

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

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Jun 21 2019 01:20 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE # 77050

A CAB, LLC, and CREIGHTON J. NADY,	)	District Court
	)	Case No.: A-12-669926-C
Appellants	)	
vs	)	
	)	
	)	RESPONDENTS' REPLY TO
MICHAEL MURRAY, and MICHAEL	)	APPELLANT CREIGHTON J.
RENO, Individually and on behalf of others	)	NADY'S RESPONSE TO ORDER
similarly situated,	)	TO SHOW CAUSE WHY
	)	APPELLANT CREIGHTON J.
Respondents.	)	NADY'S APPEAL SHOULD NOT
	)	BE DISMISSED
_____	)	

Respondents agree that the appeal of Appellant Creighton J. Nady ("Nady") should be dismissed. They also agree that the appeal of A Cab LLC (currently known as A Cab Series LLC) ("A Cab") is properly ripe as A Cab was subject to a final judgment in the district court, though that appeal is currently stayed by operation of 11 U.S.C. § 362(a) as a result of certain Bankruptcy Court proceedings.

Nady's response to the Court's Order to Show Cause is almost entirely an irrelevant, improper, disrespectful, and untrue recital (really a diatribe) of prior events in this litigation and actions by District Judge Cory. Respondent's counsel is pained that the Court has been burdened with such a submission by a fellow officer of the Court and will not burden the Court further by addressing that portion of such submission.

Nady's argues that the severance order entered by the district court was improper. He insists that the severance order has not been properly respected by the district court; that it created a "manufactured final judgment" against A Cab; that "there has not been an actual severance of the cases into separate cases;" and that the district court is proceeding improperly. He offers no explanation or support for any of those claims and all of them are irrelevant to this appeal. If the district court has engaged in misconduct prejudicial to Nady, or his rights have been improperly impaired by the district court's severance order, his remedy is through a petition for appropriate writ relief.

Ultimately, Nady's concedes that the severance order entered by the district court, if recognized by this Court as effective, means he is not subject to a final judgment and lacks standing to appeal and his appeal should, under such circumstances, be dismissed. Nady's counsel then concludes by arguing that in the alternative the Court "...could simply dismiss this appeal in its entirety by

recognizing the severance as the ineffective legal maneuver that it is, and declaring that the district court's decision is not final as to anyone." No basis exists for this Court to make such a ruling and none is provided by Nady.

As this Court correctly noted in its Order to Show Cause, citing its decision in *Valdez v. Cox Communications Las Vegas, Inc.*, 336 P.3d 969 (2014), the severed claims against A Cab have resulted in a final judgment as to that party but not as to Nady. Adopting Nady's suggestion, and entirely overruling *Valdez*, would deprive district courts of the ability to sever claims and parties to appropriately and efficiently bring litigation to conclusion. The propriety of the severance against Nady in this case is overwhelmingly apparent, which is presumably why Nady has not invoked his right to seek writ relief in respect to the severance order.

The severed claims against Nady are based upon his alleged "alter ego" and "unjust enrichment" liability for the unpaid minimum wages owed by A Cab. Ex. "A" Second Amended and Supplemental Complaint, third and fourth claims for relief. Those claims are completely derivative of A Cab's liability for unpaid minimum wages. If A Cab satisfies the judgment entered against it for those unpaid minimum wages the severed action against Nady will be rendered moot. Nady is urging this Court to rule that the judgment against A Cab is not final so he can continue to delay the course of the proceedings in the district court and A Cab

can delay its day of reckoning for its unpaid minimum wage liability.

## CONCLUSION

Nady's appeal should be dismissed.

Dated: June 21, 2019

*/s/ Leon Greenberg*

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PROOF OF SERVICE

The undersigned certifies that on June 21, 2019, she served the  
within:

**RESPONDENTS' REPLY TO APPELLANT  
CREIGHTON J. NADY'S RESPONSE TO  
ORDER TO SHOW CAUSE WHY APPELLANT  
CREIGHTON J. NADY'S APPEAL  
SHOULD NOT BE DISMISSED**

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