

IN THE SUPREME COURT OF THE STATE OF NEVADA

A CAB, LLC,	)	Supreme Court No. 77050
	)	
Appellant,	)	Electronically Filed
	)	Jan 08 2020 04:20 p.m.
vs.	)	Elizabeth A. Brown
	)	Clerk of Supreme Court
	)	<b>RESPONSE TO ORDER TO</b>
	)	<b>SHOW CAUSE WHY</b>
	)	<b>PORTIONS OF APPELLANT'S</b>
MICHAEL MURRAY; AND	)	<b>APPEAL SHOULD NOT BE</b>
MICHAEL RENO, INDIVIDUALLY	)	<b>DISMISSED</b>
AND ON BEHALF OF ALL OTHERS	)	
SIMILARLY SITUATED,	)	
	)	
Respondents.	)	
_____	)	

This is an appeal filed by appellants A Cab, LLC, Creighton J. Nady,<sup>1</sup> and A Cab Series, LLC, from an order of the district court granting summary judgment in favor of respondents, and from several post-judgment orders that qualify as appealable special orders after final judgment. NRAP 3A(b)(1)&(8). These are listed in appellant's second amended notice of appeal. Exhibit 14.

On December 9, 2019, this Court entered an order directing appellants to show cause why their appeal should not be dismissed with respect to three of the post-judgment orders listed in the second amended notice of appeal. Appellants believe that their second amended notice of appeal is timely as to all of the orders

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<sup>1</sup>Nady's appeal was dismissed by this Court on July 12, 2019. Exhibit 15.

from which they have appealed, and that each listed order is properly appealable at this time. To understand the posture of this appeal, it is necessary to first clarify the procedure below, and who the parties to this appeal are.

## **I. Background.**

The underlying class action alleges generally that A Cab and its principal, Nady, failed to pay cab drivers a minimum wage.<sup>2</sup> Appellants deny the allegations.

On October 8, 2012, plaintiffs/respondents filed a class-action complaint naming as defendants A Cab Taxi Service, LLC, and A Cab, LLC. Exhibit 1. There is not now and never has been an entity named A Cab Taxi Service, LLC.<sup>3</sup>

On January 30, 2013, plaintiffs filed an amended complaint naming the same defendants. Exhibit 2.

On August 19, 2015, plaintiffs filed a second amended complaint adding

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<sup>2</sup>There are numerous pleading issues in this case, and this statement is a gross over-simplification of the action below. In this response to this OSC, we will address only the pleadings and motion papers relevant to the jurisdictional issues raised by this Court.

<sup>3</sup>Although the non-existence of A Cab Taxi, LLC, was explained to plaintiffs' counsel at the outset of this litigation and numerous times since its inception, the caption in district court continued until the judgment in this matter to contain the A Cab Taxi, LLC, as a named defendant. Obviously, the non-existent A Cab Taxi, LLC, was never served and never appeared in the action below.

Nady as a party, and adding claims against him. Exhibit 3.

On August 21, 2018, the district court entered summary judgment in favor of plaintiffs as to the claims against A Cab, LLC. Exhibit 4. The summary judgment purported to sever the claims against Nady, and to be a final judgment as to the claims against A Cab, LLC.<sup>4</sup> *Id.* Notice of entry of the judgment was served on August 22, 2018. *Id.*

On that same day, August 22, 2018, plaintiffs filed in district court a motion to amend the judgment “to add the name A CAB SERIES LLC as judgment debtor to that Judgment, as that is the current name of the defendant A CAB LLC originally sued in this case and against whom such Judgment was entered.”

Exhibit 5. This is false. A Cab Series, LLC, is a separate entity that was never sued before the final judgment was entered. One cannot “add the name,” and A Cab Series, LLC, is not “the current name” of A Cab LLC. These are separate entities. But that is an argument on the merits that we must include in the briefs.

What is relevant at this juncture is that plaintiffs’ motion to amend judgment is a tolling motion under NRAP 4(a)(4)(C).

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<sup>4</sup>Appellants believe that both the judgment and the purported severance of claims was improper and ineffective, but these are issues for the appeal. This Court has already treated the judgment as final and the severance as effective, at least for purposes of appeal. See Order Dismissing Appeal of Nady, Exhibit 15. In this response, appellants do the same.

On September 10, 2018, appellants filed a “Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims.” Exhibit 6. This timely motion tolled the time for filing a notice of appeal under NRAP 4(a)(4)(B), (C) & (D).

A whirlwind of motions and orders and papers have been filed in district court since that time, making this case far more complex than is necessary, and resulting in many orders that qualify as special orders after final judgment under NRAP 3A(b)(8). During all of this time, appellants’ motion tolling the time for appeal was in place.

On September 21, 2018, because of the substantial confusion in the filings in district court and out of an abundance of caution, appellants A Cab, LLC, and Nady filed their notice of appeal from the final judgment. Exhibit 7. Because there was a judgment pending, and because appellants were uncertain as to whether that judgment was final and whether their motion would toll if the judgment was not final, appellants filed their notice of appeal. Pursuant to NRAP 4(a)(6), that notice of appeal would either be effective immediately (assuming the immediate appealability of the judgment), or would be in limbo until resolution of all tolling motions, at which time it would become effective, because it would be deemed to have been filed on the same day, and immediately after, the order



resolving the last tolling motion. *Id.*

On October 22, 2018, the district court granted plaintiffs' tolling motion to amend the judgment. Exhibit 8. The district court did not enter an amended judgment. Instead, it entered an order purporting to change the parties to the judgment it had already entered. Under the fiction that A Cab, LLC, and A Cab Series, LLC, are one and the same entity, the district court 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 subject to the judgment. This order may be viewed as a special order after final judgment pursuant to NRAP 3A(b)(8), or possibly as an amended judgment, although it does not purport to be an amended judgment.

On December 20, 2018, the district court entered an order denying the portion of appellants' tolling motion that sought dismissal of the complaint for lack of subject matter jurisdiction (the non-tolling portion). Exhibit 9. The district court's order did not, however, resolve any of the tolling portions of the pending motion, *i.e.*, the motion for reconsideration, the motion to amend, and the motion for a new trial. *Id.* Thus, the time to appeal from the final judgment (and all post-judgment orders) remained tolled.

Also in December of 2018, the district court entered a number of post-judgment orders addressing collection, jurisdictional, and other issues. Most of those are not relevant to the issues raised in this Court's order to show cause. Some of the orders appear to qualify as special orders after final judgment pursuant to NRAP 3A(b)(8).

Because the finality of the judgment and the status of the matter in district court remained unclear, and because the order denying the motion to dismiss appeared possibly to be independently appealable, on January 15, 2019, appellants filed an amended notice of appeal. Exhibit 10. Out of an abundance of caution, appellants listed in this notice of appeal every order that appeared to be appealable, including the district court's order of October 22, 2018, that purports to add a party to the case after the final judgment was entered. *Id.* The appeal from this order is the first one questioned in this Court's order to show cause.

Also, because the district court's October 22, 2018, order purported to add A Cab Series, LLC, as a party defendant and judgment debtor, A Cab Series, LLC, was named in the amended notice of appeal as an appellant. This Courts' caption on its order reinstating this appeal and ordering appellants to show cause does not include A Cab Series, LLC, in the caption. On this response, appellants have used the caption used by this Court, but appellants believe the caption needs to be

amended to add A Cab Series, LLC, as a separate appellant.<sup>5</sup>

Thereafter, the district court continued to enter many post-judgment orders regarding collection and other issues. Some of these qualify as special orders after final judgment pursuant to NRAP 3A(b)(8). These include the March orders about which this Court has raised questions in its order to show cause. Exhibits 11 & 12.

Although appellants sent multiple requests to the district court begging it to issue a decision on their tolling motion, and raised at multiple hearings the issue of the district court's refusal to enter an order, and the prejudicial effect lack of an order had on appellants' rights and appellants' ability to proceed with their appeal, for reasons unclear to appellants, Judge Cory did not enter an order on appellants' tolling motion for many months after the motion was heard, although proposed orders were submitted. Finally, on March 5, 2019, the district court entered an order summarily denying appellants' tolling motion. Exhibit 13.

On that same date, March 5, 2019, immediately after the order on the tolling

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<sup>5</sup>It is black letter law in Nevada that a defendant becomes a party only after that defendant has been named in a complaint and has been served with process. *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d. 196 (1979). A Cab Series, LLC, was neither named in the complaint nor served with process. Nevertheless, the district court's order purports to make A Cab Series, LLC, a party subject to the judgment. Thus, A Cab Series, LLC, must be provided with an avenue to appeal.

motion was denied, appellants' first notice of appeal from the final judgment became effective pursuant to NRAP 4(a)(6). In the appeal from the final judgment, appellants may pursue all issues that preceded the final judgment and became part of it. *See Mardian v. Greenberg Family Tr.*, 131 Nev. 730, 359 P.3d 109 (2015) (orders that are not immediately appealable may be reviewed on appeal from the subsequent final judgment).

Nevertheless, to be absolutely certain all deadlines had been met, on March 6, 2019, appellants filed their second amended notice of appeal. Exhibit 14. This notice of appeal listed as appellants A Cab, LLC, A Cab Series, LLC, and Nady. This Court later dismissed the appeal as to Nady, treating the district court's judgment as final and its order of severance of the claims against Nady as effective, at least for purposes of appeal. Exhibit 15. Therefore, the caption on this appeal should be amended to name A Cab, LLC, and A Cab Series, LLC, as appellants.

## **II. Discussion.**

### **A. Appellants' Notice of Appeal from the District Court's Order of October 22, 2018, Is Timely.**

As can be calculated from the dates set forth above, appellants notices of appeal are timely from the district court's order dated October 22, 2018. That

order is a special order after final judgment under NRAP 3A(b)(8), even if it also qualifies as an amended judgment. It follows final judgment and it affects the substantial rights of the parties arising from the judgment. *See Gumm v. Mainor*, 118 Nev. 912, 59 P.3d 1220 (2002) (a post-judgment order that affects rights of the parties growing out of the final judgment is appealable as a special order). That is the definition of a special order after final judgment.

A timely tolling motion was filed after entry of the final judgment, and that tolling motion tolled the time for appeal not only for the final judgment, but for every special order after final judgment entered thereafter. An order denying the tolling motion was not entered until March 5, 2019.

In *Winston Prod. Co. v. DeBoer*, 122 Nev. 517, 525–26, 134 P.3d 726, 731–32 (2006), this Court addressed the issue of “whether a tolling motion directed at the final judgment also tolls the time to appeal from a special order after final judgment.” This Court considered the policy issues, and concluded that such a tolling motion does toll the time to appeal for other, appealable, post-judgment orders entered after the final judgment. The facts of *Winston* are identical to the facts here. This Court reasoned:

Here, notice of entry of the order awarding attorney fees and costs was served on appellant on June 10, 2005. However, appellant did not file its notice of appeal until July 29, 2005—well beyond the 30-day

time limit allowed under NRAP 4(a)(1). Accordingly, this court only has jurisdiction to consider issues relating to the attorney fees and costs order if the time to appeal from that order was tolled by appellant's motions for judgment as a matter of law and for a new trial.

NRAP 4(a)(4) provides that when a tolling motion is filed, “the time to file a notice of appeal runs for all parties from entry of an order disposing of the last such remaining motion.” This court’s decisions have evaluated tolling motions in the context of appeals from final judgments. However, because NRAP 4(a)(4) does not specify from which orders the time to appeal may be tolled, its applicability to post-judgment orders awarding attorney fees and costs is unclear.

In this case, the order awarding attorney fees to respondent was predicated on the final judgment in respondent’s favor. There is thus a close connection between the final judgment and the special order after final judgment in that a change to the final judgment would likely result in a change to the special order after final judgment. By definition, any special order after final judgment must be closely related to the judgment. This close connection leads us to conclude that the tolling motions enumerated in NRAP 4(a)(4) apply to both types of orders. Any other interpretation of NRAP 4(a)(4) would result in the appeal of a post-judgment order proceeding in this court while the underlying judgment was still subject to change during the pendency of tolling motions in the district court. Such an effect would not only impede judicial economy and result in piecemeal litigation, but it would also likely be counterintuitive to many legal practitioners and create significant confusion over the time for filing appeals from special orders after final judgment. As we have previously explained, “[t]he filing of a simple notice of appeal was intended to take the place of more complicated procedures to obtain review, and the notice should not be used as a technical trap for the unwary draftsman.” Our interpretation of NRAP 4(a)(4) tolling motions should reflect our intent to preserve a simple and efficient procedure for filing a notice of appeal.

We therefore hold that a timely filed tolling motion under NRAP 4(a)(4) tolls the time to appeal from both final judgment and special orders entered after final judgment.

The same is true of every order the district court entered following final judgment in this action below in this case, including the October 22, 2018 order. Therefore, appellants' notice of appeal filed on March 6, 2019, is timely as to the district court's October 22, 2018 order.<sup>6</sup>

Even were this Court to consider that order to be an amended judgment, an amended judgment is like any other post-judgment order that affects the substantial rights of the parties arising from the judgment. There appears to be no reason to require that a separate notice of appeal be filed following an amended judgment before a timely tolling motion as to the judgment is resolved, for all of the reasons expressed in *Winston*. An amended judgment is clearly related to the judgment. When that amended judgment does not take the place of the original judgment, but merely changes the original judgment in some substantive manner, a change to the original judgment would necessarily affect the amended judgment. Requiring a separate notice of appeal from the amended judgment when no notice of appeal is yet due from the final judgment would put the cart before the horse,

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<sup>6</sup>The prior, premature notice of appeal filed on January 15, 2019, was also timely and effective as to the October 22, 2018 order pursuant to NRAP 4(a)(6).

would “impede judicial economy,” would “result in piecemeal litigation,” would be “counterintuitive to many legal practitioners,” would “create significant confusion,” and would create “a technical trap” for the unwary draftsman. There is no logical reason to treat the October 22, 2018 order in this case differently from the post-judgment order that was involved in *Winston*.

**B. Appellants’ Are Aggrieved by the District Court’s Order of March 4, 2019.**

This Court has also questioned whether appellants are aggrieved by the district court’s orders dated March 4, 2019, and March 5, 2019. Because these orders were entered following final judgment, and following the district court’s order adding a party defendant to the action after final judgment was entered, the orders affects the substantial rights of the parties growing out of the judgment, which makes them appealable pursuant to NRAP 3A(b)(8). Further, both the original defendant against whom the judgment was entered, appellant A Cab, LLC, and the defendant who was added as a party after judgment was entered, appellant A Cab Series, LLC, are aggrieved by the district court’s post judgment orders enforcing against non-parties a judgment which is infirm against both the original defendant, the defendant added post-judgment, and the many separate entities whose assets have been attached and stolen under the fiction that these



multiple, separate entities are all one and the same.

Specifically, the district court has entered a number of orders in an effort to enforce its summary judgment not only against the sole defendant who is subject to the judgment, A Cab, LLC, and not only against A Cab Series, LLC, but also against a number of other non-parties to the judgment, each of which is a separate entity and protected by statute from execution. The district court refuses to accept that the law in Nevada allows parties to form separate entities to protect themselves from liability for the separate debts of the separate entities. Instead, the district court insists on treating more than a dozen separate entities as though they are one, despite the fact that no attempt has been made to pierce their separate corporate shields or to even allege, let alone prove, that they are not separate entities properly created under, and in strict compliance with, statutes allowing such organizations to exist and to shield assets from liability. This District Judge Cory<sup>7</sup> has done in a misguided view of his authority under the Nevada Constitution. Therefore, appellants are aggrieved by every order that seeks to enforce the judgment against non-parties.

The March 4, 2019 order regarding special masters fees not only approves

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<sup>7</sup>The case has been reassigned to Judge Bare, who has inherited a case that is a procedural mess.

the fees of the special master, it increases the amount the district court has previously allowed. The district court is also requiring that appellant A Cab, LLC, and appellant A Cab Series, LLC, a non-party to the judgment except by improper post-judgment order, pay the fees of the special master. Appellants believe the district court erred and abused its discretion in appointing a special master to enforce against non-parties a judgment that should never have been entered in the first place. The special master has been given control over assets, documents, and confidential trade secrets and information of a number of entities who are not arguably party to the judgment under the fiction that the statute that allows for series LLCs is invalid and that the entire series of LLCs is really just one entity. In this order, the district court has authorized the retention of counsel to represent the special master, and the continued increase in costs and expenditures, and additional access to documents and control of non-parties and parties alike, all at the expense of appellants. The judgment and post-judgment orders are killing A Cab, LLC, and A Cab Series, LLC, and a number of other related but separate entities, all before the suspect judgment can be reviewed on appeal. A Cab's very existence is threatened.

All of the entities are aggrieved by this order. But only the appellants have a basis to appeal as parties (or ostensible parties) to the judgment and action

below.

Appellants concede that the order of March 5, 2019, denying motion to lift stay and continuing other matters is not independently appealable and that they are not aggrieved by that particular order, except in the sense that the order is a continuation of the improper post-judgment orders plaguing appellants and threatening their continued existence as entities.

Respectfully submitted this 8 day of January, 2020.

HUTCHISON & STEFFEN, PLLC

A handwritten signature in black ink, appearing to read "Michael K. Wall", written over a horizontal line.

Michael K. Wall (2098)  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Telephone: 702/385-2500  
mwall@hutchlegal.com  
*Attorney for Appellants*

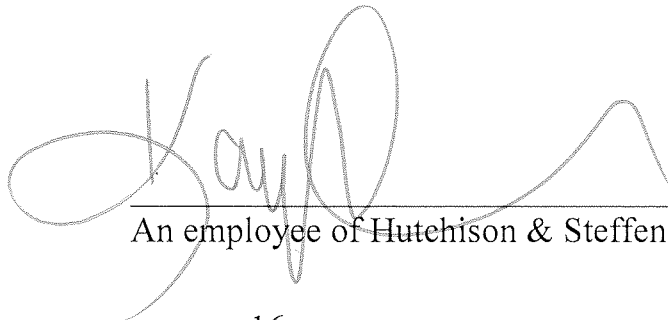
**CERTIFICATE OF SERVICE**

I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this date **RESPONSE TO ORDER TO SHOW CAUSE WHY APPELLANT CREIGHTON J. NADY'S APPEALS SHOULD NOT BE DISMISSED** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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

*Attorneys for Respondents*

DATED this 9th day of January, 2020.

  
An employee of Hutchison & Steffen, PLLC

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EXHIBIT PAGE ONLY

## EXHIBIT 1

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

## CIVIL COVER SHEET

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

Clark County, Nevada

XXVII I

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"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence</b> <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"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <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"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Trust/Conservatorships</b> <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> <b>Breach of Contract</b> <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"/> <b>Civil Petition for Judicial Review</b> <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"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> <b>Other Civil Filing</b> <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.)

