported conflicts of interest, the Court rescinds its appointment and its selection of Mr. Rosten of Piercy Bowler Taylor & Kerns, and selects Dr. Ali Saad of Resolution Economics to be the Special Master in this case. Mr. Rosten and Piercy Bowler Taylor & Kerns may present their bill for services rendered to the Defendant who shall have 10 days to pay the same and this matter will proceed to its conclusion.

Mr. Greenberg to prepare the Order in conformity herewith.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 15, 2018

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

February 15, 2018 10:00 AM Status Check

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Rodriguez, Esther C.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Ms. Rodriguez argued a conflict check should have been done by Mr. Rosten of Piercy Bowler as one of the cab drivers of A Cab has a brother who is a managing shareholder of Piercy Bowler and that is a conflict. Further argued as to a possible bill being submitted to the defendant by Piercy Bowler. Mr. Greenberg stated he cannot speak as to whether Mr. Rosten did or did not do a conflict, but can represent to the Court there were five or six nominees and every single one did inquire about any conflict based upon their firm's involvement in other matters. Mr. Greenberg advised they were all proved with a copy of the complaint. Mr. Greenberg further advised it was represented to him by Mr. Saad and his firm that a conflict check was done. Court STATED it has made its decision to use Dr. Saad, an out-of-state firm, and that way the possibility of knowing someone is limited. Court DIRECTED Defendants to overnight the materials they have in there possession to Dr. Saad and transmit a letter which inquires of him what conflicts check he has done. Mr. Greenberg clarified the materials that are available immediately to overnight are both the QuickBooks payroll information and the October 2010 later trip sheets. Ms. Rodriguez advised there are 300,000 trip sheets on an

external hard drive that can be overnighted.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 06, 2018

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

March 06, 2018	4:14 PM	Minute Order
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HEARD BY: Cory, Kenneth	COURTROOM: RJC Courtroom 16A
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COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court has reviewed Defendant s Motion on OST for Stay, received on March 2, 2018, Plaintiffs Response to Defendant s Motion, Plaintiffs Motion on OST to enforce the Court s Orders, and the e-mail correspondence from counsel and the Special Master, Dr. Saad.

For the reasons stated herein the Court grants a temporary stay to resolve the Defendants claimed inability to pay the Special Master the initial \$25,000 required by previous court order.

In addition to Defendants protestations of their temporary inability to pay the initial \$25,000, the Court also GRANTS a temporary Stay due to health considerations of the Court. The Court has scheduled a necessary surgery for March 8, 2018, which surgery will require a relatively brief recuperation period. The Court is therefore entering an indefinite stay for both reasons, which the Court anticipates will not last longer than approximately 3 weeks.

The Court has considered whether it would make more sense to recuse from the case, and/or request a reassignment by the Chief Judge of the Eighth Judicial District Court. However, the duplication of the time and effort it would take for another judge to become adequately conversant with this case would likely protract this case yet again, and would likely cost the parties more in attorney fees; nor would it facilitate an economical and fair management of this litigation. Recusal or reassignment

would necessitate such delay that it should only come as a last resort.

Inasmuch as the anticipated calendared surgery is laparoscopic in nature, the Court feels confident that it will be fully functional and able to proceed ahead within three weeks.

In the meantime, the Special Master is directed to cease all efforts to complete the task previously ordered by this Court until further order of this Court. Additionally, because there will be a breathing space of approximately three weeks the Defendants should well be able to set aside the initial \$25,000 deposit, and are ordered to do so.

The court anticipates setting a hearing date to accomplish the following:

1. Dissolve the stay;
2. Argue and rule on the various motions which have been filed; and
3. Reset the Rule 41(e), i.e., 5-year Rule, date by which this matter must be concluded.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael Wall, Esq. (mwall@hutchlegal.com) and Special Master Dr. Saad (ASaad@resecon.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 15, 2018

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

March 15, 2018 3:00 AM Motion to Strike

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This case was Stayed on March 06, 2018, therefore COURT ORDERS, the Motion to Strike Defendants Affirmative Defenses OFF CALENDAR. Parties to re-notice their Motion once the Stay is lifted.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 26, 2018

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

April 26, 2018 1:30 PM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On April 17, 2018, Plaintiffs filed PLAINTIFFS MOTION ON OST TO LIFT STAY, HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER, GRANT PARTIAL SUMMARY JUDGMENT, DIRECT A PROVE UP HEARING, AND COORDINATE CASES. The Court signed an Order Shortening Time, setting the matter for hearing on April 27, 2018, nine days later, admittedly a shortened setting. Shortly after notifying counsel of the hearing, chambers received a telephone call from Esther Rodriguez advising that she would be out of the country, having reset a vacation which she had earlier canceled due to an earlier trial setting in this matter. Notwithstanding EDCR 2.22, the Court acted upon that request and reset the hearing for May 4, 2018, believing that a fuller response to this admittedly complex motion could be had.

After the matter had been continued to May 4, Plaintiffs caused to be filed the same motion, bearing the caption of this case and the case sought to be coordinated by the motion: A721063, Jasminka Dubric v A Cab, et al. That motion bore the previous OST which set the hearing once again on April 27, 2018. On the next day, April 19, 2018, this Court received an un-filed chamber s copy of the same motion, this time bearing the caption of and Dubric v A Cab, A721063, which reflected that it was pending in Department 25. However, Odyssey does not reflect a filing of this document.

Needless to say, the rapid-fire filing and service of these motions caused considerable confusion and

consternation, not only for Defendants counsel but also for the Court.

The Court decided to proceed on the April 27 hearing pertaining to the second, double-captioned version of the motion, simply for the purpose of having Plaintiffs counsel explain the intentions of the Plaintiffs. Accordingly, the Court determined that Ms. Rodriguez presence was not required and telephonically notified associate counsel, Michael Wall, to be present. Mr. Wall protested that he was on the case only as appellate counsel.

Subsequently, on April 24, the Court receive a letter of strong objection from Ms. Rodriguez pertaining to the Court s going forward with any hearing on April, 27 (See Left Side Filing, Counsels facsimiles), which apparently prompted Mr. Greenberg to send a missive, pleading with the Court to proceed on April 27 on the entire motion ((See Left Side Filing, Counsels facsimiles).

To avoid complicating this matter further, the Court will continue the hearing on the second filed double-captioned version of the motion to May 4. In the meantime, the Court would appreciate an explanation from Mr. Greenberg in a pleading filed with the Court as to why there are two court filings and one chambers copy of the same motion with three different captions. While the court believes that Plaintiffs effort was simply to make clear to all parties in both cases the coordination-of-cases aspect of the motion, further explanation would be appreciated. The Court will take up the matter on May 4, 2018.

5/4/18 9:00 AM PLAINTIFFS MOTION ON OST TO LIFT STAY, HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER, GRANT PARTIAL SUMMARY JUDGMENT, DIRECT A PROVE UP HEARING, AND COORDINATE CASES

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 01, 2018

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

May 01, 2018

4:35 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- PLAINTIFFS MOTION ON OST TO LIFT STAY, HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER, GRANT PARTIAL SUMMARY JUDGMENT, DIRECT A PROVE UP HEARING, AND COORDINATE CASES was set to be heard on May 4, 2018. (See April 26, 2018 Minute Order). Due to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be VACATED until further order of this Court. Furthermore, the STAY IS TO REMAIN IN PLACE until further order of this Court.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 22, 2018

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

May 22, 2018

3:23 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- This Court deems it advisable to make a record of the various events which led to this Court setting down a hearing on May 23, 2018 to hear Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Case. That recitation of events includes the deliberate actions of counsel for both sides and the circumstances beyond the control of counsel and this Court which have led to the hearing date of May 23, 2018.