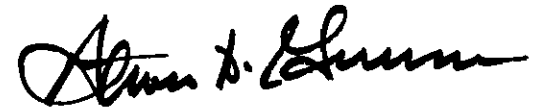
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 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.



CLERK OF THE COURT

1 **COMP**

2 LEON GREENBERG, ESQ., SBN 8094  
3 DANA SNIEGOCKI, ESQ., SBN 11715  
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7 Attorneys for Plaintiffs

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 A-12-669926-C

12 MICHAEL MURPHY and MICHAEL )  
13 RENO, Individually and on )  
14 behalf of others similarly )  
15 situated, )

16 Plaintiffs, )

17 vs. )

18 A CAB TAXI SERVICE LLC and )  
19 A CAB, LLC, )

20 Defendants. )

Case No.:

Dept.: XXVIII

**COMPLAINT**

**ARBITRATION EXEMPTION  
CLAIMED BECAUSE THIS IS  
A CLASS ACTION CASE**

21 MICHAEL MURPHY and MICHAEL RENO, Individually and on  
22 behalf of others similarly situated, by and through their  
23 attorney, Leon Greenberg Professional Corporation, as and  
24 for a Complaint against the defendants, state and allege,  
25 as follows:

26 **JURISDICTION, PARTIES AND PRELIMINARY STATEMENT**

27 1. The plaintiffs, MICHAEL MURPHY and MICHAEL RENO,  
28 (the "individual plaintiffs" or the "named plaintiffs")

1 are residents of the State of Nevada and during all  
2 relevant times were residents of Clark County, Nevada, and  
3 all plaintiffs are current employees of the defendants.

4 2. The defendants A CAB TAXI SERVICE LLC and A CAB,  
5 LLC, (hereinafter referred to as "A CAB" or "defendants")  
6 are limited liability companies or corporations existing  
7 and established pursuant to the laws of the State of  
8 Nevada with their principal place of business in the  
9 County of Clark, State of Nevada and conduct business in  
10 Nevada.

#### 11 **CLASS ACTION ALLEGATIONS**

12 3. The plaintiffs bring this action as a class  
13 action pursuant to Nev. R. Civ. P. §23 on behalf of  
14 themselves and a class of all similarly situated persons  
15 employed by the defendants in the State of Nevada.

16 4. The class of similarly situated persons consists  
17 of all persons employed by defendant in the State of  
18 Nevada during the applicable statute of limitations  
19 periods prior to the filing of this Complaint continuing  
20 until date of judgment, such persons being employed as  
21 Taxi Cab Drivers (hereinafter referred to as "cab drivers"  
22 or "drivers") such employment involving the driving of  
23 taxi cabs for the defendants in the State of Nevada.

24 5. The common circumstance of the cab drivers giving  
25 rise to this suit is that while they were employed by  
26 defendants they were not paid the minimum wage required by  
27 Nevada's Constitution, Article 15, Section 16 for many or  
28 most of the days that they worked in that their hourly



1 compensation, when calculated pursuant to the requirements  
2 of said Nevada Constitutional Provision, did not equal at  
3 least the minimum hourly wage provided for therein.

4       6. The named plaintiffs are informed and believe,  
5 and based thereon allege that there are at least 200  
6 putative class action members. The actual number of class  
7 members is readily ascertainable by a review of the  
8 defendants' records through appropriate discovery.

9       7. There is a well-defined community of interest in  
10 the questions of law and fact affecting the class as a  
11 whole.

12       8. Proof of a common or single set of facts will  
13 establish the right of each member of the class to  
14 recover. These common questions of law and fact  
15 predominate over questions that affect only individual  
16 class members. The individual plaintiffs' claims are  
17 typical of those of the class.

18       9. A class action is superior to other available  
19 methods for the fair and efficient adjudication of the  
20 controversy. Due to the typicality of the class members'  
21 claims, the interests of judicial economy will be best  
22 served by adjudication of this lawsuit as a class action.  
23 This type of case is uniquely well-suited for class  
24 treatment since the employers' practices were uniform and  
25 the burden is on the employer to establish that its method  
26 for compensating the class members complies with the  
27 requirements of Nevada law.

28       10. The individual plaintiffs will fairly and

1 adequately represent the interests of the class and have  
2 no interests that conflict with or are antagonistic to the  
3 interests of the class and have retained to represent them  
4 competent counsel experienced in the prosecution of class  
5 action cases and will thus be able to appropriately  
6 prosecute this case on behalf of the class.

7 11. The individual plaintiffs and their counsel are  
8 aware of their fiduciary responsibilities to the members  
9 of the proposed class and are determined to diligently  
10 discharge those duties by vigorously seeking the maximum  
11 possible recovery for all members of the proposed class.

12 12. There is no plain, speedy, or adequate remedy  
13 other than by maintenance of this class action. The  
14 prosecution of individual remedies by members of the class  
15 will tend to establish inconsistent standards of conduct  
16 for the defendants and result in the impairment of class  
17 members' rights and the disposition of their interests  
18 through actions to which they were not parties. In  
19 addition, the class members' individual claims are small  
20 in amount and they have no substantial ability to  
21 vindicate their rights, and secure the assistance of  
22 competent counsel to do so, except by the prosecution of a  
23 class action case.

24 **AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF OF THE NAMED**  
25 **PLAINTIFFS AND ALL PERSONS SIMILARLY SITUATED PURSUANT TO**  
**NEVADA'S CONSTITUTION**

26 13. The named plaintiffs repeat all of the  
27 allegations previously made and bring this First Claim for  
28 Relief pursuant to Article 15, Section 16, of the Nevada

1 Constitution.

2 14. Pursuant to Article 15, Section 16, of the Nevada  
3 Constitution the named plaintiffs and the class members  
4 were entitled to an hourly minimum wage for every hour  
5 that they worked and the named plaintiffs and the class  
6 members were often not paid such required minimum wages.

7 15. The named plaintiffs seek all relief available to  
8 them and the alleged class under Nevada's Constitution,  
9 Article 15, Section 16 including appropriate injunctive  
10 and equitable relief to make the defendants cease their  
11 violations of Nevada's Constitution and a suitable award  
12 of punitive damages.

13 16. The named plaintiffs on behalf of themselves and  
14 the proposed plaintiff class members, seek, on this First  
15 Claim for Relief, a judgment against the defendants for  
16 minimum wages, such sums to be determined based upon an  
17 accounting of the hours worked by, and wages actually paid  
18 to, the plaintiffs and the class members, a suitable  
19 injunction and other equitable relief barring the  
20 defendants from continuing to violate Nevada's  
21 Constitution, a suitable award of punitive damages, and an  
22 award of attorney's fees, interest and costs, as provided  
23 for by Nevada's Constitution and other applicable laws.

24 **AS AND FOR A SECOND CLAIM FOR RELIEF PURSUANT TO NEVADA**  
25 **REVISED STATUTES § 608.040 ON BEHALF OF THE NAMED**  
26 **PLAINTIFFS**  
**AND THE PUTATIVE CLASS**

27 17. Plaintiffs repeat and reiterate each and every  
28 allegation previously made herein.

1        18.     The named plaintiffs bring this Second Claim for  
2 Relief against the defendants pursuant to Nevada Revised  
3 Statutes § 608.040 on behalf of themselves and those  
4 members of the alleged class of all similarly situated  
5 employees of the defendants who have terminated their  
6 employment with the defendants.

7        19.     The named plaintiffs have been separated from  
8 their employment with the defendants and at the time of  
9 such separation were owed unpaid wages by the defendants.

10       20.     The defendants have failed and refused to pay the  
11 named plaintiffs and numerous members of the putative  
12 plaintiff class who are the defendants' former employees  
13 their earned but unpaid wages, such conduct by such  
14 defendants constituting a violation of Nevada Revised  
15 Statutes § 608.020, or § 608.030 and giving such named  
16 plaintiffs and similarly situated members of the putative  
17 class of plaintiffs a claim against the defendants for a  
18 continuation after the termination of their employment  
19 with the defendants of the normal daily wages defendants  
20 would pay them, until such earned but unpaid wages are  
21 actually paid or for 30 days, whichever is less, pursuant  
22 to Nevada Revised Statutes § 608.040.

23       21.     As a result of the foregoing, the named  
24 plaintiffs seek on behalf of themselves and the similarly  
25 situated putative plaintiff class members a judgment  
26 against the defendants for the wages owed to them and such  
27 class members as prescribed by Nevada Revised Statutes §  
28 608.040, to wit, for a sum equal to up to thirty days

1 wages, along with interest, costs and attorneys' fees.

2 WHEREFORE, plaintiffs demand the relief on each cause  
3 of action as alleged aforesaid.

4 Plaintiffs demand a trial by jury on all issues so  
5 triable.

6 Dated this 8th day of October, 2012.

7

8 Leon Greenberg Professional Corporation

9

10 By: /s/ Leon Greenberg

11 LEON GREENBERG, Esq.  
12 Nevada Bar No.: 8094  
13 2965 South Jones Blvd- Suite E4  
14 Las Vegas, Nevada 89146  
15 (702) 383-6085

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Attorney for Plaintiff

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## EXHIBIT 2

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

  
CLERK OF THE COURT

**ACOM**

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[dana@overtimelaw.com](mailto:dana@overtimelaw.com)

Attorneys for Plaintiffs

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

MICHAEL MURRAY and MICHAEL	)	Case No.: A-12-669926-C
RENO, Individually and on	)	Dept.: I
behalf of others similarly	)	
situated,	)	
Plaintiffs,	)	<b>FIRST AMENDED COMPLAINT</b>
vs.	)	<b>ARBITRATION EXEMPTION</b>
A CAB TAXI SERVICE LLC and	)	<b>CLAIMED BECAUSE THIS IS</b>
A CAB, LLC,	)	<b>A CLASS ACTION CASE</b>
Defendants.	)	

MICHAEL MURRAY (previously named as "MICHAEL MURPHY")  
and MICHAEL RENO, Individually and on behalf of others  
similarly situated, by and through their attorney, Leon  
Greenberg Professional Corporation, as and for a Complaint  
against the defendants, state and allege, as follows:

**JURISDICTION, PARTIES AND PRELIMINARY STATEMENT**

1. The plaintiffs, MICHAEL MURRAY and MICHAEL RENO,  
(the "individual plaintiffs" or the "named plaintiffs")

1 are residents of the State of Nevada and during all  
2 relevant times were residents of Clark County, Nevada, and  
3 all plaintiffs are current employees of the defendants.

4 2. The defendants A CAB TAXI SERVICE LLC and A CAB,  
5 LLC, (hereinafter referred to as "A CAB" or "defendants")  
6 are limited liability companies or corporations existing  
7 and established pursuant to the laws of the State of  
8 Nevada with their principal place of business in the  
9 County of Clark, State of Nevada and conduct business in  
10 Nevada.

#### 11 **CLASS ACTION ALLEGATIONS**

12 3. The plaintiffs bring this action as a class  
13 action pursuant to Nev. R. Civ. P. §23 on behalf of  
14 themselves and a class of all similarly situated persons  
15 employed by the defendants in the State of Nevada.

16 4. The class of similarly situated persons consists  
17 of all persons employed by defendant in the State of  
18 Nevada during the applicable statute of limitations  
19 periods prior to the filing of this Complaint continuing  
20 until date of judgment, such persons being employed as  
21 Taxi Cab Drivers (hereinafter referred to as "cab drivers"  
22 or "drivers") such employment involving the driving of  
23 taxi cabs for the defendants in the State of Nevada.

24 5. The common circumstance of the cab drivers giving  
25 rise to this suit is that while they were employed by  
26 defendants they were not paid the minimum wage required by  
27 Nevada's Constitution, Article 15, Section 16 for many or  
28 most of the days that they worked in that their hourly



1 compensation, when calculated pursuant to the requirements  
2 of said Nevada Constitutional Provision, did not equal at  
3 least the minimum hourly wage provided for therein.

4       6. The named plaintiffs are informed and believe,  
5 and based thereon allege that there are at least 200  
6 putative class action members. The actual number of class  
7 members is readily ascertainable by a review of the  
8 defendants' records through appropriate discovery.

9       7. There is a well-defined community of interest in  
10 the questions of law and fact affecting the class as a  
11 whole.

12       8. Proof of a common or single set of facts will  
13 establish the right of each member of the class to  
14 recover. These common questions of law and fact  
15 predominate over questions that affect only individual  
16 class members. The individual plaintiffs' claims are  
17 typical of those of the class.

18       9. A class action is superior to other available  
19 methods for the fair and efficient adjudication of the  
20 controversy. Due to the typicality of the class members'  
21 claims, the interests of judicial economy will be best  
22 served by adjudication of this lawsuit as a class action.  
23 This type of case is uniquely well-suited for class  
24 treatment since the employers' practices were uniform and  
25 the burden is on the employer to establish that its method  
26 for compensating the class members complies with the  
27 requirements of Nevada law.

28       10. The individual plaintiffs will fairly and

1 adequately represent the interests of the class and have  
2 no interests that conflict with or are antagonistic to the  
3 interests of the class and have retained to represent them  
4 competent counsel experienced in the prosecution of class  
5 action cases and will thus be able to appropriately  
6 prosecute this case on behalf of the class.

7 11. The individual plaintiffs and their counsel are  
8 aware of their fiduciary responsibilities to the members  
9 of the proposed class and are determined to diligently  
10 discharge those duties by vigorously seeking the maximum  
11 possible recovery for all members of the proposed class.

12 12. There is no plain, speedy, or adequate remedy  
13 other than by maintenance of this class action. The  
14 prosecution of individual remedies by members of the class  
15 will tend to establish inconsistent standards of conduct  
16 for the defendants and result in the impairment of class  
17 members' rights and the disposition of their interests  
18 through actions to which they were not parties. In  
19 addition, the class members' individual claims are small  
20 in amount and they have no substantial ability to  
21 vindicate their rights, and secure the assistance of  
22 competent counsel to do so, except by the prosecution of a  
23 class action case.

24 **AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF OF THE NAMED**  
25 **PLAINTIFFS AND ALL PERSONS SIMILARLY SITUATED PURSUANT TO**  
**NEVADA'S CONSTITUTION**

26 13. The named plaintiffs repeat all of the  
27 allegations previously made and bring this First Claim for  
28 Relief pursuant to Article 15, Section 16, of the Nevada

1 Constitution.

2 14. Pursuant to Article 15, Section 16, of the Nevada  
3 Constitution the named plaintiffs and the class members  
4 were entitled to an hourly minimum wage for every hour  
5 that they worked and the named plaintiffs and the class  
6 members were often not paid such required minimum wages.

7 15. The named plaintiffs seek all relief available to  
8 them and the alleged class under Nevada's Constitution,  
9 Article 15, Section 16 including appropriate injunctive  
10 and equitable relief to make the defendants cease their  
11 violations of Nevada's Constitution and a suitable award  
12 of punitive damages.

13 16. The named plaintiffs on behalf of themselves and  
14 the proposed plaintiff class members, seek, on this First  
15 Claim for Relief, a judgment against the defendants for  
16 minimum wages, such sums to be determined based upon an  
17 accounting of the hours worked by, and wages actually paid  
18 to, the plaintiffs and the class members, a suitable  
19 injunction and other equitable relief barring the  
20 defendants from continuing to violate Nevada's  
21 Constitution, a suitable award of punitive damages, and an  
22 award of attorney's fees, interest and costs, as provided  
23 for by Nevada's Constitution and other applicable laws.

24 **AS AND FOR A SECOND CLAIM FOR RELIEF PURSUANT TO NEVADA**  
25 **REVISED STATUTES § 608.040 ON BEHALF OF THE NAMED**  
26 **PLAINTIFFS**  
**AND THE PUTATIVE CLASS**

27 17. Plaintiffs repeat and reiterate each and every  
28 allegation previously made herein.

1        18.     The named plaintiffs bring this Second Claim for  
2 Relief against the defendants pursuant to Nevada Revised  
3 Statutes § 608.040 on behalf of themselves and those  
4 members of the alleged class of all similarly situated  
5 employees of the defendants who have terminated their  
6 employment with the defendants.

7        19.     The named plaintiffs have been separated from  
8 their employment with the defendants and at the time of  
9 such separation were owed unpaid wages by the defendants.

10       20.     The defendants have failed and refused to pay the  
11 named plaintiffs and numerous members of the putative  
12 plaintiff class who are the defendants' former employees  
13 their earned but unpaid wages, such conduct by such  
14 defendants constituting a violation of Nevada Revised  
15 Statutes § 608.020, or § 608.030 and giving such named  
16 plaintiffs and similarly situated members of the putative  
17 class of plaintiffs a claim against the defendants for a  
18 continuation after the termination of their employment  
19 with the defendants of the normal daily wages defendants  
20 would pay them, until such earned but unpaid wages are  
21 actually paid or for 30 days, whichever is less, pursuant  
22 to Nevada Revised Statutes § 608.040.

23       21.     As a result of the foregoing, the named  
24 plaintiffs seek on behalf of themselves and the similarly  
25 situated putative plaintiff class members a judgment  
26 against the defendants for the wages owed to them and such  
27 class members as prescribed by Nevada Revised Statutes §  
28 608.040, to wit, for a sum equal to up to thirty days

1 wages, along with interest, costs and attorneys' fees.

2 WHEREFORE, plaintiffs demand the relief on each cause  
3 of action as alleged aforesaid.

4 Plaintiffs demand a trial by jury on all issues so  
5 triable.

6 Dated this 30<sup>th</sup> day of January, 2013.

7

8 Leon Greenberg Professional Corporation

9

10 By: /s/ Leon Greenberg

11 LEON GREENBERG, Esq.  
12 Nevada Bar No.: 8094  
2965 South Jones Blvd- Suite E4  
13 Las Vegas, Nevada 89146  
(702) 383-6085

14

15 Attorney for Plaintiff

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## EXHIBIT 3

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

  
CLERK OF THE COURT

**ACOM**  
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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, A CAB,  
LLC, and CREIGHTON J. NADY  
  
Defendants.

Case No.: A-12-669926-C

Dept.: I

**SECOND AMENDED AND  
SUPPLEMENTAL  
COMPLAINT**

**ARBITRATION EXEMPTION  
CLAIMED BECAUSE THIS IS  
A CLASS ACTION CASE**

MICHAEL MURRAY and MICHAEL RENO, Individually and on behalf of  
others similarly situated, by and through their attorney, Leon Greenberg Professional  
Corporation, as and for a Complaint against the defendants, state and allege, as  
follows:

**JURISDICTION, PARTIES AND PRELIMINARY STATEMENT**

1. The plaintiffs, MICHAEL MURRAY and MICHAEL RENO, (the  
“individual plaintiffs” or the “named plaintiffs”) are residents of the State of Nevada  
and during all relevant times were residents of Clark County, Nevada, and all plaintiffs  
are current employees of the defendants.

1           2.     The defendants A CAB TAXI SERVICE LLC and A CAB, LLC,  
2 (hereinafter referred to as “A CAB” or “defendants” or “corporate defendants”) are  
3 limited liability companies or corporations existing and established pursuant to the  
4 laws of the State of Nevada with their principal place of business in the County of  
5 Clark, State of Nevada and conduct business in Nevada.

6           3.     The defendant CREIGHTON J. NADY (“NADY”) either directly, or  
7 through other entities that he controls and owns, is the sole owner of the corporate  
8 defendants.

9           4.     The defendant NADY exercises complete control over the activities of  
10 the corporate defendants, in that he is the highest level manager and decision maker of  
11 the corporate defendants and there are no other officers, directors, owners, members,  
12 managers, principals or other employees of the corporate defendants who can override  
13 or modify against his will any decision he makes in respect to the conduct of the  
14 corporate defendants.

### 15                                   **CLASS ACTION ALLEGATIONS**

16           5.     The plaintiffs bring this action as a class action pursuant to Nev. R. Civ.  
17 P. §23 on behalf of themselves and a class of all similarly situated persons employed  
18 by the defendants in the State of Nevada.

19           6.     The class of similarly situated persons consists of all persons employed  
20 by defendant in the State of Nevada during the applicable statute of limitations periods  
21 prior to the filing of this Complaint continuing until date of judgment, such persons  
22 being employed as Taxi Cab Drivers (hereinafter referred to as “cab drivers” or  
23 “drivers”) such employment involving the driving of taxi cabs for the defendants in the  
24 State of Nevada.

25           7.     The common circumstance of the cab drivers giving rise to this suit is that  
26 while they were employed by defendants they were not paid the minimum wage  
27 required by Nevada’s Constitution, Article 15, Section 16 for many or most of the days  
28 that they worked in that their hourly compensation, when calculated pursuant to the



1 requirements of said Nevada Constitutional Provision, did not equal at least the  
2 minimum hourly wage provided for therein.

3       8.     The named plaintiffs are informed and believe, and based thereon allege  
4 that there are at least 200 putative class action members. The actual number of class  
5 members is readily ascertainable by a review of the defendants' records through  
6 appropriate discovery.

7       9.     There is a well-defined community of interest in the questions of law and  
8 fact affecting the class as a whole.

9       10.    Proof of a common or single set of facts will establish the right of each  
10 member of the class to recover. These common questions of law and fact predominate  
11 over questions that affect only individual class members. The individual plaintiffs'  
12 claims are typical of those of the class.

13       11.    A class action is superior to other available methods for the fair and  
14 efficient adjudication of the controversy. Due to the typicality of the class members'  
15 claims, the interests of judicial economy will be best served by adjudication of this  
16 lawsuit as a class action. This type of case is uniquely well-suited for class treatment  
17 since the employers' practices were uniform and the burden is on the employer to  
18 establish that its method for compensating the class members complies with the  
19 requirements of Nevada law.

20       12.    The individual plaintiffs will fairly and adequately represent the interests  
21 of the class and have no interests that conflict with or are antagonistic to the interests  
22 of the class and have retained to represent them competent counsel experienced in the  
23 prosecution of class action cases and will thus be able to appropriately prosecute this  
24 case on behalf of the class.

25       13.    The individual plaintiffs and their counsel are aware of their fiduciary  
26 responsibilities to the members of the proposed class and are determined to diligently  
27 discharge those duties by vigorously seeking the maximum possible recovery for all  
28 members of the proposed class.

1        14. There is no plain, speedy, or adequate remedy other than by maintenance  
2 of this class action. The prosecution of individual remedies by members of the class  
3 will tend to establish inconsistent standards of conduct for the defendants and result in  
4 the impairment of class members' rights and the disposition of their interests through  
5 actions to which they were not parties. In addition, the class members' individual  
6 claims are small in amount and they have no substantial ability to vindicate their  
7 rights, and secure the assistance of competent counsel to do so, except by the  
8 prosecution of a class action case.

9  
10        **AS AND FOR A FIRST CLAIM FOR RELIEF ON BEHALF OF THE NAMED**  
11        **PLAINTIFFS AND ALL PERSONS SIMILARLY SITUATED PURSUANT TO**  
12        **NEVADA'S CONSTITUTION**

13        15. The named plaintiffs repeat all of the allegations previously made and  
14 bring this First Claim for Relief pursuant to Article 15, Section 16, of the Nevada  
15 Constitution.

16        16. Pursuant to Article 15, Section 16, of the Nevada Constitution the named  
17 plaintiffs and the class members were entitled to an hourly minimum wage for every  
18 hour that they worked and the named plaintiffs and the class members were often not  
19 paid such required minimum wages.

20        17. The defendants' violation of Article 15, Section 16, of the Nevada  
21 Constitution involved malicious and/or fraudulent and/or oppressive conduct by the  
22 defendants sufficient to warrant an award of punitive damages for the following,  
23 amongst other reasons:

24                    (a) Defendants despite having, and being aware of, an express  
25 obligation under Article 15, Section 16, of the Nevada  
26 Constitution, such obligation commencing no later than July 1,  
27 2007, to advise the plaintiff and the class members, in writing, of  
28 their entitlement to the minimum hourly wage specified in such  
constitutional provision, failed to provide such written advisement;

1 (b) Defendants were aware that the highest law enforcement  
2 officer of the State of Nevada, the Nevada Attorney General, had  
3 issued a public opinion in 2005 that Article 15, Section 16, of the  
4 Nevada Constitution, upon its effective date, would require  
5 defendant and other employers of taxi cab drivers to compensate  
6 such employees with the minimum hourly wage specified in such  
7 constitutional provision. Defendants consciously elected to ignore  
8 that opinion and not pay the minimum wage required by Article  
9 15, Section 16, of the Nevada Constitution to its taxi driver  
10 employees in the hope that it would be successful, if legal action  
11 was brought against it, in avoiding paying some or all of such  
12 minimum wages;

13 (c) Defendants, to the extent they believed they had a colorable  
14 basis to legitimately contest the applicability of Article 15, Section  
15 16, of the Nevada Constitution to its taxi driver employees, made  
16 no effort to seek any judicial declaration of its obligation, or lack  
17 of obligation, under such constitutional provision and to pay into  
18 an escrow fund any amounts it disputed were so owed under that  
19 constitutional provision until such a final judicial determination  
20 was made;

21 (d) Defendants were the subject of an investigation by the United  
22 States Department of Labor in respect to defendants' compliance  
23 with the minimum wage requirements of the federal Fair Labor  
24 Standards Act, 29 U.S.C. § 201-219 which investigation was  
25 concluded on April 30, 2009. Such investigation did not  
26 determine if any violations of the Fair Labor Standards Act were  
27 committed by the defendants, and no claim is made in this case  
28 against the defendants under the Fair Labor Standards Act. Such

1 investigation resulted in defendants on April 30, 2009, being  
2 advised by the U.S. Department of Labor that they must keep a  
3 record of the actual hours worked by their taxi driver employees  
4 and that defendants must pay their taxi drivers the minimum  
5 hourly wage, defendants also being told such minimum hourly  
6 wage at that time under Nevada law was \$6.85 an hour. Rather  
7 than follow such advisement, defendants intentionally acted to not  
8 institute any system that would keep an express, confirmed, and  
9 accurate record of the hours worked by such taxi driver employees,  
10 such as a dedicated payroll time clock system. Defendants also  
11 acted to force their taxi driver employees to falsely record their  
12 activities on their daily taxi driver trip sheets so as to make it  
13 appear that the taxi drivers were taking many hours of breaks  
14 during their working days, which was not true and defendants  
15 knew was not true. Defendants fostered such inaccurate and  
16 untrue recording by their taxi drivers of their work activities by  
17 refusing to allow taxi drivers to submit accurate daily taxi driver  
18 trip sheets that did not have such excessive, and untrue, recordings  
19 of break time. Defendants enforced their "break time listings  
20 required" policy on their taxi drivers' trip sheets with the  
21 intentional goal of making it impossible for those taxi drivers to  
22 collect the minimum wages they were owed and to conceal  
23 defendants' violations of the Nevada Constitution. Such actions  
24 by the defendants included, among other things, actually reviewing  
25 the "fares booked" per shift on each taxi driver's trip sheet and  
26 requiring additional break time be listed for those shifts where the  
27 fare bookings were so low that minimum wages would be owed to  
28 the taxi driver if their break times, as listed on their trip sheets,

1                   were not inflated.

2           18. Defendants engaged in the acts and/or omissions and/or fraudulently  
3 conduct detailed in paragraph 17 in an intentional scheme to maliciously, oppressively  
4 and fraudulently deprive its taxi driver employees of the hourly minimum wages that  
5 were guaranteed to those employees by Article 15, Section 16, of the Nevada  
6 Constitution. Defendants so acted in the hope that by the passage of time whatever  
7 rights such taxi driver employees had to such minimum hourly wages owed to them by  
8 the defendants would expire, in whole or in part, by operation of law. Defendant so  
9 acted consciously, willfully, and intentionally to deprive such taxi driver employees of  
10 any knowledge that they might be entitled to such minimum hourly wages, despite the  
11 defendant's obligation under Article 15, Section 16, of the Nevada Constitution to  
12 advise such taxi driver employees of their right to those minimum hourly wages.  
13 Defendants' malicious, oppressive and fraudulent conduct is also demonstrated by its  
14 failure to make any allowance to pay such minimum hourly wages if they were found  
15 to be due, such as through an escrow account, while seeking any judicial determination  
16 of its obligation to make those payments.

17           19. The rights secured to the plaintiffs and the class members under Nevada's  
18 Constitution, Article 15, Section 16, for a minimum level of remuneration for their  
19 labor as defendants' employees, constitute property rights, in that such level of  
20 remuneration constitutes property of the plaintiffs and the class members, to wit, a sum  
21 of money that they have a right to possess for the inalienable value of their labor,  
22 which labor the defendants obtained from them as employers. Defendants have  
23 obtained such property, the minimum wages properly the property of the plaintiffs and  
24 the class members, illegally and defendants still possess the same, the defendants  
25 having also committed a conversion of such property. As a result defendants should  
26 be, and are, subject to all forms of equitable relief and legal sanctions necessary to  
27 return such property to the plaintiffs and the class members and/or make them whole,  
28 including, without limitation, a suitable Court Order directing that the defendants

1 make restitution to the plaintiffs and the class members for the full value of all such  
2 property taken and held by the defendants, with interest and an award of all proper  
3 incidental, consequential and/or punitive damages available under the law or in equity  
4 appropriate to remedy such violations of the plaintiffs' and the class members' rights  
5 under Nevada's Constitution, Article 15, Section 16.

6 20. The named plaintiffs seek all relief available to them and the alleged class  
7 under Nevada's Constitution, Article 15, Section 16 including appropriate injunctive  
8 and equitable relief to make the defendants cease their violations of Nevada's  
9 Constitution and a suitable award of punitive damages.

10 21. The named plaintiffs on behalf of themselves and the proposed plaintiff  
11 class members, seek, on this First Claim for Relief, a judgment against the corporate  
12 defendants for minimum wages and restitution, such sums to be determined based  
13 upon an accounting of the hours worked by, and wages actually paid to, the plaintiffs  
14 and the class members, a suitable injunction and other equitable relief barring the  
15 corporate defendants from continuing to violate Nevada's Constitution, a suitable  
16 award of punitive damages against the corporate defendants, and an award of  
17 attorney's fees, interest and costs, as provided for by Nevada's Constitution and other  
18 applicable laws against the corporate defendants.

19 **AS AND FOR A SECOND CLAIM FOR RELIEF PURSUANT TO NEVADA**  
20 **REVISED STATUTES § 608.040 ON BEHALF OF THE NAMED PLAINTIFFS**  
**AND THE PUTATIVE CLASS**

21 22. Plaintiffs repeat and reiterate each and every allegation previously made  
22 herein.

23 23. The named plaintiffs bring this Second Claim for Relief against the  
24 corporate defendants pursuant to Nevada Revised Statutes § 608.040 on behalf of  
25 themselves and those members of the alleged class of all similarly situated employees  
26 of the defendants who have terminated their employment with the defendants.

27 24. The named plaintiffs have been separated from their employment with the  
28

1 defendants and at the time of such separation were owed unpaid wages by the  
2 defendants.

3 25. The defendants have failed and refused to pay the named plaintiffs and  
4 numerous members of the putative plaintiff class who are the defendants' former  
5 employees their earned but unpaid wages, such conduct by such defendants  
6 constituting a violation of Nevada Revised Statutes § 608.020, or § 608.030 and  
7 giving such named plaintiffs and similarly situated members of the putative class of  
8 plaintiffs a claim against the defendants for a continuation after the termination of their  
9 employment with the defendants of the normal daily wages defendants would pay  
10 them, until such earned but unpaid wages are actually paid or for 30 days, whichever is  
11 less, pursuant to Nevada Revised Statutes § 608.040.

12 26. As a result of the foregoing, the named plaintiffs seek on behalf of  
13 themselves and the similarly situated putative plaintiff class members a judgment  
14 against the corporate defendants for the wages owed to them and such class members  
15 as prescribed by Nevada Revised Statutes § 608.040, to wit, for a sum equal to up to  
16 thirty days wages, along with interest, costs and attorneys' fees.

17 **AS AND FOR A THIRD CLAIM AGAINST DEFENDANT**  
18 **NADY FOR CIVIL CONSPIRACY, AIDING AND ABETTING,**  
19 **CONCERT OF ACTION AND AS THE ALTER EGO**  
**OF THE CORPORATE DEFENDANTS**

20 27. Plaintiffs repeat and reiterate each and every allegation previously made  
21 herein.

22 28. The named plaintiffs bring this Third Claim for Relief against the  
23 defendant NADY for civil conspiracy, concert of action, aiding or abetting the actions  
24 of the corporate defendants, and/or as the alter ego of the corporate defendants, on  
25 behalf of themselves and the members of the alleged class of all similarly situated  
26 employees of the corporate defendants.

27 29. The corporate defendants, as the employers of the class members, had a  
28 legal duty to abide by all laws imposed upon the corporate defendants by the State of

1 Nevada in respect to their treatment of the class members as such persons' employers,  
2 including abiding by the provisions of Nevada's Constitution, Article 15, Section 16  
3 and paying such persons the minimum wages required therein.

4 30. Defendant NADY exercised his complete control of the corporate  
5 defendants to purposefully direct and have the corporate defendants violate Article 15,  
6 Section 16 of Nevada's Constitution and not pay the class members the minimum  
7 wages they were entitled to receive as employees from the corporate defendants,  
8 NADY commanding such action by the corporate defendants despite knowing that  
9 such actions were illegal and in violation of Nevada's Constitution.

10 31. The corporate defendants, although established as legal entities, had no  
11 ability to resist NADY's directive to them to violate the provisions of Nevada's  
12 Constitution, Article 15, Section 16 and not pay the class members the minimum  
13 wages they were entitled to thereunder, as NADY completely controlled the corporate  
14 defendants which control he could, and did, use to direct such non-payment of  
15 minimum wages by the corporate defendants.

16 32. Defendant NADY intentionally and knowingly directed the aforesaid  
17 violations of Article 15, Section 16 of Nevada's Constitution by the corporate  
18 defendant and by doing so caused injury to the class members who did not receive  
19 their earned and unpaid minimum wages. NADY directed the corporate defendants  
20 commit those violations for the express purpose of enriching NADY, personally, and  
21 not as part of any legitimate duty he had as an agent or officer of the corporate  
22 defendants. NADY was enriched by those violations as he intended because he  
23 received additional distributions, dividends, salary or other earnings and profits from  
24 the corporate defendants that he would not have received, and could not have received,  
25 except for such violations of Article 15, Section 16 of Nevada's Constitution that he  
26 had the corporate defendants commit.

27 33. While it is alleged in this claim for relief that NADY is personally liable  
28 for all unpaid minimum wages owed by the corporate defendants pursuant to Article



1 15, Section 16 of Nevada's Constitution to the class members, it is also alleged that  
2 NADY is liable for those minimum wages so owed for work performed by the class  
3 members after January 17, 2013 because of certain additional circumstances. The  
4 additional circumstances requiring that NADY be held personally liable for those post  
5 January 17, 2013 earned, but unpaid, minimum wages are the following:

- 6
- 7 (a) On January 17, 2013 the Court in this action held that the class  
8 members were entitled to be paid by the corporate defendants the  
9 minimum wages specified in Article 15, Section 16 of Nevada's  
10 Constitution, which removed any uncertainty that NADY may have  
11 had prior to that date as to whether the corporate defendants were  
12 required to pay the class members such minimum wages;
- 13
- 14 (b) Despite such ruling on such date, and NADY's prompt advisement  
15 of the same, NADY directed the corporate defendants to continue  
16 for over one year to not pay the minimum wages specified in  
17 Article 15, Section 16 of Nevada's Constitution to the class  
18 members, and by doing so continued to enrich himself after January  
19 17, 2013 with additional distributions, dividends, salary or other  
20 earnings and profits from the corporate defendants that he would  
21 not have received, and could not have received, except for such  
22 violations of Article 15, Section 16 of Nevada's Constitution that  
23 he had the corporate defendants continue to commit;
- 24
- 25 (c) To the extent NADY believed or hoped that the Court's ruling on  
26 January 17, 2013, would be overturned or reversed, and the  
27 corporate defendants subsequently found to not be legally obligated  
28 to pay the class members the minimum wages specified by Article

1 15, Section 16 of Nevada's Constitution, he purposefully took no  
2 steps to have the corporate defendants comply with that January 17,  
3 2013 ruling in the interim. Such steps would have been if not to  
4 pay such minimum wages to the class members to at least make  
5 arrangements, subject to this Court's approval, for those minimum  
6 wage amounts to be paid into an escrow fund and kept secure, and  
7 available for the class members' ultimate benefit, until it was  
8 determined whether the January 17, 2013 ruling would be  
9 overturned or reversed. NADY intentionally failed to take any  
10 such steps and directed the corporate defendants to violate this  
11 Court's ruling so that NADY could enrich himself with additional  
12 distributions, dividends, salary or other earnings and profits from  
13 the corporate defendants that he would not have received, and  
14 could not have received, if the corporate defendants had taken such  
15 proper steps to comply with the Court's January 17, 2013 ruling;  
16

- 17 (d) NADY by personally enriching himself with additional  
18 distributions, dividends, salary or other earnings and profits from  
19 the corporate defendants that he would not have received, and  
20 could not have received, if the corporate defendants had taken  
21 proper steps to comply with the Court's January 17, 2013 ruling has  
22 rendered the corporate defendants financially insolvent and unable  
23 to pay the minimum wages owed to the class members for their  
24 work performed after January 17, 2013.  
25

26 34. Defendant NADY has used the corporate defendants as his "alter ego"  
27 and is personally liable for the claims made in this case, at least to the extent he has  
28 personally enriched himself from the violations of the Nevada Constitution alleged

1 herein that he has commanded and directed the corporate defendants to commit. Such  
2 “alter ego” liability is properly imposed upon him, and the separate legal existence of  
3 the corporate defendants as the class members’ employer ignored for the purpose of  
4 such liability, because (a) NADY has completely influenced and governed the  
5 corporate defendants and compelled them to violate the Nevada Constitution and deny  
6 the class members the minimum wages they are owed so that NADY could be  
7 personally enriched in a commensurate amount, NADY using the corporate defendants  
8 as tools for NADY to accomplish such illegal and unconstitutional goals, NADY also  
9 expressly directing, planning and causing such illegal conduct that took place  
10 including the intentional conduct by the defendants alleged in paragraph 17; (b) There  
11 is no actual or effective separation of interests between NADY and the corporate  
12 defendants as NADY completely owns and controls the corporate defendants; and (c)  
13 The continued adherence to the fiction that NADY and the corporate defendants are  
14 separate legal parties, with separate and different liabilities to the class members under  
15 Nevada’s Constitution, would promote a fraud and an injustice, at least to the extent  
16 that NADY has personally enriched himself from the violations of the Nevada  
17 Constitution alleged in this complaint and the corporate defendants are otherwise  
18 insolvent and unable to make sufficient restitution to the class members to remedy  
19 such violations.