On February 16, 2017, this Court Granted a Preliminary Injunction enjoining Defendants from seeking settlement of any unpaid wage claims involving any class members except as part of this lawsuit. A Supplement to Order for Injunction Filed on February 16, 2017 was filed on February 17, 2017, providing the explanation required by NRCP 65.

On March 6, 2018, this Court entered a Minute Order granting a temporary stay due to health considerations of the Court. The Court had scheduled a necessary surgery for March 8, 2018, anticipating being out of the office for approximately 3 weeks.

On April 6, 2018, the Nevada Supreme Court entered an Order reversing this Court s Order granting of the preliminary injunction.

On April 16, 2018, the Court granted an Order Shortening Time in connection with Plaintiffs Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Cases, and set the hearing for April 27, 2018. When the Court was advised Defendants Counsel would be out of the country on April 27, 2018, the Court reset that Motion to be heard on May 4, 2018.

On April 30, 2018, this Court s wife passed away unexpectedly.

On May 1, 2018, the Court issued a Minute Order that [d]ue to unforeseen circumstances, the Court will not be able to hear Plaintiffs Motion on May 4, 2018. Accordingly, the hearing shall be vacated until further order of this Court. Furthermore, the Stay is to remain in place until further order of this Court.

On May 17, 2018 the Court received a copy of a Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., wherein Plaintiffs Counsel declared that at a hearing on May 9, 2018 Department 25 had vacated the prior grant of partial summary judgment as to the only named Plaintiff in that lawsuit (Dubric) and set a hearing for the preliminary approval of a proffered class settlement proposal.

Further, Plaintiffs Counsel argued that the Defendants actions, unless Department 1 would hear the Motion for Coordination prior to May 24, 2018, would inevitably result in a reverse auction described in this Court s Supplement to the Preliminary Injunction, thereby obstructing the proper administration of justice in this case. Plaintiff s Counsel further urged this Court to grant the coordination requested under EDCR 2.50 immediately in chambers prior to the next hearing in Department 25.

Due to the unavailability of this Court due to the death of the Court s spouse, Department 1 law clerk sought guidance from the Chief Judge of the Eighth Judicial District Court pursuant to EDCR 7.10. As Senior Judge Bonaventure was scheduled to hear Department 1 s cases while Judge Cory was unavailable, the Chief Judge requested that if Judge Cory remained unavailable that Judge Bonaventure hear so much of Plaintiffs Motion as Judge Bonaventure thought necessary. Accordingly, on May 17, 2018, the Court set a hearing date for May 23, 2018. Department 1 law clerk was advised by both counsel that they were available for the May 23, 2018 hearing.

The Stay previously imposed by this Court is hereby LIFTED for the purposes of the May 23, 2018 hearing.

Finally, the time of the hearing is continued from 10:30 a.m. to 1:30 p.m. so that Judge Cory may return to the bench to hear the Motion.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), Michael

Wall, Esq. (mwall@hutchlegal.com) Mark Bourassa, Esq. (mbourassa@blgwins.com) /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 23, 2018

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

May 23, 2018

1:30 PM

Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Gabroy, Christian Attorney
Greenberg, Leon Attorney
Richards, Trent L. Attorney
Rodriguez, Esther C. Attorney

JOURNAL ENTRIES

- Counsel gave summary of case and the case in front of Judge Delaney.

COURT ORDERED, Plaintiff's Motion for Miscellaneous Relief DENIED. The Court is not ruling on the suggested renewed motion for preliminary injunction. This case needs to go forward and the Court is disinclined to hold up the matter for non-payment to the special master. COURT FURTHER ORDERED, \$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to be present at the next hearing to show proof of the posting.

6/1/18 10:00 AM PLAINTIFF'S MOTION TO HOLD DEFENDANT IN CONTEMPT, STRIKE THEIR ANSWER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 01, 2018

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

June 01, 2018

10:00 AM

Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Madalyn Kearney

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Greenberg confirmed the basis to find Defendants in contempt of court is the nonpayment of funds to the Special Master. Arguments by Mr. Greenberg and Ms. Rodriguez regarding whether or not Defendants have the money to pay the Special Master and the effects of litigation in another matter. Court noted it is hesitant to hold Defendants in contempt for failure to pay due to the Affidavit and Financial documents put forward by the Defendants. Court directed counsel to provide case authority, not necessarily in Nevada, where a court has proceeded to hold Defendant in contempt for failure to make payments but the Defendant claims it does not and will not have the money. Court advised it will revisit the issue at the upcoming court date; it will not hear further argument, but will announce if it will grant the Motion and what sort of sanction it may impose. If the issues are not resolved at that time, the Court will hear the Motion for Partial Summary Judgment. Colloquy regarding the next court date. Court directed counsel to submit case authorities by noon on Monday, June 4th. COURT ORDERED, matter SET for Motion for Partial Summary Judgment.

6/5/18 3:00 PM MOTION FOR PARTIAL SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 05, 2018

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

**June 05, 2018 3:00 PM Motion for Partial
Summary Judgment**

HEARD BY: Cory, Kenneth**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Madalyn Kearney**RECORDER:** Lisa Lizotte**REPORTER:****PARTIES**

PRESENT:	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- COURT STATED ITS FINDINGS and ORDERED, Plaintiff's Motion for Partial Summary Judgment GRANTED to the extent that not only is the time period of 2013-2015 granted, but using the rational and the evidence propounded by the plaintiffs, which they in turn claim is based on the evidence propounded by the defendants to grant the same summary judgment for the period of 2007-2012. It is the Courts understanding that amounts to approximately \$174,000.00; the Court does not have the precise amount. Mr. Greenberg advised the amount for 2013-2015 is itemized in precise amounts to identify the individuals and does amount to \$174,839.00 which is the amount requested, which is at least \$10.00 an hour owed to these individuals. If it is below \$10.00 an hour they are treating it as De Minimis and not bothering with it. COURT SO ORDERED. Additionally, COURT ORDERS, in the amount of \$804,000.00 for the period of 2007-2012. Court inquired if that was the correct amount. Mr. Greenberg stated the Court could recite that number and he would submit an order for the Court's approval. Mr. Greenberg indicated he would like to submit the actual pay periods and calculations for each individual with the documentation in conjunction with a final order that the Court could

approve with an appendix of the judgment amounts for each individual.

As to the interim fees is there any evidence before the Court or any recitation, or numbers that would show the Court how it was calculated. Mr. Greenberg advised on November 2nd he submitted to the Court a declaration that he had expended over 850 hours and \$35,000.00 at that time in costs. Court inquired as to the fee amount and based on what hourly rate. Mr. Greenberg stated if he was to be compensated for 500 hours at \$200.00 an hour it would be \$100,000.00. Court indicated this issue would be the subject of a separate motion. The Court is not stating interim fees should not be award, because this Court believes they should, but there has to be a basis for the calculation. Mr. Greenberg advised he had submitted a declaration in support of fees request on November 2nd; 850 hours spent on the prosecution of this case, \$27,200.00 for expert, witness, and technical consultant costs. Court requested the total fees and hours. Mr. Greenberg stated the fees request are \$35,200.00 and requested a round reward of \$100,000.00 in interim fees based on the fact at that time he had expended over 850 hours. The total time expenditures is 1,100 hours personally, Ms. Sniegocki has over 500 hours, and the costs are \$35,200.00 as of November 2; have requested \$135,000.00 in total. Mr. Greenberg inquired if he could include the \$135,000.00 interim award in the Order he would be presenting to the Court. Court indicated yes. Mr. Greenberg advised the Minimum Wage Act empowers the Court to award any relief that it is empowered to act to award in any civil action of an equitable injunctive type nature and referred to Texas State Teachers vs. Garland. Mr. Greenberg advised they would be before this Court on post-judgment motion for full fee award and a detailed itemization would be submitted. Court STATED it would review the authority given in the motion and make the determination whether an interim award would be awarded; Court is not making a ruling from the bench on that issue and would issue a minute order. Mr. Greenberg advised he would like to submit a final order in accordance with the other ruling made today so that a final judgment can be entered appropriately. Mr. Greenberg stated it is his understanding that the directions given today are to fashion an order that will constitute a final judgment in this case pursuant to the rulings today. Court inquired if Mr. Greenberg was stating the Court could dissolve the class and allow those former class members who wish to go forward to go forward on the higher amounts. Mr. Greenberg stated the judgment would be fashioned in individual amounts for each individual class member pursuant to the approach the Court has discussed today. This will constitute a final judgment of the Court to the extent any class member asserts they are owed amounts under the Minimum Wage Act or under NRS 608.040. There were NRS 608.040 claims that were made in this case and believe it would be more efficient to dismiss those claims without prejudice and if any class member wishes to pursue the claim they are entitled to compensation in excess of the Court has awarded, they would be free to do so. Court inquired if this would be a final judgment as to all defendants. Mr. Greenberg stated it would be final judgment as to all defendants and to the class representatives. Court inquired what happens to the conspiracy claim. Mr. Greenberg advised it would be dismissed without prejudice. Mr. Greenberg advised the claims against Mr. Nady personally have been severed; entering final judgment would be to the corporate defendants. Mr. Nady is not subject to that judgment and there would be no need for the claims against Mr. Nady to proceed. The Court could issue a stay of those claims pending entry of final judgment and if final judgment is not satisfied the claims against Mr. Nady would proceed separately. Mr. Wall argued severing claims does not make it a separate case and it would not be a final judgment. A final judgment is a judgment that resolves all claims against