20 35. Defendant NADY has conspired with the corporate defendants to  
21 personally enrich himself from the violations of the Nevada Constitution alleged  
22 herein that he has commanded the corporate defendants to perform. Such civil  
23 conspiracy by NADY occurred, and results in liability by NADY to the class members  
24 for such violations, because NADY acted with the corporate defendants to have such  
25 violations performed and personally took affirmative steps to have them so performed;  
26 NADY intended for such activities to violate Nevada’s Constitution, they did in fact  
27 violate Nevada’s Constitution, and NADY intended for the class members to be  
28 deprived of the minimum wages guaranteed to them under Nevada’s Constitution and

1 the class members were so deprived and damaged by their denial of those minimum  
2 wages; and NADY performed such actions not as an agent or officer of the corporate  
3 defendants or in the furtherance of any duty or lawful goal in his official capacity on  
4 behalf of the corporate defendants but solely for his own personal individual  
5 advantage and enrichment as alleged herein.

6         36. That NADY has acted in concert with or aided and abetted the conduct  
7 of the corporate defendants in that he acted in concert with the corporate defendants to  
8 have them violate their duties to the class members as employers under Nevada's  
9 Constitution and NADY knew such actions that he aided and abetted by the corporate  
10 defendants were breaches of those duties. NADY has also personally enriched himself  
11 from the violations of the Nevada Constitution alleged in this complaint that he aided  
12 and abetted the corporate defendants in performing and acted in concert with them to  
13 perform and as a result is personally liable to the class members for the damages  
14 caused to the class members from such violations, to the extent the corporate  
15 defendants are otherwise insolvent and unable to make sufficient restitution to the  
16 class members to remedy such violations.

17         37. That NADY engaged in the forgoing alleged course of conduct with the  
18 express intent of leaving the corporate defendants insolvent, bereft of assets, and  
19 unable to pay the class members the minimum wages they are owed by the corporate  
20 defendants and to enrich NADY, personally, by an equal amount.

21         38. The named plaintiffs on behalf of themselves and the proposed plaintiff  
22 class members, seek, on this Third Claim for Relief, a judgment against the defendant  
23 NADY for minimum wages and restitution, such sums to be determined based upon an  
24 accounting of the hours worked by, and wages actually paid to, the plaintiffs and the  
25 class members, at least to the extent the corporate defendants are unable to pay such  
26 sums to the class members, along with other suitable equitable relief, a suitable award  
27 of punitive damages, and an award of attorney's fees, interest and costs, as provided  
28 for by Nevada's Constitution and other applicable laws.

**AS AND FOR A FOURTH CLAIM AGAINST  
DEFENDANT NADY FOR UNJUST ENRICHMENT**

39. Plaintiffs repeat and reiterate each and every allegation previously made herein.

40. The minimum wages that were owed to the class members by the corporate defendants, as alleged herein and in paragraph 19, were the property of the class members and the corporate defendants owed such property, which were sums of money, to the class members when those minimum wages were earned; the corporate defendants actually possessed money sufficient to pay those minimum wages to the class members and could have paid those wages to the class members when they were earned by and due to the class members; and the corporate defendants had no legal right to refuse to pay those minimum wages to the class members when they were earned or pay sums of money equal to those minimum wages to someone else besides the class members who were owed those minimum wages without also paying the class members, at that time, those earned and owed minimum wages.

41. The defendant NADY received sums of money from the corporate defendants that were equal to the minimum wages owed by the corporate defendants to the class members but not paid to the class members by the corporate defendants, NADY receiving those sums of money from the corporate defendants only because he used his complete control over the corporate defendants to have such sums of money paid to him, and not the class members, by the corporate defendants.

42. The aforesaid sums of money in paragraph 41 received by NADY should not have been paid to him but used by the corporate defendants to meet their legal obligation under Nevada's Constitution to pay the class members the minimum wages they were owed and NADY would not have received those monies from the corporate defendants if he had not commanded the corporate defendants to pay those monies to him and if the corporate defendants had acted properly and used those monies to pay the class members such owed, but unpaid, minimum wages.

1           43. Although plaintiffs do not allege it was necessary for NADY to have such  
2 knowledge for them to be granted the relief sought in this fourth claim for relief, they  
3 expressly allege, if the Court finds such knowledge must be established for such relief  
4 to be granted, that NADY commanded the payment by the corporate defendants to him  
5 of the monies discussed in paragraphs 41 and 42 with full knowledge that the  
6 corporate defendants only had such funds available to pay him because the class  
7 members had not been paid an equal amount of minimum wages they were owed by  
8 the corporate defendants.

9           44. NADY'S retention of the monies he received from the corporate  
10 defendants as alleged in paragraphs 41 and 42, such monies that should have been  
11 properly used by the corporate defendants to pay the class members their owed, but  
12 unpaid, minimum wages, such monies also being the *de facto* property of the class  
13 members, would be against fundamental principles of equity, justice and good  
14 conscience, to the extent the corporate defendants, owing to their payment of such  
15 monies to NADY, are now insolvent and unable to pay the class members the  
16 minimum wages they are owed.

17           45. The named plaintiffs on behalf of themselves and the proposed plaintiff  
18 class members, seek, on this Fourth Claim for Relief, a judgment against the defendant  
19 NADY for restitution to the class of the amount of NADY'S unjust enrichment, such  
20 amount to be determined based upon how much the corporate defendants are found to  
21 owe the class members for unpaid minimum wages that the corporate defendants are  
22 unable to pay the class members (the "deficiency amount") and how much NADY has  
23 been unjustly enriched as alleged in this claim for relief up to, but not in excess of, that  
24 deficiency amount, along with other suitable equitable relief and an award of  
25 attorney's fees, interest and costs, as provided for by Nevada's Constitution and other  
26 applicable laws.

27  
28           WHEREFORE, plaintiffs demand the relief on each cause of action as alleged

1 aforesaid.

2 Plaintiffs demand a trial by jury on all issues so triable.

3  
4 Dated this 22nd day of June, 2015.

5  
6 Leon Greenberg Professional Corporation

7  
8 By: /s/ Leon Greenberg

9 LEON GREENBERG, Esq.  
10 Nevada Bar No.: 8094  
11 2965 South Jones Blvd- Suite E4  
12 Las Vegas, Nevada 89146  
13 (702) 383-6085  
14 Attorney for Plaintiff  
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CERTIFICATE OF MAILING

The undersigned certifies that on August 19, 2015, she served the within:

**SECOND AMENDED AND SUPPLEMENTAL COMPLAINT**

by court electronic service to:

TO:

Esther C. Rodriguez, Esq.  
RODRIGUEZ LAW OFFICES, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, NV 89145

*/s/ Dana Sniegocki*

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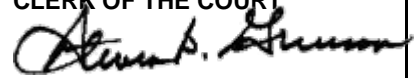
Dana Sniegocki



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EXHIBIT PAGE ONLY

## EXHIBIT 4

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



1 LEON GREENBERG, ESQ., SBN 8094  
2 DANA SNIEGOCKI, ESQ., SBN 11715  
3 Leon Greenberg Professional Corporation  
4 2965 South Jones Blvd- Suite E3  
5 Las Vegas, Nevada 89146  
6 (702) 383-6085  
7 (702) 385-1827(fax)  
8 [leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
9 [dana@overtimelaw.com](mailto: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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The undersigned certifies that on August 22, 2018, she served the within:

## NOTICE OF ENTRY OF ORDER

6 by court electronic service to:

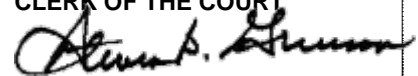
7 TO:

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



1 ORDR

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3  
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8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10  
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

**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.**

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

<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  
28

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.<sup>1</sup> 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.<sup>2</sup> 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 <sup>1</sup> 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 <sup>2</sup> 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..."<sup>3</sup> 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.

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27 <sup>3</sup> 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.<sup>4</sup>  
24

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25 <sup>4</sup> 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.

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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.<sup>5</sup>  
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

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27 <sup>5</sup> 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,<sup>6</sup> for which he was paid \$47,203,<sup>7</sup>  
24

25 <sup>6</sup> 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.

<sup>7</sup> 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;<sup>8</sup>  
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 <sup>8</sup> 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;<sup>9</sup>

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.<sup>10</sup>  
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

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25 <sup>9</sup> 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 <sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>  
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

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26 <sup>11</sup> 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 <sup>12</sup> 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 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.<sup>13</sup> 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 <sup>13</sup> 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.<sup>14</sup> there is no material issue of fact  
25

---

26  
27 <sup>14</sup> 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.<sup>15</sup> 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 <sup>15</sup> 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.<sup>16</sup>

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 <sup>16</sup> 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	<b>Totals for All Class Members</b>			<b>\$900,317.34</b>	<b>\$132,710.47</b>	<b>\$1,033,027.81</b>	<b>\$975,666.16</b>	<b>\$75,348.82</b>
2	<b>EE Number</b>	<b>Last Name</b>	<b>First Name</b>	<b>Total Lower Tier Minimum Wages Owed 7/1/2007 - 12/31/2015 After Set Off and Over \$10.00</b>	<b>Interest from 1/1 2016 through 6/30/2018</b>	<b>Total with Interest</b>	<b>Total 2007- 2015 Shortage</b>	<b>Set Off From USDOL Settlement</b>
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	Barrameda	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-Sai	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	

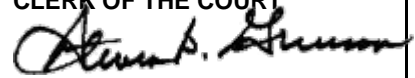
	A	B	C	D	E	F	G	H
852	3044	Welsh	Sylvia	\$150.95	\$22.25	\$173.20	\$150.95	
853	3616	Welzbache	Daniel	\$2,367.50	\$348.98	\$2,716.47	\$2,789.72	\$422.22
854	3071	White	Donavan	\$2,061.42	\$303.86	\$2,365.28	\$2,061.42	
855	111878	White II	Prinest	\$153.22	\$22.59	\$175.81	\$153.22	
856	3117	Whitehead	Timothy	\$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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EXHIBIT PAGE ONLY

## EXHIBIT 5

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



LEON GREENBERG, ESQ., SBN 8094  
DANA SNIEGOCKI, ESQ., SBN 11715  
Leon Greenberg Professional Corporation  
2965 South Jones Blvd- Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[dana@overtimelaw.com](mailto:dana@overtimelaw.com)  
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, A CAB,  
LLC, and CREIGHTON J. NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: I

**MOTION TO AMEND  
JUDGMENT**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby move this Court pursuant to NRCP Rule 59(e) for an Order amending the Judgment entered by the Court on August 21, 2018 to add the name A CAB SERIES LLC as judgment debtor to that Judgment, as that is the current name of the defendant A CAB LLC originally sued in this case and against whom such Judgment was entered. This Motion is made and based on the following declaration of Leon Greenberg, attorney, the papers and pleadings on file herein, and any oral argument to be made before the court at the time of hearing on this motion.

1 **NOTICE OF MOTION**

2

3 PLEASE TAKE NOTICE THAT the plaintiffs, by and through their attorneys of

4 record, will bring the foregoing Motion to Amend Judgment, which was filed in the

5 above-entitled case, for hearing before the Honorable Kenneth Cory on

6 **9-27-18**, 2018, at the hour of **CHAMBERS**

7

8 Dated: August 22, 2018

9 Leon Greenberg Professional Corporation

10 By: /s/ Leon Greenberg

11 Leon Greenberg, Esq.

12 Nevada Bar No.: 8094

13 2965 South Jones Boulevard - Suite E3

14 Las Vegas, Nevada 89146

15 (702) 383-6085

16 Attorney 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, A CAB,  
LLC, and CREIGHTON J. NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: I

**DECLARATION**

Leon Greenberg, being duly sworn, hereby affirms, that:

1. I am an attorney licensed by the State of Nevada and am counsel for the plaintiff class members in this case. I present this declaration in support of plaintiffs' motion to amend the judgment pursuant to NRCPP Rule 59(e).

2. On August 21, 2018 the Court entered a final money judgment in this case in favor of certain designated class members. As recited at section C on page 33 of that Judgment, the judgment debtors against whom such Judgment was entered are the defendants A CAB TAXI SERVICE LLC and A CAB, LLC.

3. The entity A CAB LLC, which has properly appeared in this action (Answer filed in April of 2013) and against whom Judgment was entered, changed its name to A CAB SERIES LLC via an amendment to its articles of incorporation that it filed with the Nevada Secretary of State on January 5, 2017, after the commencement of this lawsuit. Annexed as Ex. "A" is a certified copy of that document obtained by my office from the Nevada Secretary of State.

1           4.     In light of the foregoing, the Court is asked to amend the Judgment in this  
2 case and direct the Clerk of the Court to also enter it against judgment debtor A CAB  
3 SERIES LLC, which is the same judgment debtor as A CAB LLC and the current  
4 name of such entity. If the Court fails to do so, judgment collection efforts may be  
5 frustrated if assets of that judgment debtor are held under the current A CAB SERIES  
6 LLC name and not the prior A CAB LLC name. The issue raised by this motion is one  
7 of simple clerical correction (or name update) and there is no basis for defendants to  
8 oppose the relief requested. Accordingly, the Court is urged to grant this motion on an  
9 expedited basis so judgment collection efforts for the class members can proceed  
10 promptly and efficiently. It can do so without awaiting any hearing date per EDCR  
11 2.23(c). A proposed Order is submitted with this motion at Ex. "B" and I am also  
12 submitting a copy of that Order for the Court's signature with the Chambers copy of  
13 this motion.

14           I have read the foregoing and affirm the same is true and correct.

15           Affirmed this 22<sup>nd</sup> Day of August, 2018

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17           /s/ Leon Greenberg  
18           Leon Greenberg  
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CERTIFICATE OF SERVICE

The undersigned certifies that on August 22, 2018, she served the within:  
Motion to Amend Judgment

by court electronic service to:

TO:

Esther C. Rodriguez, Esq.  
RODRIGUEZ LAW OFFICES, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, NV 89145

*/s/ Dana Sniegocki*

\_\_\_\_\_  
Dana Sniegocki

# EXHIBIT "A"



BARBARA K. CEGAVSKE  
Secretary of State  
202 North Carson Street  
Carson City, Nevada 89701-4201  
(775) 684-5708  
Website: [www.nvsos.gov](http://www.nvsos.gov)



\*091203\*

## Amendment to Articles of Organization

(PURSUANT TO NRS 86.221)

Filed in the office of <i>Barbara K. Cegavske</i> Barbara K. Cegavske Secretary of State State of Nevada	Document Number <b>20170006122-61</b> Filing Date and Time <b>01/05/2017 8:54 AM</b> Entity Number <b>LLC7610-2000</b>
--	---

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

### Certificate of Amendment to Articles of Organization For a Nevada Limited-Liability Company (Pursuant to NRS 86.221)

1. Name of limited-liability company:

*A CAB, LLC*

2. The company is managed by: ☒ Managers OR ☐ Members  
(check only one box)

3. The articles have been amended as follows: (provide article numbers, if available)\*

*THE NAME IS NOW  
A CAB, SERIES LLC.*

4. Effective date and time of filing: (optional) Date: \_\_\_\_\_ Time: \_\_\_\_\_  
(must not be later than 90 days after the certificate is filed)

5. Signature (must be signed by at least one manager or by a managing member):

X

*[Signature]*  
Signature *1/5/2017*

\* 1) If amending company name, it must contain the words "Limited-Liability Company," "Limited Company," or "Limited," or the abbreviations "Ltd.," "LLC," or "LC." The word "Company" may be abbreviated as "Co."

2) If adding managers, provide names and addresses.

**FILING FEE: \$175.00**

**IMPORTANT:** Failure to include any of the above information and submit with the proper fees may cause this filing to be rejected.  
*This form must be accompanied by appropriate fees.*

Nevada Secretary of State 86.221 LLC Amendment  
Revised: 1-5-15

# EXHIBIT “B”

**ORDR**

LEON GREENBERG, ESQ., SBN 8094  
DANA SNIEGOCKI, ESQ., SBN 11715  
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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, A CAB, LLC,  
and CREIGHTON J. NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: I

**ORDER**

Pursuant to NRCP Rule 59(e), plaintiffs, on August 22, 2018, filed their Motion to amend the Judgment entered in this case on August 21, 2018. That motion sought to have such Judgment, originally entered against A CAB LLC, amended to be entered against A CAB SERIES LLC the current name of such entity. The motion is granted, the plaintiffs having sufficiently documented that A CAB LLC and A CAB SERIES LLC are one and the same and the Judgment should be corrected so enforcement can proceed unimpeded by the change in name of such defendant. The Clerk of the Court shall amend the Judgment entered on August 21, 2018 to have the monetary amounts recited by that Judgment in favor of the specified judgment creditors to also be entered against A CAB SERIES LLC as judgment debtor.

**IT IS SO ORDERED.**

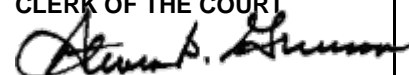
HONORABLE JUDGE KENNETH CORY  
DISTRICT COURT, CLARK COUNTY

DATE

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EXHIBIT PAGE ONLY

## EXHIBIT 6

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



**MRCN**  
Esther C. Rodriguez, Esq.  
Nevada Bar No. 6473  
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*Attorneys for Defendants*

**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,  
and CREIGHTON J. NADY,

Defendants.