all parties that were asserted. Severing claims is just a matter by which method each claim is decided. If you bifurcate a case, you do not get a final judgment until you re done with the second half of the bifurcated case. You do not get multiple final judgments in Nevada and it is clear in Lee vs. GNLV. Mr. Greenberg argued Valdez vs. Cox. Further argument by Mr. Wall and Mr. Greenberg. Court directed Mr. Greenberg to submit authorities with the proposed order and Defendants will have 10 days to submit any countervailing authorities.

Ms. Rodriguez inquired if the finding as to the 2007-2012 is based on the 9.21 average hours. Court indicated it was based on the argument put before the Court by plaintiff's counsel that the number is accurate.

Court DIRECTED Mr. Greenberg to include with his briefing and proposed judgment the calculation basis on the 2007-2012 amount, and include the methodology of the calculation. Court STATED defendant's will have 10 days to submit any countervailing authorities or argument if they feel it is improper.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 26, 2018

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

September 26, 2018 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- ALL PENDING - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF

Kelly Dove, Esq. present on behalf of Wells Fargo.

Mr. Shafer requested the Court quash the writ of execution as to third parties. Mr. Shafer argued the plaintiffs are not entitled to execute against independent entities and is a violation of NRS 86.296. Mr. Shafer further argued the defendant has not received the notice of writ of execution and proof of service has not been made. Mr. Nady advised as to how the entities and accounts are setup and paid out. Mr. Greenberg argued Nevada s LLC statute does not authorize the creation of series LLCs

that can hold assets beyond the reach of a judgment against the master LLC that created them. There is evidence that exists that the funds at issue are the property of A Cab LLC. Further arguments by Mr. Shafer as to the independent entities. Statements by Mr. Wall. Statements by the Court. COURT ORDERED, Matter CONTINUED. Court DIRECTED A Cab and/or the series LLC to supply sufficient evidence to quash the writ of execution.

CONTINUED TO: 9/28/18 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 28, 2018

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

September 28, 2018 10:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Greenberg, Leon	Attorney
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Sniegocki, Dana	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- ALL PENDING - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF

Kelly Dove, counsel for Wells Fargo present.

Court NOTED it had received Defendant's exhibits in support to quash the writ of execution. COURT ORDERED, Defendant's Exhibits A-J ADMITTED. Statements by the Court regarding LLC series and review of numerous laws in Nevada and other states. Mr. Shafer argued as to the statutes regarding LLC's and operating agreements in Nevada. Further argued as to NRS 86.296. Statements by Ms. Rodriguez. Colloquy regarding LLC statutes. Statements by the Court regarding creating LLC's that are not identifiable to the public. Arguments by Mr. Greenberg regarding public notice and there

being no business licenses for the entities. Ms. Dove advised if the Court wishes for a motion for interpleader be filed they would do so, or they would just follow the Court's direction. COURT ORDERED, Motion to Quash the Writ of Execution DENIED and the FUNDS BE TRANSFERRED TO THE CLERK OF THE COURT pending further action by this Court. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Appropriate Judgment Enforcement Relief CONTINUED. Court inquired if the defendant's would be seeking redress from the Supreme Court. Mr. Shafer advised that is one of the options they would be pursuing. The exemption process still remains to be done pursuant to the writ of execution statute. Mr. Shafer requested if the Court is denying they would request denying in part and granting in part as to the funds in the employee leasing company. If the Court is not inclined to do that, that the Court would preclude further execution of the funds against the company. Essentially, they maintain the status quo until such time as two week that they can have Mr. Ocean testify as to the records. Mr. Shafer requested the Court preclude further execution on the funds that may be deposited into Wells Fargo. Mr. Greenberg argued that to the extent the funds are being held under the same EIN# that is the same EIN# when they started the law suit, they believe they should be properly subject to execution and they are sufficient to identify them as funds in the judgment debtor A Cab LLC. There was never a writ served just on A Cab Series Leasing Company in generic form. An execution was served based on the designation of these funds being associated under the EIN# and there is no basis to restrain them from doing this. If A Cab wishes to stop the process execution they could post a bond in the amount of \$960,000.00 which is less than the judgment entered. Mr. Shafer stated they could not post the bond as the funds are being held and they do not have the collateral to secure a bond. Mr. Shafer stated Mr. Greenberg is correct a writ was served with an EIN#. The EIN# they are saying belongs to one company is incorrect as to who they are saying it belongs to and this issue has not been briefed before this Court, but anticipate it will be. Mr. Shafer requested until the Court returns in two weeks and additional briefing has been submitted that plaintiff doesn't take these unrelated companies and stay the proceedings on this particular writ. Defendant is not asking the Court to restrain the plaintiff's ability to file other motions or other proceedings, but just as to this account so that A Cab can continue to operate. Defendant is just asking for a stay on further execution on the writ that was served on Wells Fargo, not A Cab or A Cab Taxi, just as to these other separately named series LLC's. That money is not withheld from those accounts in the future. Court inquired if Mr. Shafer presently represents any of the series LLC's entities. Mr. Shafer advised he has not been presently retained, but believes he will when they file their requests for exemptions. Ms. Rodriguez stated she believed Mr. Wall was going to contact the entirety of Hutchinson and Steffen to make an appearance on 120 plus series individual entities if the Court was going to require representation for each of the entities and that she does not currently represent them. Court STATED the challenges come back to the attempted use of Nevada's relatively new series LLC's statutes and for all the reasons discussed this Court concludes they have not correctly, in such a way to ensure due process to the plaintiff's class members. The defendant is free to seek redress on the central issue of whether or not these separate entities have been created in such a way that it does not deny the rights of the plaintiff class members. The Court is only going to rule on the motion to quash the writ, which has been denied. The Court will allow further argument on the plaintiff's motion.

CONTINUED TO: 10/22/18 10:00 AM (PLAINTIFF'S COUNTER-MOTION FOR APPROPRIATE

JUDGMENT ENFORCEMENT RELIEF)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 22, 2018

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

October 22, 2018 10:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Greenberg, Leon Attorney
Rodriguez, Esther C. Attorney
Shafer, Jay A. Attorney
Sniegocki, Dana Attorney
Wall, Michael K. Attorney

JOURNAL ENTRIES

- ALL PENDING - DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME... DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS... PLAINTIFF'S MOTION TO AMEND JUDGMENT

Mr. Wall argued as to Notice of Appeal, Honeycutt case, and new rules regarding tolling. Mr. Greenberg argued the motion to amend the judgment is proper before this Court. Statements by the Court as to Honeycutt. Mr. Wall stated he does not believe there is a Honeycutt issue.