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

Hearing Date:  
Hearing Time:

**DEFENDANTS' MOTION FOR RECONSIDERATION, AMENDMENT,**  
**FOR NEW TRIAL, AND FOR DISMISSAL OF CLAIMS**

Defendants A Cab, LLC and Creighton J. Nady, by and through their attorneys of record,  
ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and MICHAEL K. WALL, ESQ., of  
HUTCHISON & STEFFEN, LLC, and pursuant to NRCP 52, NRCP 59, NRCP 60, NRCP 12, and NRCP  
41, hereby respectfully move this Court for reconsideration and amendment to the summary

judgment order<sup>1</sup> entered on August 22, 2018; for new trial; and for dismissal of claims.

DATED this 10<sup>th</sup> day of September, 2018.

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

/s/ Esther C. Rodriguez, Esq.  
Esther C. Rodriguez, Esq.  
Nevada Bar No. 6473  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
*Attorneys for Defendants*

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that Defendants will bring the foregoing Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of claims on for hearing before this Court on the 18 day of Oct., 2018, or as soon thereafter as counsel may be heard. In Chambers.

DATED this 10<sup>th</sup> day of September, 2018.

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

/s/ Esther C. Rodriguez, Esq.  
Esther C. Rodriguez, Esq.  
Nevada State Bar No. 006473  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
*Attorneys for Defendants*

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**A. Legal Standard & Summary.**

**(i) NRCP 52 Findings by the Court**

NRCP 52(b) Amendment. Upon a party's motion filed not later than 10 days after service of written notice of entry of judgment, the court may amend its findings or make additional findings

---

<sup>1</sup> Order Granting Summary Judgment, Severing Claims and Directing Entry of Final Judgment entered August 22, 2018, hereinafter "Order" or "summary judgment order."



1 and may amend the judgment accordingly. The motion may accompany a motion for a new trial  
2 under Rule 59. When findings of fact are made in actions tried without a jury, the sufficiency of the  
3 evidence supporting the findings may later be questioned whether or not in the district court the  
4 party raising the question objected to the findings, moved to amend them, or moved for partial  
5 findings.

6 (ii) NRCP 59 New trials; Amendment of Judgments

7 NRCP 59(a) Grounds. A new trial may be granted to all or any of the parties and on all or  
8 part of the issues for any of the following causes or grounds materially affecting the substantial  
9 rights of an aggrieved party: (1) Irregularity in the proceedings of the court, jury, master, or adverse  
10 party, or any order of the court, or master, or abuse of discretion by which either party was  
11 prevented from having a fair trial; (2) Misconduct of the jury or prevailing party; (3) Accident or  
12 surprise which ordinary prudence could not have guarded against; (4) Newly discovered evidence  
13 material for the party making the motion which the party could not, with reasonable diligence, have  
14 discovered and produced at the trial; (5) Manifest disregard by the jury of the instructions of the  
15 court; (6) Excessive damages appearing to have been given under the influence of passion or  
16 prejudice; or, (7) Error in law occurring at the trial and objected to by the party making the motion.  
17 On a motion for a new trial in an action tried without a jury, the court may open the judgment if one  
18 has been entered, take additional testimony, amend findings of fact and conclusions of law or make  
19 new findings and conclusions, and direct the entry of a new judgment.

20 (iii) NRCP 60 Relief from Judgment or Order

21 NRCP 60(b) On motion and upon such terms as are just, the court may relieve a party or a  
22 party's legal representative from a final judgment, order, or proceeding for the following reasons: (1)  
23 mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due  
24 diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud  
25 (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an  
26 adverse party; (4) the judgment is void; or, (5) the judgment has been satisfied, released, or  
27 discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it  
28 is no longer equitable that an injunction should have prospective application.

1 The present summary judgment which has been entered against the Defendants should be  
2 reconsidered by the Court, with a fair trial by jury in its stead to be conducted as was scheduled to  
3 proceed before the Court. There are several areas which this Court did not entertain in its  
4 consideration, before rendering such an excessive and incapacitating judgment against Defendants.

5 First, recent guidance from not only the Nevada Supreme Court, but the sister department in  
6 the Eighth Judicial District Court support Defendants' motions asserting the impropriety of  
7 aggregating the claims, and certifying the class under NRCP 23. The Court does not have subject  
8 matter jurisdiction over these claims and should dismiss them pursuant to NRCP 12(h)(3).

9 Secondly, the majority of the claimants and their claims were settled in another case, and are  
10 therefore precluded from obtaining summary judgment for the same claims, and damages arising  
11 from the same operative facts.

12 Thirdly, the claims in this case have expired pursuant to NRCP 41(b).

13 **1. The District Court does not have jurisdiction over these claims, and should reconsider**  
14 **its certification under NRCP 23 as improper.**

15 In the recent Supreme Court decision of *Castillo v. United Fed. Credit Union*, the Nevada  
16 Supreme Court specifically addressed the improper aggregation of small claims such as these  
17 presented by Plaintiff Murray and Plaintiff Reno, as well as the other drivers, in attempting to  
18 establish jurisdiction before the District Court.

19 "The issue in this appeal concerns whether the justice court or the district court had  
20 original jurisdiction over this matter, and thus, we are asked whether the district court  
21 erred in granting respondent's motion to dismiss based on lack of subject matter  
22 jurisdiction.

23 In particular, we consider

24 (1) whether aggregation of putative class member claims is permitted to determine  
25 jurisdiction,

26 (2) whether a claim for statutory damages can be combined with a claim for the  
27 elimination of the deficiency amount asserted to determine jurisdiction, and

28 (3) whether an assertion of injunctive relief establishes jurisdiction."

Brief Answers:

**"First, we conclude that in Nevada, aggregation of putative class member claims is not permitted to determine jurisdiction.**

Second, we conclude that a claim for statutory damages can be combined with a claim for the elimination of the deficiency amount demanded by respondent to determine jurisdiction.

Finally, we conclude that because appellant sought appropriate injunctive relief, the district court possessed original jurisdiction. *Castillo v. United Fed. Credit Union*, 134 Nev. Adv. Op. No. 3, February 1, 2018.

In this instance, all claims asserted by all named Plaintiffs as well as all potential class members fall well below the District Court's minimum threshold of \$15,000. Further, Plaintiffs' claims for injunctive relief are a non-issue, as their claims cease as of December 31, 2015. *Order*, p. 32, para. A.

An injunction is appropriate when monetary damages are inadequate. *See Czipott v. Fleigh*, 87 Nev. 496, 499, 489 P.2d 681, 683 (1971). However, "injunctive relief is not available in the absence of actual or threatened injury, loss or damage." *Berryman v. Int'l Bhd. of Elec. Workers*, 82 Nev. 277, 280, 416 P.2d 387, 388 (1966). "There should exist the reasonable probability that real injury will occur if the injunction does not issue." *Id.* at 280, 416 P.2d at 389. *Castillo*, 113 Nev. Adv. Op. No. 3., p. 9

Here, the request for an injunction has been altogether dropped, and not pursued by Plaintiffs as a non-issue. It certainly cannot form a basis for the District Court to assert jurisdiction.

Defendants filed motions in the early stages of this litigation asserting the impropriety of consolidating these claims, and moving forward with granting a class certification when there was no proof that there were even other claimants, and the failure to establish the elements required under NRCP 23. The same arguments were brought before now Chief Judge Linda Bell who agreed that class certification was improper for this limited amount of claimants, including Michael Sargeant, the same claimant in this litigation. Judge Bell wrote in her order denying class certification for the taxicab drivers:

“The Court denies all of this requested relief. Plaintiffs have failed to demonstrate the need for injunctive relief at this time. Even assuming the Plaintiffs have a reasonable probability of success, monetary back wages would be an adequate remedy. . . The Court does not believe that the issues presented here are so unique or complex as to warrant appointment of a special master pursuant to NRCP 53. . . IT IS FURTHER ORDERED that the Plaintiffs do not meet the requirements under NRCP 23(a) for class certification so the motion to certify the class is denied. *Shuette v. Beazer Homes Holding Corp.*, 121 Nev. 837, 847, 124 P.3d 530, 538 (2005).” *Laksiri Perera v. Western Cab Company*, District Court Case No. A-14-707425-C, *Order Denying Class Certification, Injunctive Relief and Appointment of a Special Master*, p. 3, attached hereto as **Exhibit 1**. Specifically, Chief Judge Bell found that the numerosity requirement was not met. *Id.* at p. 4.

This was nearly the identical complaint filed by the Greenberg lawfirm against the other similarly sized taxicab company as A Cab, that being Western Cab company. The similarities are not only the same manner in conducting business, record keeping, overlapping claimants with same claims, same Department of Labor audits, but the outcome before the judicial district courts could not be more extreme in findings. This is the type of inconsistency which is not supposed to occur between departments, pointing to the fact that something is awry, and should be reconsidered. At the minimum, the Court should reconsider the claims failing to meet the minimum jurisdictional threshold.

Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action. **NRCP 12(h)(3)**.

**2. In Its Summary Judgment, the Court Did Not Note that the Majority of the Claimants Have Resolved Their Claims.**

On May 23, 2018, this Court entertained the argument of Plaintiffs’ counsel, Trent Richards, Esq. of the Bourassa Law Group in explaining to the Court the settlement that had been reached in the matter of *Jasminka Dubric v. A Cab, LLC et.al.*, Case No. A-15-721063-C, through the Court settlement program. The Court received the details of the settlement, as well as the specific overlap of the claimants and their respective claims. Although taking this evidence into the record and

noting which claims would remain in the present matter of *Michael Murray v. A Cab, LLC et.al.*, no mention or consideration is listed in the Court's order acknowledging that specific claimants resolved their claims as of October 5, 2016, and must be excluded in this summary order. See **Exhibit 2**, Submitted *Order Granting Joint Motion to (1) Conditionally Certify Settlement Class; (2) Appoint Class Counsel; (3) Preliminarily Approve Class Settlement Agreement; (4) Direct That Notice be Sent to Class Members; and (4) Schedule a Final Fairness Hearing*, p. 3:1-3.

On May 24, 2018, after being notified by the Nevada Supreme Court that no stay was in place; and that this Honorable Court had denied Plaintiffs' Motion to Coordinate Cases, the Hon. Kathleen Delaney proceeded with the evidentiary hearing to make appropriate court findings of fact. **Exhibit 3**, *Court Minute Order* of May 24, 2018. The Court admitted the appropriate documentary exhibits, and entered the testimonies of expert CPA Nicole Omphs, and witnesses Donna Burleson and Creighton J. Nady. *Id.* Accordingly, the Court granted the parties' joint motion, granted class certification; appointed the Bourassa Law Group as class counsel; and approved the preliminary class settlement reached on October 5, 2016. *Id.*

These claimants have resolved their claims, and Defendants have bought their peace with each as approved by the Court. These claims cannot continue as part of the entry of summary judgment now entered nearly two years later, as they are the same claims arising from the same set of operative facts. These claimants must be removed from the present Order in its form. At the minimum, the Court should address that it was made aware of this prior settlement of claims, and has made a determination to disapprove it.

**3. The Claims in the *Murray* matter Should be Dismissed Pursuant to NRCP 41(e).**

NRCP 41(e) Want of Prosecution. The court may in its discretion dismiss any action for want of prosecution on motion of any party or on the court's own motion and after due notice to the parties, **whenever plaintiff has failed for 2 years after action is filed to bring such action to trial**. Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of any party, or on the court's own motion, after due notice to the parties, **unless such action is brought to trial within 5 years**

1           **after the plaintiff has filed the action**, except where the parties have stipulated in  
2           writing that the time may be extended.

3           Plaintiffs filed their Complaint on October 8, 2012. The two years referenced in NRCP 41  
4           expired October 8, 2014. The five years referenced in NRCP 41 expired October 8, 2017.  
5           Defendants have never agreed to waive this requirement of the rules of civil procedure.

6           Subsection(e) is clear and unambiguous and requires no construction other than its own  
7           language. *Thran v. First Judicial Dist. Court ex rel. Ormsby County*, 79 Nev. 176, 380 P.2d 297  
8           (1963); *Johnson v. Harber*, 94 Nev. 524; 582 P.2d 800 (1978). The language of subsection (e) of this  
9           rule requiring dismissal of actions not brought to trial within the prescribed time is mandatory; *Bell*  
10          & *Gossett Co. v. Oak Grove Investors*, 108 Nev. 958, 843 P.2d 351 (1992). Whenever plaintiff has  
11          failed for two years after action is filed to bring it to trial, the court may exercise its discretion as to  
12          dismissing it, but when it is not brought to trial within five years, the court in the absence of a  
13          written stipulation extending time, shall dismiss it; in the latter case the exercise of discretion is not  
14          involved. *Bank of Nev. v. Friedman*, 86 Nev. 747, 476 P.2d 172 (1970); *Johnson v. Harber*, 94 Nev.  
15          524; 582 P.2d 800 (1978).

16          In the present case, at the request of Plaintiffs, Defendants agreed to enter into various  
17          extensions of time but did not agree to waive the requirements of NRCP 41(e). As this Court will  
18          recall, this issue was raised numerous times during the hearings wherein Plaintiffs requested the  
19          Court to order Defendants to agree to such a waiver, which this Court declined to do. Adding  
20          support for dismissal of this action is the fact that any time a stay was entered into by the parties, or  
21          ordered by the Court, Plaintiffs continued to violate the stay, rendering it void. Examples of this  
22          conduct are attached herein whereby the Court ordered a stay of proceedings, which Plaintiffs  
23          proceeded to disregard rendering the stays ineffective and void. **Exhibit 4**, Correspondence and  
24          discovery requests served during stays.

25          By their own dilatory conduct, Plaintiffs have violated the requirements of NRCP 41, and  
26          Defendants move to dismiss this action in its entirety.

27          ...

28          ...

1     **4. In the absence of a complete dismissal of all claims, Defendants move for a new trial on**  
2     **those which remain.**

3           This matter was scheduled for trial before this Court, and Defendants were prepared to  
4 proceed. Pre-trial motions were filed, but never heard by this trial Court. One such motion was  
5 Defendants' motion to strike the improper expert testimony and evidence relied upon by Plaintiffs.  
6 The Court did not hear this motion, but instead allowed this evidence to proceed as the basis for  
7 Plaintiffs' motion for summary judgment. Defendants have been deprived of due process and their  
8 right to a jury trial. This constitutes an irregularity in the proceedings of the court.

9           Further, Plaintiffs have failed to prove any actual damages for any individual Plaintiff, much  
10 less actual damages for a class of individuals. There are no documents or witnesses who support an  
11 underpayment of minimum wages; and both of Plaintiffs experts admit they have no opinions on  
12 actual damages. No Plaintiff can testify in support of a claim, as no Plaintiff complied with NAC  
13 **608.155**: Before an employee may file a claim for wages unpaid when due, the employee shall make  
14 a good faith attempt to collect any wages due the employee from an employer at the normal place  
15 and in the normal method that payment is made to employees of the employer. These are all critical  
16 elements which were to be presented at a jury trial, and which have been ignored with a summary  
17 adjudication based upon a manufactured spreadsheet.

18           Plaintiffs have failed to prove the bare minimum of liability as pled in their Complaint.  
19 Plaintiffs' claims are based on the assertion of fraudulent break times written into the tripsheets. No  
20 witnesses or documents support this assertion. Further, fraud is not appropriate for class  
21 certification. *Cummings v. Charter Hospital*, 111 Nev. 639 (1995). Plaintiffs' experts did not  
22 review any tripsheets or any documents to support this claim, and offer no opinions in support. It is  
23 undisputed that the employer has been actively calculating and supplementing drivers' pay with a  
24 minimum wage subsidy. Plaintiffs have provided nothing in contravention to indicate that A Cab  
25 has not been subsidizing its drivers to meet the minimum wage.

26           Plaintiffs are pursuing claims for a class, with no representative Plaintiff for that class.  
27 The presence of a common legal theory does not establish typicality for class certification purposes  
28 when proof of a violation requires individualized inquiry. *In re Teflon Products Liability Litigation*,

1 254 F.R.D. 354 (S.D.Iowa 2008). Commonality requirement for class certification requires that  
2 class members suffer common deprivation; it is not sufficient that class members share common  
3 circumstance. *Baldrige by Stockley v. Clinton*, 139 F.R.D. 119 (E.D.Ark.1991). Plaintiffs cannot  
4 meet their burden on general liability, much less against a specific Defendant.

5 Further, the claims against Defendant Nady must be dismissed as lacking any basis. The  
6 Court never addressed the claims lodged against Defendant Nady, but has allowed those to remain in  
7 limbo.

8 **II.**

9 **CONCLUSION**

10 Based upon the foregoing points and authorities, Defendants respectfully requests this  
11 Honorable Court reconsider its summary judgment order; address dismissal of the claims; amend the  
12 judgment; and order a new trial for any remaining claims.

13 DATED this 10<sup>th</sup> day of September, 2018.

14 **RODRIGUEZ LAW OFFICES, P. C.**

15  
16 /s/ Esther C. Rodriguez, Esq.

17 Esther C. Rodriguez, Esq.  
18 Nevada State Bar No. 006473  
19 10161 Park Run Drive, Suite 150  
20 Las Vegas, Nevada 89145  
21 *Attorneys for Defendants*  
22  
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28



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on this 10<sup>th</sup> day of September, 2018, I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

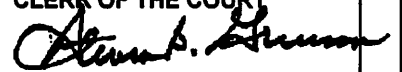
Leon Greenberg, Esq.  
Leon Greenberg Professional Corporation  
2965 South Jones Boulevard, Suite E4  
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*Counsel for Plaintiff*

Christian Gabroy, Esq.  
Gabroy Law Offices  
170 South Green Valley Parkway # 280  
Henderson, Nevada 89012  
*Counsel for Plaintiff Pending Order of Court*

/s/ Susan Dillow  
An Employee of Rodriguez Law Offices, P.C.

EXHIBIT 1

EXHIBIT 1



1 ORDR  
2 MALANI L. KOTCHKA  
3 Nevada Bar No. 283  
4 HEJMANOWSKI & McCREA LLC  
5 520 South Fourth Street, Suite 320  
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7 Telephone: (702) 834-8777  
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9 mlk@hmlawlv.com

10 *Attorneys for Defendant*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 LAKSIRI PERERA, IRSHAD AHMED, and  
14 MICHAEL SARGEANT, individually,

15 Plaintiffs,

16 v.