DEFENDANT'S MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME

Mr. Wall argued subject jurisdiction. Mr. Greenberg argued damages and cited Edwards case. Further arguments by Mr. Wall as to Edwards and Castillo cases. COURT ORDERED, Motion DENIED.

DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT, FOR NEW TRIAL, AND
FOR DISMISSAL OF CLAIMS

Arguments by Mr. Greenberg. Ms. Rodriguez argued as to name change. Statements by the Court.
COURT ORDERED, Motion DENIED.

PLAINTIFF'S MOTION TO AMEND JUDGMENT

COURT ORDERED, Motion GRANTED. ORDER SIGNED IN OPEN COURT.

Ms. Rodriguez requested a Stay pending appeal and advised any further garnishments are jeopardizing the company's existence . Mr. Nady and A Cab have actively sought a bond pending appeal and have been denied. Ms. Rodriguez advised she was intending on drafting Motion to Stay under hardship. If the garnishments continued the company will have to shut their doors and lay off hundreds of people. Mr. Greenberg argued against the Stay and stated he believes A Cab is able to pay the judgment. COURT ORDERED, Matter STAYED for TEN (10) BUSINESS DAYS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 29, 2018

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

November 29, 2018 3:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF

COURT ORDERS, Matter SET for Announcement of Decision.

12/4/18 9:00 AM

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 04, 2018

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

December 04, 2018 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Dubowsky, Peter Attorney
Greenberg, Leon Attorney
Shafer, Jay A. Attorney
Sniegocki, Dana Attorney

JOURNAL ENTRIES

- ALL PENDING - ANNOUNCEMENT OF DECISION (PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF... PLAINTIFFS OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING... PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION... PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF) 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

ANNOUNCEMENT OF DECISION

PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF

Defendants argue there are a number of objections, including Plaintiffs' request is overbroad. The Court has determined at this juncture in the case it is sufficient that the interests that are argued in the defendant's opposition are protected by having in place a Protective Order. Accordingly, COURT ORDERED, Motion for Judgment Debtor Examination GRANTED. Counsel to fashion an appropriate Protective Order. COURT FURTHER ORDERED, none of the information which is turned over, or discovered through judgment debtor examination by the plaintiff may be revealed beyond anyone other than those directly involved with this case. The Protective Order applies to ALL personnel in Mr. Greenberg's firm.

PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION

COURT ORDERED, Motion GRANTED. The Court is awarding \$568,071.00 in attorneys' fees, pursuant to Article 15, Section 16 of the Nevada Constitution. The Court is satisfied over the objection of the defendants that the plaintiff has kept records.

In response to the defendants' argument that the plaintiffs have failed to exceed an Offer in Judgment, the Court is issuing the following decision:

Defendants contend that Plaintiffs did not beat the offer of judgment when Defendants offered \$7,500 to Plaintiff Michael Murray and \$15,000 to Plaintiff Michael Reno. Defendants argue that because Plaintiff Reno was ultimately awarded \$4,966.19, and Plaintiff Murray was awarded \$770.33, Plaintiffs failed to obtain a more favorable judgment. Without addressing the reasonableness of rejecting such an offer based on the filing of a Punitive Class Action, the Court's granting of class certification, and the fact that Plaintiffs secured a judgment in excess of \$1,000,000 on behalf of more than 900 defendants, the Court holds that Plaintiffs DID obtain a more favorable judgment pursuant to Article 15, Section 16, of the Nevada Constitution AND NRCP 68.

Article 15, Section 16, of the Nevada Constitution states a prevailing plaintiff in a MWA action shall be awarded his or her reasonable attorney's fees and costs. At the time those offers of judgment were made, plaintiffs counsel had already expended more than 70 hours totaling at least \$20,000. The Offers of Judgment to Plaintiffs in the amount of \$7,500 and \$15,000 were inclusive of interest, costs, and attorney's fees. Again, we are dealing with Constitutional provisions, which provisions serve a compelling public purpose. The award of attorney's fees to a prevailing plaintiff is mandated by the constitution. Therefore, reading the MWA together with NRCP 68, the Court finds Plaintiffs obtained a more favorable judgment.

As to Defendants' argument that Plaintiffs' request is untimely, the Court rules as follows:

Defendant argues Plaintiffs' request is untimely pursuant to NRCP 54(b). First, the quote provided by Defendant is actually NRCP 54(d)(2)(B), which deals only with Attorney Fees and provides, the motion must be filed no later than 20 days after notice of entry of judgment is served. The rule also

states, The time for filing the motion may not be extended by the court after it has expired. There is no provision within that rule which prohibits this Court from extending the time for filing the motion PRIOR to the expiration of the 20 days. Contained within the Court's ORDER GRANTING SUMMARY JUDGEMENT, SEVERING CLAIMS, AND DIRECTING ENTRY OF FINAL JUDGMENT at page 34 paragraph E, the time for class counsel to apply for an award of fees and costs pursuant to Rule 54 was extended to 60 days after the service of that Order with Notice of Entry. The Order was filed on August 21, 2018, with the Notice of Entry filed on August 22, 2018. Therefore, the deadline for Plaintiffs to file their motion for attorney's fees was October 21, 2018. Plaintiffs filed their Motion for Attorney's Fees on October 12, 2018, which was well within the 60 day period afforded by this Court.

Defendants argue that costs must be denied because Plaintiffs are seeking in excess of \$29,000 for experts who were never utilized, but more so were subject to being stricken as having not met the required standards for admissibility, citing to Defendants Motion in Limine to Exclude Plaintiffs Experts.

First, the Court will note that the Court was prepared to DENY Defendants motion holding that the court is satisfied that (1) Charles Bass and Terrence Clairite have the requisite knowledge, skill, experience, training, or education to express expert opinions on the Plaintiff's model; (2) their testimony as to the reliability of the model, and the propriety of using such a model in the instant case, would assist the trier of fact in determining whether and to what extent wages are owed to the class members; (3) is appropriately limited in scope to each of their areas of expertise; (4) is based upon sufficiently reliable methodology; and (5) is largely based on particularized facts.

In post summary judgment proceedings Defendants continue to allege they were blindsided by the Court's appointing a Special Master and subsequent granting of Plaintiff's Motion for Summary Judgment, as evident once again by their citation to their Motion in Limine. The Court will take this opportunity to explain to the Defendants the course and reasoning of the December and January proceedings.

The Court heard Plaintiff's Motion for Partial Summary Judgment on December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has established liability. Thereafter, Plaintiff filed Plaintiffs Supplement in Support of Motion for Partial Summary Judgment arguing that damages and liability are inextricably related. Defendants also filed their Motion for Summary Judgment on November 27, 2017, and heard on January 2, 2018. Other motions before the Court in the end of December 2017 and early January 2018 included Plaintiffs Motion to Place Evidentiary burden on Defendant, Plaintiffs motion to bifurcate or limit issues at trial, Defendants objection to the Discovery Commissioners Report and Recommendation, both Defendants and Plaintiffs motions in limine, Defendants Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to 16.1(3), and Plaintiffs motions to strike affirmative defenses. It was upon review of all of these motions that the Court found that liability and damages were inextricably related. That is precisely why the Court gave Defendants one more opportunity to present evidence which would rebut that liability, and yet they could not.