17 WESTERN CAB COMPANY,

18 Defendant.

19 ) Case No.: A-14-707425-C

20 ) Dep't. No.: VII

21 ) **ORDER DENYING CLASS**  
22 ) **CERTIFICATION, INJUNCTIVE**  
23 ) **RELIEF AND APPOINTMENT OF A**  
24 ) **SPECIAL MASTER**

25 Plaintiffs' Motion for Injunctive Relief and Class Certification pursuant to NRCP Rule  
26 23(b)(2) and Rule 23(b)(3) having come on for hearing on August 17, 2017, and Plaintiffs'  
27 Motion on Order Shortening Time to Enjoin Defendants From Securing Releases and Other  
28 Relief having come on for hearing on June 22, 2017, and Leon Greenberg appearing on behalf of  
Plaintiffs and Malani L. Kotchka appearing on behalf of Defendant,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that both motions are  
denied. Plaintiffs Laksiri Perera, Irshad Ahmed and Michael Sargeant are former employees of  
Defendant who ceased working for Defendant in October 2012, July 2013 and June 2014

FEB 12 2018

1 respectively. September 23, 2012 is the earliest date to fall within the statute of limitations in  
2 this action. The three Plaintiffs seek an order: (1) certifying as class members *all* of Defendant  
3 Western Cab Company's ("Western's") taxi drivers employed between July 1, 2007, and the date  
4 of the anticipated order, including current and other former employees; (2) certifying this case as  
5 a class action for wages allegedly due on account of Western's purported violation of Nevada's  
6 Minimum Wage Amendment ("MWA"); (3) appointing Plaintiffs' attorneys Leon Greenberg and  
7 Dana Sniegocki as class counsel; (4) enjoining Western from requiring its drivers to pay for fuel  
8 for Western's taxi cabs to the extent doing so would reduce their non-tipped wages paid by  
9 Western to an amount less than the amount required by the MWA; (5) enjoining Western to  
10 undertake certain so called "necessary" record keeping, reporting and enforcement protocols, all  
11 undefined; (6) appointing a Special Master, to be paid by Western "as necessary to vigorously  
12 promote [the injunction's] enforcement;" (7) awarding Plaintiffs' counsel fees and costs for  
13 securing injunctive relief and imposing monetary sanctions upon defendant; and (8) enjoining  
14 Western from securing releases and other relief. The Court denies all of this requested relief.  
15 Plaintiffs have failed to demonstrate the need for injunctive relief at this time. Even assuming  
16 the Plaintiffs have a reasonable probability of success, monetary back wages would be an  
17 adequate remedy. Any issues regarding record keeping and reporting are covered by discovery  
18 rules and are better dealt with through the discovery process. The United States Department of  
19 Labor did not find in 2013 that Western owed any minimum wage to its drivers. The Court does  
20 not believe that the issues presented here are so unique or complex as to warrant appointment of  
21 a special master pursuant to NRCP 53.

22  
23  
24  
25 IT IS FURTHER ORDERED that the Plaintiffs do not meet the requirements under  
26 NRCP 23(a) for class certification so the motion to certify the class is denied. *Shuette v. Beazer*  
27 *Homes Holding Corp.*, 121 Nev. 837, 847, 124 P.3d 530, 538 (2005). Class certification requires  
28

1 a finding of each of the elements set forth in NRCP 23(a). The first requirement is numerosity,  
2 that the class is so numerous a joinder of all members is impractical. There is no definitive  
3 number to reach this requirement. Since the filing of this lawsuit, Western has settled with a  
4 large portion of the purported class. The remaining members of the potential class are all taxi  
5 drivers in the same geographic area. They are asserting claims for which, if proven, they may  
6 constitutionally recover attorney's fees. Plaintiffs have not pled that they lack resources to bring  
7

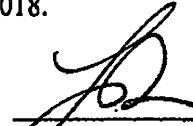

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1 and maintain individual lawsuits. Since the Court is finding that the numerosity requirement is  
2 not met, the Court will not address the remaining factors under NRCP 23(a).

3 Dated this 14<sup>th</sup> day of February, 2018.

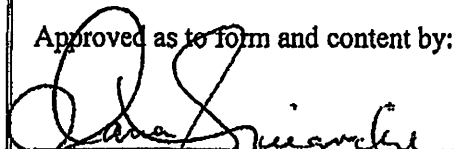
4  
5   
6 Honorable Linda Bell  
District Court Judge 

7 Submitted by:

8   
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10 HEJMANOWSKI & McCREA LLC  
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14 *Attorneys for Defendant*

15  
16 Approved as to form and content by:

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28

# EXHIBIT 2

# EXHIBIT 2

Mark J. Bourassa, Esq. \*†‡  
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Hillary R. Ross, Esq. \*§  
Trent L. Richards, Esq. \*¶  
Valerie S. Gray, Esq. \*

\* Admitted in Nevada  
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‡ Admitted in Arizona  
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# BOURASSA

LAW GROUP

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¶¶ Admitted in Connecticut

June 15, 2018

*Via Hand Delivery*

Hon. Kathleen Delaney  
Clark County District Court Dept. XXV

**RE: Dubric v. A Cab, LLC et al**  
**Clark County District Ct. Case No. A-15-721063-C**

Your Honor,

Enclosed is the proposed Findings of Fact and Order Granting Joint Motion to: (1) Conditionally Certify Settlement Class; (2) Appoint Class Counsel; (3) Preliminarily Approve Class Settlement Agreement; (4) Direct That Notice be Sent to Class Members; and (4) Schedule a Final Fairness Hearing.

Page 12 of the proposed Order contains a blank for the insertion of the date/time of the Final Fairness Hearing. We had discussed at the last hearing about having the Final Fairness Hearing set on a special setting, and the Court advised us that special settings take place on Thursdays.

We ask that a Final Fairness Hearing date be set at least 60 days from the date the order is signed and returned by the Court for filing, so as to allow the Notice to Class Members to be sent and allow for the opt out period to run.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact our office.

Very Truly Yours,

THE BOURASSA LAW GROUP

  
Trent L. Richards, Esq.  
[trichards@blgwins.com](mailto:trichards@blgwins.com)

CC: Esther Rodriguez (via email to [esther@rodriguezlaw.com](mailto:esther@rodriguezlaw.com))

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1 **FFCL**  
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12 **trichards@blgwins.com**  
13 ***Attorneys for Plaintiff***

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 **JASMINKA DUBRIC, individually and on behalf )**  
11 **of those similarly situated, )**

11 **Plaintiff, )**

12 **vs. )**

13 **A CAB, LLC, a Nevada Limited Liability )**  
14 **Company; A CAB SERIES LLC, EMPLOYEE )**  
15 **LEASING COMPANY, a Nevada Series Limited )**  
16 **Liability Company; CREIGHTON J. NADY, an )**  
17 **individual; and DOES 3 through 20 )**

16 **Defendant. )**

**Case No.: A-15-721063-C**  
**Dept. No.: XXV**

**ORDER GRANTING JOINT MOTION TO:**

- (1) CONDITIONALLY CERTIFY  
SETTLEMENT CLASS;**  
**(2) APPOINT CLASS COUNSEL;**  
**(3) PRELIMINARILY APPROVE CLASS  
SETTLEMENT AGREEMENT;**  
**(4) DIRECT THAT NOTICE BE SENT TO  
CLASS MEMBERS; AND**  
**(5) SCHEDULE A FINAL FAIRNESS  
HEARING**

18 **On May 24, 2018, the above-captioned matter came before the Honorable Kathleen E. Delaney,**  
19 **sitting in Department XXV of the Eighth Judicial District, Clark County, Nevada on the parties Joint**  
20 **Motion for an Order: (1) Conditionally Certifying Settlement Class; (2) Appointing Class Counsel; (3)**  
21 **Preliminary Approval of Class Settlement Agreement; (4) Directing That Notice be Sent to Class**  
22 **Members; and (5) Scheduling a Final Fairness Hearing (the "Joint Motion for Preliminary Approval").**

1 Plaintiff JASMINKA DUBRIC (hereinafter "Plaintiff") appeared by and through her counsel of  
2 record, Trent L. Richards, Esq. of The Bourassa Law Group; Defendants, A CAB, LLC, A CAB  
3 SERIES LLC, EMPLOYEE LEASING COMPANY, and CREIGHTON J. NADY (collectively,  
4 "Defendants") appeared by and through their counsel of record Esther C. Rodriguez, Esq. of Rodriguez  
5 Law Offices, P.C.

6 The Court, after having considered the Joint Motion for Preliminary Approval, all evidence  
7 presented therewith including the oral testimony of joint expert Nicole S. Omphs, CPA of Beta  
8 Consulting, Defendant Creighton J. Nady, and Defendants' representative Donna Burleson, the  
9 argument of counsel appearing at the hearing, the papers and pleadings on file herein, and good cause  
10 appearing therefore, hereby enters the following Findings of Facts, Conclusions of Law, and Ordering  
11 Granting Joint Motion to: (1) Conditionally Certify Settlement Class; (2) Appoint Class Counsel; (3)  
12 Preliminarily Approve Class Settlement Agreement; (4) Direct That Notice Be Sent to Class Members;  
13 and (5) Schedule a Final Fairness Hearing.

#### 14 **BACKGROUND**

##### 15 **A. Litigation History**

16 On July 7, 2015, a putative class action was filed by Plaintiff Jasminka Dubric in the District  
17 Court of Clark County, Nevada as Case No. A-15-721063-C, and was later amended on or about  
18 November 30, 2016, to include additional defendants. The lawsuit alleges violations of the Nevada  
19 Constitution, Article 15, Section 16 and NRS 608.160(1)(b) arising from Defendants purportedly failing  
20 to pay minimum wage to its taxi cab drivers ("Drivers"). Specifically, Plaintiff alleges that Defendants  
21 did not meet the minimum wage requirements because it was Defendants' policy that any tips earned by  
22 taxi cab drivers are to be credited towards the calculation of minimum wage, a violation of NRS  
23 608.160(1)(b). Defendants deny Plaintiff's claims.

1 On October 5, 2016, the parties engaged in settlement negotiations during a settlement  
2 conference before the Honorable Jerry A. Wiese II and arrived at a negotiated settlement of Plaintiff's  
3 claims on a class wide basis. The Parties agreed to stipulate to certification of a single class for  
4 settlement purposes and arrived at a mutually agreeable Class Action Settlement Agreement and Release  
5 in an attempt to consummate settlement of this matter on a class-wide basis, as well as the settlement of  
6 all related individual claims.

7 **B. The Settlement Agreement**

8 The complete terms of the Class Action Settlement Agreement and Release ("Agreement") are  
9 set forth in the Agreement itself. Key provisions are as follows:

10 **1. Class Definition**

11 The proposed settlement class ("Settlement Class") consists of "all persons who were employed  
12 by Defendants during the applicable statutory period prior to the filing of this Complaint continuing  
13 until date of judgment as Drivers in the State of Nevada." More specifically, the Settlement Class is  
14 defined as all current and former hourly paid Drivers employed by A Cab, LLC and/or A Cab Series  
15 LLC, Employee Leasing Company at any time from April 1, 2009 through September 30, 2016.

16 **2. Settlement Amount**

17 Defendants have agreed to pay a total sum of Two Hundred Twenty-Four Thousand Five  
18 Hundred Twenty-Nine Dollars (\$224,529.00) (the "Settlement Amount") as a fund for the Settlement  
19 Class ("Settlement Fund"). The amount that each individual claimant will receive shall be determined  
20 by dividing the amount of the net Settlement Fund (after deduction of attorney fees, costs, and incentive  
21 payments) by the total number of weeks worked by Settlement Class to reach a per-week allotment, and  
22 then multiplying that per-week allotment by the number of weeks an individual class member worked  
23 for the Defendants to determine that individual class member's claim amount.

1                   **3.     Notice**

2           The Agreement provides that the parties will directly mail a Notice of Proposed Settlement and  
3 Right to Opt Out to all class members whose address information can be ascertained by Defendants. The  
4 terms of the proposed Agreement, including the right to comment on or object to the settlement, or to  
5 opt out of the class entirely, will be disseminated to the class members.

6                   **4.     Claim Administration**

7           Settlement Class members shall have an agreed date 45 days from commencement of the notice  
8 program to affirmatively request to be excluded from the settlement or file and serve objections to the  
9 Agreement. Upon final approval of the Agreement from the Court and receipt of the total Settlement  
10 Amount from Defendants, Class Counsel The Bourassa Law Group ("Class Counsel") shall issue checks  
11 from the Settlement Fund to all Settlement Class members who did not elect to exclude themselves in  
12 accordance with the calculation method set forth in section (b)(2) above.

13                   **5.     Settlement Administration Costs**

14           Defendants will directly pay for administrator handling of the settlement for reasonable costs and  
15 expenses of providing notice to the Settlement Class and issue settlement payments to each class  
16 member in an amount not to exceed \$5,000.00. This amount is in addition to and separate from the  
17 Settlement Amount.

18                   **6.     Attorneys' Fees and Costs**

19           The Agreement authorizes Class Counsel to apply to the court for an award of attorney fees and  
20 litigation costs not to exceed \$57,500.00 from the Settlement Amount.

21    ///

22    ///

23    ///

1                   **7. Class Representative Incentive Payment**

2           In addition to the relief afforded all class members, the Agreement authorizes Class  
3 Representative Jasminka Dubric ("Class Representative") to seek incentive payment of \$5,000.00 from  
4 the Settlement Amount.

5                   **8. Released Claims**

6           The Agreement provides for a specific release of claims or causes of action based on or related to  
7 the matters at issue herein.

8                                   **FINDINGS OF FACT**

9           The following are this Court's Findings of Fact:

10           1.    The proposed potential Settlement Class consists of more than 800 taxi cab drivers  
11 employed by Defendants and affected by their wage policies.

12           2.    Joinder of all members would be exceedingly difficult given the large number of  
13 individual claimants.

14           3.    Defendants had a policy of crediting tips earned by Plaintiff and other Drivers towards  
15 the calculation of minimum wage and/or made unlawful and/or unauthorized deductions from Plaintiff's  
16 and other Drivers' wages which may have resulted in underpayment of minimum wage.

17           4.    Counsel for the Parties were ultimately able to negotiate, with the assistance of the  
18 Honorable Jerry A. Wiese II, the Agreement such that there is likewise every reason to conclude that  
19 settlement negotiations were vigorously conducted at arms' length and without any suggestion of undue  
20 influence.

21           5.    Plaintiff and Defendants have entered into the Agreement to resolve the claims of  
22 Plaintiff as well as those of the potential Settlement Class relating to alleged minimum wage violations  
23 by Defendants.

1           6.     Class certification in this matter is appropriate for the purposes of settlement.

2           7.     The alternative method of resolution could be hundreds of individual claims for relatively  
3 small amounts of damages, proving uneconomical for potential plaintiffs because the cost of litigation  
4 dwarfs potential recovery, risking not only significant expense but also inconsistent judgments.

5           8.     The settlement is the result of extensive and hard-fought negotiations between aggressive  
6 and capable advocates on both sides.

7           9.     Ms. Omps, CPA, an expert jointly retained by the parties hereto, identified a settlement  
8 range of \$224,529 to \$471,651, which the Settlement Amount is within.

9           10.    The proposed Agreement is clearly "within the range of possible approval," and that  
10 preliminary approval is proper.

11          11.    The proposed class recovery is justified and reasonable based on a qualified CPA's  
12 review of the records.

13          12.    The \$224,529.00 Settlement Fund is believed to be fair in light of the uncertainty of  
14 litigation, the uncertainty that any individual class member could succeed on a claim against Defendants,  
15 and the risk of pushing Defendants to financial collapse with a series of individual judgments against the  
16 company, depriving many class members of *any* recovery in the process.

17          13.    The relief provided in the Agreement will benefit all class members.

18          14.    The Bourassa Law Group satisfies the requirements of competency and qualifications of  
19 Class Counsel.

20          15.    The Bourassa Law Group is an active practitioner in the areas of both class actions and  
21 employment claims, and will protect the interests of the Settlement Class.

22          16.    The Bourassa Law Group has sufficient knowledge, experience, and resources to allow  
23 them to represent the interests of the Settlement Class.

17. Should any of the foregoing Findings of Fact be more properly construed as Conclusions of Law, they shall be so construed.

### **CONCLUSIONS OF LAW**

**The following are this Court's Conclusions of Law:**

**1. A class action may not be settled without court approval. Nev. R. Civ. P. 23(e).**

2. A class may be certified if a plaintiff has met all four requirements of Nevada Rule of Civil Procedure 23(a), as well as at least one of the three requirements of Rule 23(b). *See Nev. R. Civ. P. 23(a)-(b); Johnson v. Travelers Ins. Co.*, 89 Nev. 467, 471, 515 P.2d 68, 71 (1973).

3. Rule 23(a) requires: (1) that the proposed class be “so numerous that joinder of all members is impracticable”; (2) that there be “questions of law or fact common to the class”; (3) that the representative plaintiff’s claims be typical of the class’ claims; and (4) that the representative plaintiff will “fairly and adequately protect the interests of the class.” Nev. R. Civ. P. 23(a). These four elements are mandatory prerequisites to a class being certified. *Id.*

4. Here, joinder of all members would be exceedingly difficult given the large number of individual claimants. Accordingly, the numerosity requirement is met.

5. “Questions are common to the class when their answers as to one class member hold true for all class members.” *Shuette*, 121 Nev. at 848. In *Wal-Mart Stores v. Dukes*, 564 U.S. 338 (2011), the Supreme Court expanded on the notion of commonality, stating the “claims must depend upon a common contention. . . . That common contention, moreover, must be of such a nature that it is capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke.” *Id.* at 350.

6. Here, the claims of both the Plaintiff and the rest of the proposed Settlement Class all stem from the same alleged conduct: failing to pay minimum wage in violation of the Nevada

1 Constitution, Article 15, Section 16. Therefore, the commonality requirement is met.

2 7. Here, the claims of the Class Representative, Plaintiff, are typical of the Class because  
3 they arise from the same factual basis and are based on the same legal theories as those applicable to all  
4 class members. Thus, the typicality requirement has been met.

5 8. Here, Plaintiff will fairly and adequately represent each of the Class members' interests as  
6 Plaintiff was an employee subjected to Defendants' wage policies and as a result did not receive the  
7 required minimum wage. Thus, the adequacy requirement has been met.

8 9. In addition to meeting the conditions imposed by Rule 23(a), the parties seeking class  
9 certification must also show that the action is appropriate under Nev. R. Civ. P. 23(b)(1), (2) or (3)."  
10 *Johnson*, 89 Nev. at 741; *see also Meyer v. Eighth Judicial Dist. Court*, 110 Nev. 1357, 1363, 885 P.2d  
11 622, 626 (1994).

12 10. Under Rule 23(b)(3) a court must first look to whether common questions "predominate  
13 over any questions affecting only individual members." Nev. R. Civ. P. 23(b)(3). The "predominance  
14 inquiry tests whether proposed classes are sufficiently cohesive to warrant adjudication by  
15 representation." *Amchem*, 521 U.S. at 623.