It was in preparation of those pretrial motions that the Court inquired into what evidence would be

submitted and presented at trial. In that Defendants Motion in Limine, Defendants argued that Plaintiffs experts methodology was unreliable because it calculated damages derived from inaccurate information, despite Plaintiffs experts using information consisting of computer data files provided by A Cab. Defendants argued at that time that the Tripsheets were the only accurate information. That is precisely why this Court appointed a special master, who expended more than \$85,000 to review Tripsheets which did not comply with NRS 608.115, to make a determination on a precise calculation of hours. Defendants continued to use their noncompliance with the record keeping statute as both a sword and a shield. That is when this Court decided to apply the reasoning of Mt. Clemmons, which stated that the employer cannot be heard to complain that the damages lack the exactness of measurement that would be possible had he kept records. Contrary to the Defendants assertions that the experts were never utilized, Plaintiffs experts were necessary to this Court granting summary judgment. It was defendants lack of evidence of the precise amount of work performed to negate the reasonableness of the inference to be drawn from the employees evidence, which warranted the granting of summary judgment. *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687 (1946) (The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence *688 to negate the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the court may then award damages to the employee, even though the result be only approximate.) This Court gave defendants every opportunity to come forward with precise evidence, and yet Defendants failed to provide the initial \$25,000 deposit as ordered by this Court. Defendants might have a colorable argument against Plaintiff s expert costs had the Special Master completed his work regarding the Tripsheets, and had the trial proceeded on that basis. However, that is not the case here. Plaintiffs experts were necessary and their expenses reasonable given the extent of the work performed in calculating damages based upon computer data information provided by ACAB. Therefore, costs are awarded in their entirety.

The Court agrees with Plaintiffs analysis regarding their objections. Defendants Claims of Exemption are DENIED except as to the Nevada Wildcard pursuant to NRS 21.090(1)(z). Therefore, the NRS 21.090(1)(z) exemption is applied and the Clerk of the Court shall remit \$10,000 to A Cab LLC. The Remainder of the funds deposited with the Clerk of the Court shall be remitted to plaintiffs counsel for placement in their IOLTA account.

Now, having made those determinations, the Court goes back to not a boilerplate, but expansive motion, and that is, plaintiffs' countermotion. When the defendants filed their Ex-Parte Motion to Quash the Writ of Execution, the plaintiffs' filed a Counter-Motion for Appropriate Judgment Enforcement Relief in which they asked for a judgment debtor examination. The Court's already granted that from the specific order. In terms of the countermotion, COURT ORDERED, DENIED AS MOOT, as it was already granted in the specific motion filed by plaintiffs.

Plaintiffs have asked the Court order the property in the possession of the series LLC's belonging to A Cab, LLC, be deposited with plaintiffs' counsel. The Court is NOT going to Order this. The COURT will ORDER, it not be sold off or given away, the property MUST be maintained pending further Order of the Court. COURT FURTHER ORDERS, there is to be no transfer of funds from A Cab, LLC to any of its series LLC's, or to Defendant Nady, or any family members, without further order of the

Court. The plaintiff also asked for an Order of Attachment of assets including the CPCN Medallion and the sale of same. The Court is NOT ordering this at this time.

Arguments by Mr. Greenberg as to appointing a Receiver and vehicles to be seized towards judgment satisfaction. Mr. Shafer argued the plaintiffs are essentially asking for an injunction to shut down the business. They want every vehicle A Cab uses and are basically asking for injunctive relief not just to A Cab but all the other series. Without a hearing or a proper source of claim for exemption they could basically take anything or put the defendant in a significant risk of harm. Court DIRECTED plaintiff to submit an order by the end of the week to the Court and make it very precise as to what powers the Receiver would have and the issue will be addressed on 12/13/18. . COURT ORDERED, TEMPORARY RESTRAINING ORDER TO REMAIN IN PLACE.

COURT FURTHER ORDERED, Plaintiff s Motion to File Supplement in Support of an Award of Attorney s Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution GRANTED.

CONTINUED TO: 12/13/18 10:30 AM (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)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 11, 2018

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

December 11, 2018 9:00 AM Motion for Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Dubowsky, Peter	Attorney
	Gabroy, Christian	Attorney
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Jonathan Wilson and Corey Gildart, representatives for the Special Master, also present.

Mr. Dubowsky argued this is a motion for contempt. The defendants have not complied with orders going back to February, March, and May 27th where the Court ordered \$41,000.00 to be paid. Then on August 21st the Court found the defendants were in contempt. Mr. Dubowsky argued the Court brought his client into the case and they did an exhaustive amount of work, over \$85,000.00 in labor at the request of the Court. Mr. Dubowsky requested the Court find the defendant in contempt of Court and order whatever punishment necessary to get them to pay and comply with the Court's orders. Court NOTED the motion does not ask for anything specific and inquired if the special master was asking the Court to formally find the defendants in contempt of court. Mr. Dubowsky stated the Court has the discretion to order it, and if incarceration is necessary to compel them to comply with the Court's orders, then that is what is necessary. Ms. Rodriguez argued the defendants objected to the appointment of the special master and then at the first opportunity filed a motion with the Court to inform the Court and all the parties, including the special master that there was an inability to

finance such a costly project by the special master. Ms. Rodriguez stated they have fully complied with everything the Court has ever ordered as it pertains to the special master, except for the money, as A Cab could not afford it. The Court did grant a stay and did allow the further opportunity to try to come up with the money. As the Court is fully aware, things quickly transformed to go down a different path and that path was the summary judgment motion, and then to utilize the spreadsheets that were prepared by Mr. Greenberg rather than anything from the special master. Ms. Rodriguez advised they have never seen any work, any data, or anything from the special master. All they have ever received is a bill for \$85,000.00 which was argued without showing any of data that either party could use, the bill is extremely excessive. Ms. Rodriguez further advised the issue of the special master is on appeal. Ms. Rodriguez further argued they overnighted all the trip sheets, downloaded everything onto a thumb drive and a drop box and sent it to the special master as the Court ordered. They had no idea they would be served with a bill for \$85,000.00 because as far as what the Court had ordered was the \$25,000.00 initial deposit. The special master was on alert immediately that there was an inability to even pay the \$25,000.00. If the Court is inclined to grant such a bill, they should have to turn something over to show what is worth \$85,000.00. Mr. Dubowsky argued this is very specialized work and that is why the bill may appear high, but in fact the bill is accurate as to what was earned and the work that was done at the Court's request. The Court ordered the defendants to pay \$41,000.00 and they not paid any of it. Court inquired of Mr. Dubowsky it was normal for the special master to begin by hiring temps and paying them to train them and perform the work. Mr. Wilson advised they try to refrain from hiring temps as much as possible, but with the time constraints the way they were; they did their best to make sure the work was quality. The Court stated it did make it clear in a number of the orders and statements that it was most concerned with the passage of time that it would take in order to accomplish this purpose and that it was important to get this done quickly. Mr. Gildart advised this was not minimum wage work. They do not just get temps off the streets, these are qualified individuals and they have to train them accordingly, which explains the rate. Mr. Wilson advised they were trying to do this as quickly as possible and as cost effective as possible. The Court STATED this Court determined that the defendants simply were not willing to produce any evidence on their own. At most every turn the response that the Court heard was it s only the time sheets . But the defendant did not put forward any calculations based on the time sheets, and so ultimately because of the passage of time in this litigation this Court determined that it was going to have to go back and revisit a motion that had been brought by the plaintiffs much earlier. And to say that the defendants were blindsided by it is not really accurate. It was briefed and argued by both sides when it was first proposed by the plaintiff. It became more obvious to the Court ultimately that something as drastic and perhaps as expensive as this, was the only way that we were going to get down to having the best evidence of what was owed. And so the Court ordered it and ordered that the defendant would pay the cost. The Court had already at that point determined that there had been a violation of the constitutional provisions regarding minimum wage; that there was indeed liability and the question was what the amount of the damages would be. The Court FURTHER STATED in preparing for today the Court went back and looked at virtually all of the minute orders recounting the efforts of both sides and the Court in this case for the last at least year or perhaps more, and what the Court sees is that the Court ordered the defendant to pay the first \$25,000. The defendant came and protested and said that it couldn t t and put forward some figures to try and show the Court that it couldn t. In hindsight what the Court saw was the defendants

saying they it couldn't afford to, and that it didn't fit in their budget to pay such fees. Ultimately the Court realized that the defendant was simply refusing to pay it. The Court ordered \$25,000 and then later \$41,000 based upon an estimate. On March 6th the Court ordered that \$25,000 be paid. On May 23rd, the Court ordered that \$41,000 be paid. Still, there was nothing from the defendants to really show that the defendant was not able to pay. And ultimately the Court concluded that what the defendant was really saying was not that they didn't have the money but that they didn't want to pay it because they had other business expenses. Then on September 11th a writ of execution was filed and the defendants were in possession of somewhat over \$233,000 in cash. It is frankly ludicrous for the defendants to claim that they do not have the money. While the defendants may argue that it's all gone or that it was tied up, the defendant is still operating its business and still has income coming in. This record is devoid of evidence that shows the defendants could not pay the money or they did not have the money, and that is in the face of a Court order, several Court orders. As was already touched upon, there was a stay put in place. The Court was constantly trying not to kill the goose that lays the golden egg. The Court cannot help but find that in the course of protesting loudly having to pay anything, the defendant has just flat violated Court orders and refused to pay the \$25,000 or the \$41,000, or as was just argued by Mr. Dubowsky, in fact anything. Not a penny one has been paid and tendered. This is a willful violation of a Court order. Court NOTED Mr. Nady is not present today and if he were this Court would seriously consider putting him in jail for contempt. Ms. Rodriguez stated one very important point she forgot to mention, when the first \$25,000.00 was ordered following the stay Mr. Nady went to the Clerk with a check to attempt to make a deposit as the Court ordered and the Clerk refused it as there was no order in place ordering the \$25,000.00. The Court inquired if this was ever brought to the Court's attention. Ms. Rodriguez advised no. Court STATED it is simply amazing that the Court cannot seem to communicate with Mr. Nady that these are important responsibilities and that he's not going to avoid paying minimum wage. COURT FINDS, Mr. Nady and the corporate defendants HAVE WILLFULLY VIOLATED THE COURT ORDERS The Court is not going to order a bench warrant today but continue the hearing to determine how far this Court should go to exact payment. COURT ORDERED, Matter CONTINUED and Mr. Nady to PERSONALLY BE PRESENT.

CONTINUED TO: 12/13/18 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 13, 2018

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

December 13, 2018 10:30 AM Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Dubowsky, Peter	Attorney
	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Messer, Kaine	Attorney
	Nady, Creighton J	Defendant
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Wall, Michael K.	Attorney

JOURNAL ENTRIES

- Laurie Nady, defendant's wife present. Also present, Jonathan Wilson, representative for the Special Master.

Mr. Greenberg advised the issue to be heard today are in regards to the TRO and the request for the transfer of those motor vehicles or an order coordinating the transfer, or assisting in having those motor vehicles transferred to the sheriff for sale on judgment execution. The other issue is the appointment of a receiver. Mr. Greenberg advised he had submitted two different proposed orders for the Court's consideration. One would be a limited form of receivership which would allow the receiver to take possession of assets that are under the control of the judgment debtor corporation, A Cab, LLC, and hold those assets, potentially pay liabilities in his discretion if the receiver thought it was important to preserve the business, and to gather information for a report to the Court and a

proposal for actually managing the business in full for the purpose of satisfying the judgment. The receiver would not have the power to interfere or control any of the operations at this point, which is truly what a receiver does in the normal course. The receiver would also have the authority to withhold operation of the medallions which are possessed by the judgment debtor from the Series. The other form of order proposed to the Court is far more limited, which is based on his discussion with Mr. Swarts, who indicated a special master appointment would be more appropriate. The special master would not actually take possession of any assets of A Cab. He would have no authority to pay expenses. He would be essentially in charge of obtaining the records and reviewing the books and have access to the information of the company. He would have no power in respect to the taxi medallions as was proposed for the limited receiver. The special master proposal, which is far more limited o the two, is the model the defendants have proposed. Their variation does two things, which plaintiff's oppose. First it removes the provision that the special master would provide to plaintiffs' counsel information as to assets he located that are in the name of the judgment debtor. If there is going to be a special master appointed they are not going to have a receiver who's actually going to take possession of any assets. Plaintiffs' counsel should be told what assets he comes up with so they can take affective means to secure those assets for the benefit of the plaintiffs. Defendants have removed that power from their proposed special master appointment. The other thing they have done is they have capped the fee to be paid to the special master at \$5,000.00. That is an inadequate amount for anyone to be willing to accept the appointment. Mr. Greenberg suggested an amount more in the range of \$20,000.00. Court STATED it was this Court that appointed the special master and this Court is amenable to making sure the special master gets paid for the work that they've put into the project, up to the point where the Court found that it was going to be so cumbersome and so expensive that it was better to simply grant the plaintiffs' earlier motion for summary judgment that included approximations. Court FURTHER STATED to Mr. Nady it seemed to the Court it might have to put him in jail in order to get his attention. Rather than do that the Court believes it can accomplish this without putting him in jail. It is the Court's belief that with the proposals that have been put forth by plaintiff and the modified proposal by his counsel there is a way to get the special master paid. Therefore, the COURT GRANTS the relief the plaintiffs have asked for in the sense of having a special master appointed and APPOINTS MR. SWARTS. The COURT FURTHER ORDERS, the defendants and their agents to give full and complete disclosure of all the financial records that pertain to the company. Mr. Shafer advised one of the modifications proposed is for confidentiality, anything revealed to the plaintiff should not be revealed to the public at large. Mr. Shafer further advised they still stand by their objection to an appointment of a receiver or special master as it is an extraordinary remedy. Given the Court's inclination is to appoint a receiver, defendants would like to make that as limited as possible with the goal of accomplishing what the Court's concerns are, and that's to maintain the assets to make sure we now what the current status is. The defendants' request is to limit it just to receipt and review of the financial records of the company with the appropriate protective order. There is no objection to Mr. Swarts being appointed, but would like it to be limited and if further funds are need they must come back to the Court and ask for additional funds. Court NOTED the last issue is the temporary restraining order not to sell items. Mr. Shafer argued as to disposing of assets and the vehicles Mr. Shafer advised their only caveat would is nothing be sold off except in the ordinary course of business. With that exception and with a notification requirement they can be assured that the judgment debtor

would receive equivalent value. Colloquy regarding the vehicles. Further arguments by counsel

COURT ORDERS, The Request for Appointment of a Receiver GRANTED to a limited extent in the form of an appointment of a Special Master as Follows:

1. George C. Swarts is appointed as a Special Master pursuant to NRCP Rule 53;
2. The Special Master shall be provided by the judgment debtor A Cab LLC also known as A Cab Series LLC, including Creighton J. Nady and any other agents of judgment debtors, copies of all electronic and paper financial and business records of the judgment debtor A Cab LLC also known as A Cab Series LLC that the Special Master deems advisable to possess for the preparation of the report directed in this order, including, but not limited to, all such records involving, and all of its contracts or agreements with, any other entity or person including any series LLC it has issued pursuant to NRS 86.296. Upon being presented with a copy of this Order all persons and entities possessing any such records of the judgment debtor A Cab LLC also known as A Cab Series LLC shall deliver them to the Special Master;
3. The Special Master shall promptly advise plaintiffs' counsel of all property of the judgment debtor A Cab LLC also known as A Cab Series LLC that it has identified and plaintiffs' counsel shall take no action to proceed with any legal execution upon such property to satisfy plaintiffs' judgment;
4. The Special Master shall issue a report by February 1, 2019 to the Court advising the Court of:
 - (a) A proposed plan, to the extent that they deem it feasible, for the Special Master to be appointed Receiver pursuant to NRS Chapter 32 over the operations of judgment debtor A Cab LLC also known as A Cab Series LLC in a manner that will allow the profits from the operation of the taxi medallions authorized to it to be applied towards satisfaction of the plaintiffs' judgment.
5. Plaintiffs' counsel shall be required to make available to the Special Master, from the funds they have collected on the plaintiffs' judgment and are holding in their IOLTA account pursuant to this Court's prior Orders, a sum not to exceed \$20,000.00 to pay for the Special Master's services. The Special Master shall be entitled to be paid a fee not exceeding \$300.00 per hour for their services. The Special Master shall be authorized, in their discretion, to cease further work and present the report discussed in paragraph 4 to the Court, to the extent it is able to complete such a report, once the cost for their services have exceeded 90% of the amount specified in this paragraph that plaintiffs' counsel shall be required to make available to pay for such services.
6. The information and records received by the Special Master shall be kept confidential and subject to a protective order issued by the Court, precluding production to the general public except as directed by the Court.