16 11. If the predominance test is met, the Court then must ask if a class action lawsuit would be a  
17 "superior" method of adjudicating the various claims. In determining the answer to this question, courts are  
18 instructed to look at four factors, namely (1) the class members' interests, if any, in individually controlling  
19 the prosecution of separate actions; (2) the extent and nature of any lawsuits concerning the controversy  
20 already begun by members of the proposed class; (3) the desirability of concentrating the litigation in the  
21 particular judicial forum; and (4) the likely difficulties in managing a class action. Nev. R. Civ. P. 23(b)(3);  
22 *Deal v. 999 Lakeshore Ass'n*, 94 Nev. 301, 305, 579 P.2d 775, 778 (1978).

23 12. In the settlement context, class resolution is superior to other available methods for the fair  
24



1 and efficient adjudication of the controversy. *Shuette*, 121 Nev. at 852. A proper class prevents identical  
2 issues from being litigated repeatedly thereby avoiding duplicative cases and potentially inconsistent  
3 results. *Id.* at 540-41.

4 13. This case is in a settlement posture, therefore the fourth factor of Nev. R. Civ. P. 23(b)(3)  
5 does not apply because the case will not be going to trial. *Amchem*, 521 U.S. at 620.

6 14. Given the forgoing, the Settlement Class satisfies each of the requirements for certification.

7 15. Although Rule 23(e) is silent respecting the standard by which a proposed settlement is to  
8 be evaluated, the “universally applied standard is whether the settlement is fundamentally fair, adequate  
9 and reasonable.” *Officers for Justice v. Civil Serv. Comm’n*, 688 F.2d 615, 625 (9th Cir. 1982).

10 16. Here, the settlement appears fundamentally fair, adequate and reasonable.

11 17. The purpose of judicial approval of class action settlements is to prevent fraud, collusion  
12 or unfairness to the class. *See In re Bluetooth Headset Prods. Liability Litig*, 654 F.3d 935, 940 (9th Cir.  
13 2011).

14 18. Here, there is no fraud, collusion or unfairness to the class.

15 19. The Manual for Complex Litigation describes a three-step procedure for approval of class  
16 action settlements: (1) preliminary approval of the proposed settlement at an informal hearing; (2)  
17 dissemination of mailed and/or published notice of the settlement to all affected class members; and (3)  
18 a “final fairness hearing” or final settlement approval hearing, at which class members may be heard  
19 regarding the settlement, and at which evidence and argument concerning the fairness, adequacy, and  
20 reasonableness of the settlement may be presented. *Manual For Complex Litigation, Fourth* § 21.632  
21 (2008).

22 20. Preliminary approval is merely the prerequisite to giving notice so that the proposed  
23 settlement may be submitted to members of the prospective class for their acceptance or rejection.  
24

21. Preliminary approval does not require the trial court to answer the ultimate question of whether a proposed settlement is fair, reasonable and adequate. That determination is made only after notice of the proposed settlement has been given to the class members and after they have been given an opportunity to voice their views of the settlement or to be excluded from the settlement.

22. The question presented on a motion for *preliminary* approval of a proposed class action settlement is whether the proposed settlement is “within the range of possible approval.”

23. Here, the proposed settlement is within the range of possible approval.

24. At the preliminary approval stage, the court's task is to determine whether "the proposed settlement appears to be the product of serious, informed, non-collusive negotiations, has no obvious deficiencies, does not improperly grant preliminary preferential treatment to class representatives or segments of the class, and falls within the range of possible approval." *Manual for Complex Litigation, Third* § 30.41, at 237 (1995).

25. Here, the proposed settlement appears to be the product of serious, informed, non-collusive negotiations, has no obvious deficiencies, does not improperly grant preliminary preferential treatment to class representatives or segments of the class, and falls within the range of possible approval.

26. Should any of the foregoing Conclusions of Law be more properly construed as Findings of Fact, they shall be so construed.

## ORDER

**Based upon the foregoing Findings of Fact and Conclusions of Law and good cause appearing:**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parties Joint Motion for an Order: (1) Conditionally Certifying Settlement Class; (2) Appointing Class Counsel; (3) Preliminary Approval of Class Settlement Agreement; (4) Directing That Notice be Sent to Class Members; and (5)

1 Scheduling a Final Fairness Hearing is GRANTED.

2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court hereby  
3 preliminarily approves settlement of this action upon the terms and conditions set forth in the  
4 Agreement. The Court preliminarily finds that the gross settlement amount of \$224,529.00 falls within  
5 the range of reasonableness necessary for preliminary approval and that this amount is fair, adequate,  
6 and reasonable as to all potential members of the settlement class when balanced against the probable  
7 outcome of further litigation, and ultimately relating to liability and damages issues.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court conditionally  
9 certifies the following class solely for purposes of settlement: all current and former hourly paid taxi cab  
10 drivers employed by A Cab, LLC and/or A Cab Series LLC, Employee Leasing Company at any time  
11 from April 1, 2009 through September 30, 2016.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that named plaintiff Jasminka  
13 Dubric is appointed as Class Representative and the Court preliminarily approves enhancement payment  
14 in the amount of \$5,000.00.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court appoints The  
16 Bourassa Law Group as Class Counsel and preliminarily approves their attorney fee and litigation costs  
17 request of up to \$57,500.00.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approves, as to  
19 form and content, the Notice of Proposed Settlement and Right to Opt Out, attached to this Order as  
20 Exhibit 1.

21 The Court directs Defendants to provide to Class Counsel a database report showing the names,  
22 last known addresses, social security numbers, start date, end date, and number of weeks worked for  
23 each Settlement Class member no later than 15 calendar days after entry of this Order. Class Counsel  
24

1 will send to each Settlement Class member the Notice of Proposed Settlement and Right to Opt Out by  
2 first class mail, no later than 30 days from the date the Court signs this Order.

3 The Court further directs Class Counsel to file its motion for attorneys' fees and costs, and class  
4 representative enhancement award, at least fifteen (15) days prior to the final approval hearing.

5 All papers filed in support of final approval of the settlement, and response to any objections,  
6 will be filed at least fifteen (15) days prior to the final approval hearing.

7 A final approval hearing will be held in this department on \_\_\_\_\_  
8 at \_\_\_\_\_ to determine (1) whether the proposed settlement is fair, reasonable, and adequate and  
9 should be finally approved by the Court; (2) the amount of attorney's fees and litigation costs to award  
10 to Class Counsel; (3) the amount to be paid to Class Counsel for administration of the claims; (4) the  
11 amount of the enhancement payment for the Class Representative; and (5) any other relief deemed  
12 appropriate and necessary.

13 **IT IS SO ORDERED.**

14 DATED this \_\_\_\_ day of June 2018.

15  
16 **THE HONORABLE KATHLEEN E. DELANEY**

17 Respectfully submitted by:

18 DATED this 15<sup>th</sup> day of June 2018.

19 **THE BOURASSA LAW GROUP**

20 By: 

21 MARK J. BOURASSA, ESQ.  
22 Nevada Bar No. 7999  
23 TRENT L. RICHARDS, ESQ.  
24 Nevada Bar No. 11448  
2350 W. Charleston Blvd., #100  
Las Vegas, Nevada 89102  
*Attorneys for Plaintiffs*

DATED this 15 day of June 2018.

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

By: 

ESTHER C. RODRIGUEZ, ESQ.  
Nevada Bar No. 6473  
10161 Park Run Dr., Suite 150  
Las Vegas, Nevada 89145

*Attorneys for Defendants*

**EXHIBIT 1**  
**NOTICE OF PROPOSED**  
**SETTLEMENT**

**EXHIBIT 1**  
**NOTICE OF PROPOSED**  
**SETTLEMENT**

**NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT**

*Dubric v. A Cab, LLC, et al.*

*A Nevada Court authorized this Notice. This is not a solicitation from a lawyer.*

**TO: DRIVERS EMPLOYED BY A CAB, LLC, A CAB SERIES LLC,  
EMPLOYEE LEASING COMPANY AS HOURLY PAID DRIVERS AT ANY  
TIME BETWEEN April 1, 2009 AND September 30, 2016.**

- **PLEASE READ THIS NOTICE CAREFULLY.**
- **IF YOU WISH TO COMMENT IN FAVOR OF THE SETTLEMENT OR OBJECT TO THE SETTLEMENT, YOU MUST FOLLOW THE DIRECTIONS IN THIS NOTICE.**
- **YOU MAY BE ELIGIBLE TO RECEIVE A PAYMENT FROM THE SETTLEMENT OF THIS LAWSUIT.**
- **YOUR LEGAL RIGHTS MAY BE AFFECTED BY THIS LAWSUIT OR THE FILING OF A CLAIM FORM.**
- **IF YOU RECEIVED THIS NOTICE ON BEHALF OF A CLASS MEMBER WHO IS DECEASED, YOU SHOULD PROVIDE THIS NOTICE TO THE AUTHORIZED LEGAL REPRESENTATIVE OF THAT CLASS MEMBER.**

A proposed settlement has been reached between the parties in this class action pending in the Eighth Judicial District Court brought on behalf of all persons described above (the "settlement class"). On May 24, 2018, the Court preliminarily approved the settlement, the terms of which are set forth in the Settlement Agreement. You have received this Notice because records show that you are a member of the settlement class. This Notice explains the principal terms of the settlement, how you can participate, exclude yourself from or object to the settlement. If the settlement is finally approved, it will be binding upon you, even if you object to the settlement, except as explained below. On [DATE] at [TIME] in [LOCATION], the Court will hold a hearing on whether the settlement should be finally approved ("fairness hearing").

The settlement class consists of all current and former drivers employed by A Cab, LLC and/or A Cab Series LLC, Employee Leasing Company in Las Vegas, Nevada at any time from April 1, 2009 to September 30, 2016.

**NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT**

*Dubric v. A Cab, LLC, et al.*

*A Nevada Court authorized this Notice. This is not a solicitation from a lawyer.*

**What is the class action about?**

The claims in this action involve a potential class of more than 800 current and former hourly paid drivers who allege that A Cab, LLC and/or A Cab Series LLC, Employee Leasing Company violated Nevada state law by crediting tips earned by hourly paid drivers toward the calculation of minimum wage. A Cab, LLC and/or A Cab Series LLC, Employee Leasing Company deny any liability or wrongdoing. The parties entered the settlement to avoid additional and costly litigation. The Court has not decided which side is right in this lawsuit.

**What are my rights?**

You have the following choices:

<b>DO NOTHING AND STAY IN THE SETTLEMENT CLASS</b>	If you wish to participate in the settlement, you need not do anything at this time. You will be sent a check for your portion of the settlement. Any federal and/or state law claims for unpaid minimum wages will be released and you will be legally bound by judgments and orders of the Court, unless you elect to opt out of the settlement.
<b>OPT OUT OF THE SETTLEMENT CLASS</b>  Postmark deadline: [45 days after Notice mailed]	You may elect to opt out of the settlement class. If you opt out, you will <i>not</i> (i) receive any payments under the settlement, (ii) be giving up any legal claims you may have against A Cab, LLC, et al., and (iii) be bound by any orders or judgments of the Court. To opt out, you must send a signed letter to <i>Dubric v. A Cab, LLC, et al.</i> Settlement Administrator, c/o The Bourassa Law Group, 2350 W. Charleston Blvd., #100, Las Vegas, Nevada 89102. The letter must state that you want to opt out of the settlement and include your name, address, and last four digits of your social security number.
<b>OBJECT AND GO TO A HEARING</b>	You must submit in writing any objections that you have to the settlement to the settlement administrator at the address below and also state whether you intend to attend the fairness hearing. The Court will hold a fairness hearing to consider whether to approve finally

**NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT**

*Dubric v. A Cab, LLC, et al.*

*A Nevada Court authorized this Notice. This is not a solicitation from a lawyer.*

<b>Postmark deadline: [45 days after Notice mailed]</b>	<p>the settlement at [TIME] on [DATE], in Courtroom 3F of the Regional Justice Center, located at 200 Lewis Avenue, Las Vegas, Nevada 89155.</p> <p>You may not object to the settlement if you opt out. Your objections should be sent by first class mail, postage prepaid, or delivery service or overnight mail to:</p> <p style="text-align: center;"><i>Dubric v. A Cab, LLC, et al.</i> c/o The Bourassa Law Group 2350 W. Charleston Blvd., #100 Las Vegas, Nevada 89102</p> <p>You must also send a copy of your objections to:</p> <p>For the settlement class: Mark J. Bourassa, Esq. and Trent L. Richards, Esq., The Bourassa Law Group, 2350 W. Charleston Blvd., #100, Las Vegas, Nevada 89102</p> <p>For defendants: Esther C. Rodriguez Esq., Rodriguez Law Office, PC, 10161 Park Run Dr, Suite 150, Las Vegas NV 89145</p>
---	---

**Do I have a lawyer in the lawsuit?**

The Court has appointed attorneys for the settlement class ("class counsel"). You will not be required to pay class counsel from your settlement payment. Rather, their compensation will be paid from the gross settlement amount, and they will submit a motion requesting that the Court award them up to Fifty-Seven Thousand Five Hundred Dollars (\$57,500.00) in attorney's fees and litigation expenses.

If you want to be represented by your own lawyer, you may hire one at your own expense. If you do so, your lawyer must file an appearance in the action.



## **NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT**

*Dubric v. A Cab, LLC, et al.*

*A Nevada Court authorized this Notice. This is not a solicitation from a lawyer.*

### **What will I receive from the settlement?**

The gross settlement amount is \$224,529.00. This is the maximum amount A Cab, LLC, et al. is obligated to pay under the settlement. This amount includes (i) up to \$57,500.00 for attorney's fees and litigation costs; (ii) up to \$5,000 to be paid to Jasminka Dubric, the class representative; (iv) settlement administration costs; and (v) the remainder to compensate settlement class members with valid claims.

The precise amount of your individual payment cannot be determined at this time. However, your share will be paid based upon the number of weeks you worked for the defendants and any unpaid minimum wages due to you as calculated by an independent Certified Public Accountant, Nicole Omps of Beta Consulting.

### **What do I give up as a result of the settlement?**

In consideration for your eligibility to receive a portion of the settlement, you will be releasing defendants and their prior and present affiliates, subsidiaries, officers, and representatives from any liability for all claims under federal and state wage and hour laws based upon alleged violations of federal and state wage and hour laws and any other claims that could have been asserted based upon the factual contentions in the complaint from April 1, 2009 through the date the court enters an order finally approving the settlement.

### **When will the Court decide whether to give final approval to the settlement?**

The Court will hold a fairness hearing to consider whether to approve finally the settlement at [TIME] on [DATE], in Courtroom 3F of the Regional Justice Center, located at 200 Lewis Avenue, Las Vegas, Nevada 89155. The Court will review the request for approval of the settlement submitted by the parties and any objections to the settlement, and hear from any properly noticed witnesses. The Court will decide either at, or after, the fairness hearing whether to grant final approval to the settlement and will issue a written order of its decision.

### **May I attend the final fairness hearing?**

Yes, any settlement class member may attend the fairness hearing. If you object to the settlement, you may submit your objections, as explained above, together with any supporting information, and declare your intent to appear at the hearing, either personally or through an attorney, to the Court by the deadline stated above.

**NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT**

*Dubric v. A Cab, LLC, et al.*

*A Nevada Court authorized this Notice. This is not a solicitation from a lawyer.*

**What happens if the Court does not give final approval?**

If the Court denies the parties' joint request for final approval of the settlement, no payments will be made under the settlement and this lawsuit will revert to its status immediately before execution of the settlement agreement.

**If the settlement is approved when will I receive my settlement check?**

If the Court grants final approval of the settlement, it will become effective after expiration of the time period for all appeals from the order granting final approval of the settlement or, if an appeal is filed, a final determination that the settlement should be approved. If you are eligible to receive a settlement amount, it will be distributed to you approximately 30 days after the settlement becomes effective and the settlement fund is fully funded.

**How will my settlement amount be distributed to me?**

If you are eligible for a settlement payment, the settlement administrator will send you a check.

**Who is responsible for paying the taxes on my settlement amount?**

You are solely responsible for paying all taxes based on the receipt of a settlement payment. You should consult with a tax advisor if you have questions concerning the tax consequences of your individual settlement payments.

**How can I get a copy of the Settlement Agreement, the Court's preliminary approval order, and other documents in this lawsuit?**

This Notice is only a summary of your legal rights. A full copy of the Settlement Agreement, the Court's Preliminary Approval Order, and a full copy of this Notice and all other filings in this lawsuit may be examined during regular business hours in the Clerk's Office of the Eighth Judicial District, 200 Lewis Ave, Las Vegas NV 89191.

**NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT**

*Dubric v. A Cab, LLC, et al.*

*A Nevada Court authorized this Notice. This is not a solicitation from a lawyer.*

**What if I have questions about this notice or my individual settlement amount?**

You should contact the settlement administrator at *Dubric v. A Cab, LLC, et al.*, c/o The Bourassa Law Group, 2350 W. Charleston Blvd., #100, Las Vegas, Nevada 89102.

You may also contact class counsel at: The Bourassa Law Group, 2350 W. Charleston Blvd., #100, Las Vegas, Nevada 89102

*You should not contact the Court if you have questions about the settlement or this Notice.*

# EXHIBIT 3

# EXHIBIT 3

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New District Civil/Criminal Search](#) [Refine Search](#) [Close](#)

Location : District Court Civil/Criminal [Help](#)

## REGISTER OF ACTIONS

CASE NO. A-15-721063-C

Jasminka Dubric, Plaintiff(s) vs. A Cab LLC, Defendant(s)

§  
§  
§  
§  
§  
§

Case Type: Employment Tort

Date Filed: 07/07/2015

Location: Department 25

Cross-Reference Case Number: A721063

Number:

### PARTY INFORMATION

Defendant A Cab LLC

Lead Attorneys  
ESTHER RODRIGUEZ  
Retained  
7023208400(W)

Defendant A Cab Series LLC Employee Leasing Company

ESTHER RODRIGUEZ  
Retained  
7023208400(W)

Defendant Nady, Creighton J.

ESTHER RODRIGUEZ  
Retained  
7023208400(W)

Plaintiff Dubric, Jasminka

Mark J. Bourassa  
Retained  
702-851-2180(W)

### EVENTS & ORDERS OF THE COURT

01/31/2017 Motion (9:00 AM) (Judicial Officer Delaney, Kathleen E.)