The Request for a Judgment Debtor Exam

As the Court ruled at the December 4, 2018 hearing this issue is the subject of a separate motion and

will be addressed by a separate order.

The Request to Enjoin Certain Transfers of Funds

The plaintiffs requested that A Cab and any series LLC it has issued (the "series LLCs" that defendants also refer to as "cells" of A Cab) be enjoined from transferring any funds to defendant Nady or any of his family members. At the December 4, 2018 hearing the Court was advised by counsel for A Cab that defendant Nady's prior deposition testimony about regular transfers of funds from the series LLCs to Nady was incorrect and such transfers were actually to a trust. This branch of plaintiffs' motion is granted to the limited extent of prohibiting the transfer of any monies or other property owned by judgment debtor A Cab LLC (also known as A Cab Series LLC) to defendant Nady, to any of his family members, or to any trust of which Nady or any of his family members is a trustor, trustee or beneficiary. To the extent plaintiffs' motion 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.

COURT FURTHER ORDERS, Judgment Debtors shall not create any additional Series LLC s without further order of this Court.

**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 4:19 PM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

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.

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. (leongreenberg@tirneta.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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 17, 2019

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

January 17, 2019 4:00 PM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court is in receipt of Defendants Motion to Pay Special Master on Order Shortening Time. While the affidavit of counsel does not demonstrate adequate grounds for the Court to grant an order shortening time, the Court will expedite the handling of this Motion to this extent: the hearing on this Motion will be set for February 6, 2019 at 9:00 a.m. Any opposition shall be filed by January 30, 2019. The reply shall be filed by February 4, 2019 and shall be no more than five (5) pages.

2/6/19 9:00 AM DEFENDANTS MOTION TO PAY SPECIAL MASTER ON ORDER
SHORTENING TIME

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 05, 2019

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

February 05, 2019 3:31 PM Minute Order

HEARD BY: Cory, Kenneth COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- On December 19, 2018, the Court received a letter from Defendant s counsel relating that Defendants were re-submitting an order previously submitted but never signed by the Court. This order purports to be an order resolving Plaintiffs motion on order shortening time to 1) lift stay, 2) hold Defendants in contempt, 3) strike their answer, 4) grant partial summary judgment, 5) direct a prove-up hearing, and 6) coordinate cases. Counsel is correct that the Court did not sign the order submitted on July 19, 2018. The Court will now make this record indicating why that proposed order, which purports that the entirety of Plaintiffs Motion for Miscellaneous Relief is DENIED, was never signed.

The bulk of Plaintiffs rather omnibus motion was not denied. The only portion of Plaintiffs miscellaneous motion resolved at the hearing on May 23, 2018 was that portion pertaining to the motion to coordinate cases, which was DENIED. The remainder of Plaintiffs motion, submitted on OST, was ruled on as follows:

1) The Motion to Lift Stay. The stay was lifted on May 22, 2018 via minute order. Subsequently, after the bulk of Plaintiffs compound motion was continued to June 5, 2018, there was colloquy regarding the stay and whether a stay would be appropriate. To be clear, the Court never imposed another stay. During the May 23, 2018 hearing, the Court made clear its intention NOT to hold up this case any longer and indicated this case needs to go forward. Thus, the Motion to Lift Stay was NOT denied.

2) The Motion to Hold Defendants in Contempt. As it is correctly indicated in the minutes from the May 23, 2018 hearing, that portion of Plaintiffs Motion to Hold Defendants in Contempt was continued to June 1, 2018. During the June 1, 2018 hearing, the Court noted it is hesitant to hold Defendants in contempt for failure to pay, due to the affidavit and financial documents put forward by the Defendants. The Court directed Plaintiffs counsel to provide case authority where a court has proceeded to hold a party in contempt for failure to make payments where the Defendant claims it does not and will not have the money. The Court then advised it will revisit the issue at the upcoming court date, and indicated that if the issues are not resolved at that time the Court will hear the Motion for Partial Summary Judgment. The Court then continued the matter to the next hearing date, which was set for June 5, 2018. Thus, the Motion to Hold Defendants in Contempt was NOT denied on May 23, 2018.

3) The Motion to Strike Defendants Answer. Similar to the contempt motion, this portion of Plaintiffs omnibus motion was continued to June 1, 2018. Because this portion of the motion related back to the contempt motion, this portion was also continued from June 1, 2018 to June 5, 2018. On June 5, 2018, the Court GRANTED Plaintiffs Motion for Partial Summary Judgment. The Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment, heard on June 5, 2018, and filed August 21, 2018, provides, given the deference this Court must give in enforcing the Constitution of the State of Nevada, the Court finds that Defendants persistent failure to comply with Court orders, and for reasons stated herein, warrants holding defendants in contempt and striking their answer. . . While this Court has been at pains to resolve important issues without resort to sanctions, the Court cannot avoid the conclusion that if other, less drastic bases were not available, it would proceed by way of sanction, strike the answer, and award judgment to Plaintiffs. The Order then goes through the analysis of the sanction under *Young v. Johnny Ribeiro* 787 P.2d 777 (Nev. 1990), however, the Court stated [d]espite plaintiffs warranted request to hold defendants in contempt and strike their answer, the Court has not viewed this as warranted to remedy this point, and therefore has declined to do so. As an alternative ruling, the Court is prepared to do so now. Thus, the Motion to Strike Defendants Answer was NOT denied on May 23, 2018, but was continued for further argument on June 1, 2018, June 5, 2018, and ultimately resolved via the order granting summary judgment.

4) The Motion to Grant Partial Summary Judgment. Similar to the analysis above, this portion of Plaintiffs compound motion was continued to June 5, 2018 and ultimately GRANTED at the June 5, 2018 hearing. Thus, this portion of Plaintiffs omnibus motion was NOT denied at the May 23, 2018 hearing.

5) The Motion to Direct a Prove-Up hearing. The same analysis above, regarding the Motion to Strike Defendants Answer, applies here.

6) The Motion to Coordinate Cases. This portion of Plaintiffs motion was resolved at the May 23, 2018 hearing. The Court DENIED Plaintiffs Motion to Coordinate Cases.

The Court is clarifying the procedural history of the relief requested because the proposed orders submitted to chambers by both sides have not accurately identified and resolved all motions before the Court.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 06, 2019

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

February 06, 2019 9:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Dubowsky, Peter	Attorney
	Gabroy, Christian	Attorney
	Greenberg, Leon	Attorney
	Nady, Creighton J	Defendant
	Parsons, Steven J.	Attorney
	Rodriguez, Esther C.	Attorney
	Shafer, Jay A.	Attorney
	Sniegocki, Dana	Attorney

JOURNAL ENTRIES

- STATUS CHECK: SPECIAL MASTERS REPORT... MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL...MOTION TO AMEND THE COURT'S ORDER ENTERED ON December 18, 2018... DEFENDANT'S MOTION TO PAY SPECIAL MASTER OST... PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO PAY SPECIAL MASTER OST AND COUNTERMOTION FOR AN ORDER TO TURN OVER PROPERTY

Following statements and arguments by counsel, COURT ORDERED, as follows:

COURT ORDERED, Status Check: Special Masters Report, Motion to Distribute Funds Held by Class Counsel, Motion to Amend the Court's Order Entered on December 18, 2018, Defendant's Motion to Pay Special Master OST, and Plaintiff's Response in Opposition to Defendant's Motion to Pay Special

Master OST and Countermotion for an Order to turn over property CONTINUED.

COURT ORDERED, Special Master to retain the exhibits to the report and are to be kept in confidence.

COURT ORDERED, Mr. Parson's oral Motion to be Retained by the Special Master and \$20,000.00 be disbursed to them GRANTED.

COURT ORDERED, NO NEW Writs of Execution or RENEWAL of Writs of Execution to be issued before the February 27, 2019 hearing.

COURT FURTHER ORDERED, Defendant A Cab may disburse a onetime disbursement of \$10,000.00 to Mr. Nady's Trust.

Mr. Parson to prepare the Order.

CONTINUED TO: 2/27/19 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 01, 2019

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

March 01, 2019	3:38 PM	Minute Order
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HEARD BY: Cory, Kenneth	COURTROOM: RJC Courtroom 16A
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COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court notes that a Notice of Firm Name Change was filed on February 27, 2019, which changes the name of one of the firms representing the Defendants from Premier Legal Group to Cory Reade Dows and Shafer. The Court has confirmed that his brother Timothy Cory has formed a law firm which places him in partnership with Jay Shafer, one of the attorneys for the Defendants.

Pursuant to Rule 2.11(a)(2) of the Revised Nevada Code of Judicial Conduct, when a judge knows that the judge's brother is acting as a lawyer in the proceeding he should disqualify himself from presiding over the matter. Accordingly, the Court RECUSES itself from further hearings in this matter.

The Court further notes that the three orders bearing today's date were previously heard and decided, and that the Court today simply approved the final draft of those orders.

CLERK'S NOTE: A copy of this minute order was emailed to: Leon Greenberg, Esq. (leongreenberg@overtimelaw.com) Esther Rodriguez, Esq. (info@rodriguezlaw.com), Mark Bourassa, Esq. (mbourassa@blgwins.com) and Steven Parsons, Esq. (steve@sjplawyer.com). //ev 3/1/19

EXHIBIT(S) LIST

Case No.: A669926

Hearing:

9/28/18

+ 10/22/18

Dept. No.: 1

Judge: Kenneth Cory

Court Clerk: Michele Tucker

Plaintiff: MICHAEL MURRAY

Recorder:

Lisa Lizotte

Counsel for Plaintiff:

LEON GREENBERG / DANA
SNIEGOCKI

vs.

Defendant: A CAB TAXI SERVICE, LLC

Counsel for Defendant: ESTHER RODRIQUEZ /
JAY SHAFER / MICHAEL
WALL

HEARING / TRIAL BEFORE THE COURT

DEFENDANT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A	Legal Order Processing Confirmation	9/28/18	YES	9/28/18
B	Declaration of Steve Beck	9/28/18	YES	
C	Selected Portions of NR 86	9/28/18	YES	
D	Amended & Restated Articles for A CAB	9/28/18	YES	
E	Operating Agreements for Series Entity	9/28/18	YES	
F	Amended Certificate of Public Convenience	9/28/18	YES	
G	NV Taxicab Authority Board Mtg 9/27/11	9/28/18	YES	
H	NV Taxicab " " 11/29/11	9/28/18	YES	
I	Writ from Plt's counsel	9/28/18	YES	
J	Entity Actions	9/28/18	YES	9/28/18



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

MICHAEL K. WALL
10080 W. ALTA DR., SUITE 200
LAS VEGAS, NV 89145

DATE: March 7, 2019
CASE: A-12-669926-C

RE CASE: MICHAEL MURRAY; MICHAEL RENO vs. A CAB TAXI SERVICE, LLC; A CAB, LLC; CREIGHTON J. NADY

NOTICE OF APPEAL FILED: March 6, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order *re: Orders filed December 20, 2018 and March 4, 2019*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

SECOND AMENDED NOTICE OF APPEAL; DEFENDANTS' SECOND AMENDED CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING SUMMARY JUDGMENT, SEVERING CLAIMS, AND DIRECTING ENTRY OF FINAL JUDGMENT; NOTICE OF ENTRY OF ORDER; ORDER; NOTICE OF ENTRY OF ORDER; ORDER GRANTING PLAINTIFFS' COUNTERMOTION FOR JUDGMENT ENFORCEMENT RELIEF; NOTICE OF ENTRY OF ORDER; ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' OBJECTIONS TO DEFENDANTS' CLAIMS OF EXEMPTION FROM EXECUTION; NOTICE OF ENTRY OF ORDER; ORDER DENYING DEFENDANTS' MOTION TO QUASH WRIT OF EXECUTION; NOTICE OF ENTRY OF ORDER; ORDER ON MOTION FOR DISMISSAL OF CLAIMS ON ORDER SHORTENING TIME; JUDGMENT AND ORDER GRANTING RESOLUTION ECONOMICS' APPLICATION FOR ORDER OF PAYMENT OF SPECIAL MASTER'S FEES AND ORDER OF CONTEMPT; NOTICE OF ENTRY OF ORDER; ORDER GRANTING PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS PURSUANT TO NRCP 54 AND THE NEVADA CONSTITUTION; NOTICE OF ENTRY OF ORDER; ORDER 1. ACCEPTING AND APPROVING THE FEBRUARY 1, 2019 REPORT OF SPECIAL MASTER GEORGE C. SWARTS, CPA, 2. APPROVING THE RETENTION OF COUNSEL FOR THE SPECIAL MASTER, 3. APPROVING THE INTERIM FEES AND COSTS OF THE SPECIAL MASTER AND HIS COUNSEL, 4. THE PAPERS INCLUDING THE EXHIBITS TO THE SPECIAL MASTER'S REPORT OF FEBRUARY 1, 2019 TO REMAIN IN THE CONFIDENTIAL POSSESSION OF THE COURT AND SPECIAL MASTER AND NOT OTHERWISE BE DISCLOSED TO THE PARTIES OR PUBLISHED, 5. THE ONGOING SERVICE AND THE REAPPOINTMENT OF THE SPECIAL MASTER, 6. PLAINTIFFS SHALL NOT INITIATE ANY FURTHER EFFORTS AT COLLECTION OF JUDGMENT AGAINST DEFENDANTS, AND 7. CONTINUING ALL OTHER MATTERS FOR HEARING ON WEDNESDAY, FEBRUARY 27, 2019 AT 10:00 AM.; ORDER DENYING IN PART AND CONTINUING IN PART PLAINTIFFS' MOTION ON OST TO LIFT STAY, HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER, GRANT PARTIAL SUMMARY JUDGMENT, DIRECT A PROVE UP HEARING, AND COORDINATE CASES; NOTICE OF ENTRY OF ORDER; ORDER ON DEFENDANTS' MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

MICHAEL MURRAY; MICHAEL RENO,

Plaintiff(s),

vs.

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

Case No: A-12-669926-C

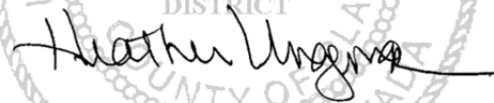
Dept No: I

Defendant(s),

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 7 day of March 2019.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLATSOP STATE OF OREGON".

Heather Ungermann, Deputy Clerk
A-12-669926-C