01/31/2017, 02/14/2017, 02/16/2017, 05/24/2018

Joint Motion for an Order (1) Conditionally Certifying Settlement Class; (2) Appointing Class Counsel; (3) Preliminary Approval of Class Settlement Agreement; (4) Directing that Notice be sent to Class Members; and (5) Scheduling a Final Fairness Hearing; Memorandum of Points and Authorities in Support Thereof on an Order Shortening Time

#### Minutes

01/31/2017 9:00 AM

02/14/2017 9:00 AM

02/16/2017 1:30 PM

02/16/2017 1:30 PM

- COURT ADVISED it was informed of an Injunction issued in Judge Cory's department this morning that precludes anybody but Pltf. Dubric from proceeding in this matter. COURT NOTED, this Court's Judicial Executive Assistant (JEA), Judge Cory's JEA and Chief Judge Gonzalez's JEA are in communication regarding the Court's setting a meeting to further discuss the matter. COURT ADVISED as the injunction has been issued this matter will be in a hold pattern. Mr. Richards stated he has spoken with Ms. Rodriguez, the parties agree to WITHDRAW the Joint Motion as they attempt to resolve the matter in a way that is not afoul of the injunction. Ms. Rodriguez concurred, adding the withdrawal of the Motion is under protest as she does not believe Judge Cory has the power to order an injunction in this matter. COURT ACCEPTED counsel's WITHDRAWAL of the Joint Motion for an Order; and ORDERED, a Status Check SET; counsel may pursue any future motions or actions they feel are appropriate. 04/25/17 9:00 A.M. STATUS CHECK: INJUNCTION (JUDGE CORY)

05/24/2018 10:00 AM

- CONFERENCE AT BENCH. COURT ADVISED, due to the unavailability of the Court and with their being no objection from counsel, matter RESET. The matter will be heard at 2 p.m. today. MATTER RECALLED. All parties present as before. COURT ADVISED it received via fax from the Nevada Supreme Court a copy of an Order Directing Answer and Expedite Response on Motion for Stay that indicates they want a response from the Respondent to the Motion to Stay. They are requesting something be filed today related to the matter; no Stay has been required. Additionally, the staff in Department One notified this Court the Motion to Co-Ordinate Cases in front of Judge Cory was DENIED. Ms. Rodriguez stated she is to prepare the Order in that matter, the parties will appear next Friday before Judge Cory to discuss how to proceed in that matter. COURT NOTED there is a reference to an Order lodged with the Court on page 9, line 15 of the Joint Motion, however the Court has not seen that Order to date. Witnesses Nicole Omps, Donna Burleson, and Creighton Nady SWORN IN and TESTIFIED, exhibits ADMITTED (see worksheets). Argument by counsel regarding the individual aspects of the Joint Motion. Counsel jointly stated the proposed settlement is fundamentally fair, adequate, and reasonable. Colloquy regarding scheduling the Final Fairness Hearing, the potential number of class members, and anticipated number of claims to be filed. COURT STATED FINDINGS, and ORDERED, Motion GRANTED; Provisional Class Certification is appropriate under NRCP 23a and NRCP 23b. The Bourassa Law Group APPOINTED as Class Counsel, the Preliminary Class Settlement is APPROVED. Notice is to be sent to the Class Members, there will be a FORTY-FIVE (45) DAY opt out period. COURT DIRECTED counsel to contact the Court regarding setting the date of the Final Fairness Hearing. COURT DIRECTED Mr. Richards to provide the Order for this Motion and a copy of the Order reference as being previously lodged with the Court.

Parties Present

Return to Register of Actions

# EXHIBIT 4

# EXHIBIT 4

March 17, 2016

**Via Electronic Mail**

Leon Greenberg, Esq.  
2965 South Jones Boulevard, Suite E4  
Las Vegas, Nevada 89146

***Re: A Cab, LLC adv. Murphy & Reno  
District Court Case No. A-12669926C***

Dear Mr. Greenberg:

I am in receipt of your email of yesterday afternoon wherein you indicate that Dana Sniegocki attempted, but was unable to reach me. I received a voicemail from Dana which was left at 12:38 p.m. yesterday. It is not unusual that people are not available during the lunch hour; and in fact, I had not even returned to the office from my morning appointments following our hearing before Judge Cory when she called.

At yesterday morning's hearing, you told Judge Cory that the Discovery Commissioner had moved her hearings as she was waiting on direction from him. As you are aware, Judge Cory denied your motion to compel, and has set the remaining motions for hearing on March 28, 2016. The matters set for hearing include Defendants' Motion for Reconsideration of the class order; as well Defendants' Motion to Stay Proceedings. Additionally, Judge Cory granted Defendants' Motion to Stay pending his Reconsideration. Despite the direction from Judge Cory and the granting of the stay, you are now seeking a conference with the Discovery Commissioner prior to Judge Cory's scheduled hearings. Your demand for another conference prior to March 28<sup>th</sup> not only makes no sense, it is in violation of the stay ordered yesterday.

Further, your mischaracterization and summation of my comments again is completely inappropriate and not appreciated. I try to answer your questions and to converse with you in a reasonable fashion, and then you turn around and "confirm" my statements in a manner that is inconsistent with our discussions. Contrary to your assertion that you did not know where the June 2014 date was derived from, June 26, 2014 is the date of the *Thomas* decision and is the subject of Defendants' Motion to Stay Proceedings, as well Defendants' prior Motion to Dismiss that has been on file since September 2015 with the Court. You responded to that prior motion, and we have had numerous discussions since that time on that issue. It was rather disingenuous of you to represent to Judge Cory you were hearing this fact for the first time yesterday.



Leon Greenberg, Esq.

March 17, 2016

Page 2 of 2

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You continue to “confirm” that I have never responded to your prior letters, when in fact, we indeed have had subsequent discussions on these production issues. In light of your misrepresentations of our conversations, I insist that any future meet and confer conferences be recorded by a court reporter. It defeats the purpose of the discovery rules if we confer on issues, and then you mischaracterize what has occurred and/or was agreed upon.

Sincerely,

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

*EC Rodriguez*

Esther C. Rodriguez, Esq.

ECR:srd

cc: Creighton J. Nady, Owner *A Cab, LLC*  
Michael K. Wall, Esq.

April 12, 2016

Leon Greenberg, Esq.  
2965 South Jones Boulevard, Suite E4  
Las Vegas, Nevada 89146

*Re: A Cab, LLC adv. Murphy & Reno  
District Court Case No. A-12669926C*

Dear Mr. Greenberg:

I am in receipt of Plaintiffs' Third Set of Interrogatories to Defendants and Plaintiffs' Seventh Request for Production of Documents in the above matter. As an Order staying the matter is in place, and Defendants' Motion to Stay Proceedings is pending, please re-serve the discovery requests once the stay is lifted by the Court.

Thank you for your attention to this matter.

Sincerely,

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

*EC Rodriguez*

Esther C. Rodriguez, Esq.

ECR:srd

cc: Creighton J. Nady, Owner *A Cab, LLC*

April 19, 2016

Dana Sniegocki, Esq.  
Leon Greenberg Professional Corporation  
2965 South Jones Boulevard, Suite E4  
Las Vegas, Nevada 89146

**Re:    *A Cab, LLC adv. Murphy & Reno***  
***District Court Case No. A-12669926C***

Dear Ms. Sniegocki:

I am in receipt of your refusal to resubmit Plaintiffs' Third Set of Interrogatories to Defendants and Plaintiffs' Seventh Request for Production of Documents served during the Court's stay, as well as the pending motion to stay proceedings. Attached please find a copy of the Order that was in place during the time frame in question. As you can see, it does not include any language to support your position that "an Order *staying defendants' compliance* with the class certification Order was in place."

Defendants will respond to the aforementioned discovery requests no later than 33 days from the entry of an order denying Defendants' Motion to Stay Proceedings.

Sincerely,

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

*EC Rodriguez*

Esther C. Rodriguez, Esq.

ECR:srd

enc.

cc:     Creighton J. Nady, Owner *A Cab, LLC*

May 12, 2016

Via Facsimile:

Dana Sniegocki, Esq.  
2965 South Jones Boulevard, Suite E4  
Las Vegas, Nevada 89146

**Re:    *A Cab, LLC adv. Murray & Reno***  
***District Court Case No. A-12669926C***

Dear Ms. Sniegocki:

In response to your correspondence of May 5, 2016, I believe you have mis-characterized the state of affairs pertaining to the discovery in this matter. Firstly, you indicate that A Cab has failed to respond to your Second Set of Interrogatories which were served last Fall past the discovery deadline which was in place. As such, I forwarded correspondence to you indicating that your written discovery was untimely, and A Cab would not be responding. **See attached letter of October 12, 2015.**

Secondly, you have indicated that A Cab has failed to respond to your most recent round of written discovery. Again, I forwarded correspondence to you indicating that you were improperly ignoring the Court's directive and serving discovery while both a stay was in place from Judge Cory, and a motion to stay proceedings was pending before the Court. **See attached letters of April 12 and April 19, 2016.** At that time, I informed you that Defendants would respond once the court ruled on the motion for reconsideration as well as the motion to stay proceedings. As you are aware, Judge Cory granted Defendants' Motion for Reconsideration and ordered a corrected Order pertaining to the class certification. To date, I have not received a signed Order pertaining to the certification. Additionally, to date I have not received notice of the Court's Order denying the stay.

I will not require you to re-serve the prior untimely written discovery, but will agree to respond to those interrogatories in the same time period as the most recent set served while the stay was in place.

Finally, I want to confirm my prior conversation with you and Mr. Greenberg wherein you are refusing to release the written statement in your possession from A Cab's former employee, Bonnie Wittig. You have a duty under NRCP 16.1 to produce this document, and have provided no legitimate basis for withholding the document. I have also specifically requested witness statements in A Cab's Requests for Production of Documents. During our meet and confer conference of March 2, 2016 on this issue, Mr. Greenberg indicated he would be withholding the statement until he determined whether he wanted to continue the deposition of

Dana Sniegocki, Esq.

May 12, 2016

Page 2 of 2

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Mr. Nady, as he may seek to use the document during the deposition. This is a deliberate obstruction of discovery, and I urge you to produce the document immediately. In the alternative, I will be filing a motion to compel and will seek appropriate fees and costs incurred in bringing this to the attention of the Discovery Commissioner. Thank you.

Sincerely,

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

*EC Rodriguez*

Esther C. Rodriguez, Esq.

ECR:srd

enc.

1 LEON GREENBERG, ESQ., SBN 8094  
2 DANA SNIEGOCKI, ESQ., SBN 11715  
3 Leon Greenberg Professional Corporation  
4 2965 South Jones Blvd- Suite E4  
5 Las Vegas, Nevada 89146  
6 (702) 383-6085  
7 (702) 385-1827(fax)  
8 [leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
9 [dana@overtimelaw.com](mailto:dana@overtimelaw.com)

10 Attorneys for Plaintiffs

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

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

16 Plaintiffs,

17 vs.

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

20 Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS' THIRD SET OF  
INTERROGATORIES TO THE  
DEFENDANTS**

21 TO: A CAB TAXI SERVICE LLC, A CAB, LLC, and CREIGHTON J.  
22 NADY, defendants, and their attorneys of record:  
23 SET NO: TWO

24 Pursuant to Rule 33 of the Nevada Rules of Civil Procedure, plaintiffs request  
25 that defendant furnishes sworn, separate, and complete written answers to each  
26 interrogatory set forth herein to the Leon Greenberg Professional Corporation, attorney  
27 for plaintiffs, at 2965 South Jones Boulevard, Suite E3, Las Vegas, Nevada, 89146,  
28 which answers, according to Rule 33 of the Nevada Rules of Civil Procedure, should  
be made within thirty (30) days of the service of this Demand.

These interrogatories shall be deemed to continue beyond the date when the  
defendant serves its responses to the same, and defendant shall supplement its answers

1 if further knowledge, information, or documents are acquired by the defendant,, its  
2 agents, representatives, or attorneys subsequent to the date of the original response.

### 3 DEFINITIONS AND INSTRUCTION

4 1. If any request is deemed to call for the production of privileged information  
5 provide the following information:

- 6 a. the reason for withholding the information;
- 7 b. a statement of the basis for the claim of privilege, work  
8 product or other ground of non-disclosure

9 2. If you contend that it would be unreasonably burdensome to obtain and  
10 provide any of the information called for in response to any of these requests, then in  
11 response to the appropriate request:

- 12 a. produce and set forth all such information as is available to  
13 you without undertaking what you contend to be an unreasonable burden;
- 14 b. describe with particularity the efforts made by you or on  
15 your behalf to secure such information including, without limitation, identification of  
16 persons consulted, description of files, records, and documents reviewed and  
17 identification of each person who participated in the gathering of such information  
18 with specification of the amount of time spent and nature of work done by each  
19 person; and
- 20 c. state with particularity the ground on which you contend  
21 that additional efforts to obtain such information would be unreasonably burdensome.

22 3. These requests should be considered to be continuing, and supplemental  
23 answers should be served as further information becomes available pursuant to Rule  
24 26(e) of the Nevada Rules of Civil Procedure.

25 4. If any request herein cannot be complied with in full, it shall be complied  
26 with to the extent possible with an explanation as to why full compliance is not  
27 possible.

28 5. With respect to information that is responsive but is withheld, the

1 following additional information shall be provided:

2 a. the grounds asserted supporting the failure to produce;

3 b. the factual basis for a claim of privilege and/or confidentiality;

4 6. The source or sources of the information provided in each interrogatory  
5 response shall be specifically identified.

6 7. If in answering these requests, you claim any ambiguity in interpreting  
7 either the request or a definition or instruction applicable thereto, such claim shall not  
8 be utilized by you as a basis for refusing to respond, but there shall be set forth as part  
9 of the response the language deemed to be ambiguous and the interpretation chosen or  
10 used in responding to the request.

11 8. Unless otherwise specified, the time period covered by these demands is  
12 November 28, 2006 to the present.

13 9. The plural and singular tense shall be deemed to be used throughout these  
14 demands and definitions and responses shall be made as if demands were made in both  
15 the plural and singular tense regardless of how such demands are actually worded  
16 herein.

17 10. The conjunctive and disjunctive tense ("and/or") is to be deemed used  
18 throughout these demands and definitions and defendants should respond to all  
19 demands as if they are made in both the conjunctive and disjunctive tense except in  
20 respect to those demands which clearly qualify a demand by using the conjunctive  
21 tense to narrow the scope of the material sought.

22 11. The term "Defendants" refers to the defendants appearing on the caption  
23 of this case and represented by the law office(s) receiving this request.

24 **INTERROGATORIES**

25 **INTERROGATORY NO. 3:**

26 In respect to the health insurance benefits offered by defendants to their  
27 taxicab driver employees from October 8, 2008 through the present, state with  
28 specificity the premium contribution (in dollars and cents) required to be paid by all



1 such taxicab drivers to obtain health insurance benefits for such taxicab driver and  
2 his/her dependents.

3  
4 **INTERROGATORY NO. 4:**

5 In respect to the health insurance benefits offered by defendants to their  
6 taxicab drivers from October 8, 2008 through the present, state with specificity the  
7 waiting period (in days, months, or years) that a taxicab driver must wait, after his/her  
8 first day of employment, until he/she is eligible to obtain health insurance benefits  
9 offered by defendants.

10  
11 **INTERROGATORY NO. 5:**

12 In respect to the health insurance benefits offered by defendants to their  
13 taxicab drivers from October 8, 2008 through the present, state with specificity all  
14 qualifications a taxicab driver must meet to become eligible to obtain health insurance  
15 benefits offered by defendants, including but not limited to, the minimum number of  
16 hours or shifts (specifying how many hours of work constitute a "shift") per week or  
17 per month or per year (and the minimum amount of time, if any, that must be worked  
18 each such "shift") a taxicab driver must work to be eligible to obtain such health  
19 insurance benefits or maintain their eligibility to receive such benefits without having  
20 to make any additional premium payment.

21  
22 DATED this 29<sup>th</sup> day of March, 2016.

23 Leon Greenberg Professional Corporation

24  
25 By: /s/ Leon Greenberg  
26 Leon Greenberg, Esq.  
27 Nevada Bar No.: 8094  
28 2965 South Jones Boulevard - Suite E4  
Las Vegas, Nevada 89146  
Tel (702) 383-6085  
Attorney for Plaintiff

CERTIFICATE OF MAILING

The undersigned certifies that on March 29, 2016, she served the within:

**PLAINTIFFS' THIRD SET OF INTERROGATORIES TO THE DEFENDANTS**

by court electronic service to:

TO:

Esther C. Rodriguez, Esq.  
RODRIGUEZ LAW OFFICES, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, NV 89145

*/s/ Dana Sniegocki*

---

Dana Sniegocki

1 LEON GREENBERG, ESQ., SBN 8094  
2 DANA SNIEGOCKI, ESQ., SBN 11715  
3 Leon Greenberg Professional Corporation  
2965 South Jones Blvd- Suite E3  
4 Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
5 [leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[dana@overtimelaw.com](mailto:dana@overtimelaw.com)

6 Attorneys for Plaintiffs

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

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

12 Plaintiffs,

13 vs.

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

15 Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS' SEVENTH  
REQUEST FOR THE  
PRODUCTION OF  
DOCUMENTS**

17 Pursuant to the applicable provisions of the Nevada Rules of Civil Procedure §  
18 34 and the Local Rules of this Court plaintiffs request that the defendants produce the  
19 following items within 30 days of the service of this request or within such other time  
20 frame allowed by said Rule at the Law Office of Leon Greenberg, Professional  
21 Corporation, attorney for plaintiff, at 2965 South Jones Boulevard, Suite E4, Las  
22 Vegas, Nevada, 89146, for inspection and copying. This request seeks in the first  
23 instance, in lieu of producing such items for inspection and copying, the production of  
24 copies of such items which such defendants can produce and/or have delivered on or  
25 before such date. If such defendants wish to produce the original items for production  
26 and copying they need to contact plaintiff's counsel to confirm their appearance on  
27 such date with such items and/or to arrange another mutually convenient date for such  
28 production.

1  
2 **INSTRUCTIONS AND DEFINITIONS**

3 1. These requests should be considered to be continuing, and supplemental  
4 answers should be served as further information becomes available pursuant to Rule  
5 26(e) of the Nevada Rules of Civil Procedure.

6 2. In complying with this Request for Production of Documents, you are required  
7 to produce all documents specified herein that are in your possession, custody or  
8 control or which are otherwise available to you.

9 3. If any request herein cannot be complied with in full, it shall be complied with  
10 to the extent possible with an explanation as to why full compliance is not possible.

11 4. With respect to each document or communication that is responsive but is  
12 withheld, the following additional information shall be provided:

- 13 a) the grounds asserted supporting the failure to produce;  
14 b) the factual basis for a claim of privilege and/or confidentiality;  
15 c) the subject matter, date, author, recipient, addressee and number of pages;  
16 d) the subject matter, date, parties and medium for each communication;  
17 e) the current or last known location of the document; and  
18 f) the current or last known person retaining the document.

19 5. If a requested document cannot be located, then identify such document by  
20 setting forth:

- 21 a) the last known person retaining the document;  
22 b) whether the document is lost and the efforts made to locate the lost  
23 document;  
24 c) whether the document was destroyed or discarded and the date, manner,  
25 reason and person responsible for such action; and  
26 d) a statement describing the document, including a summary of its contents, the  
27 author and the persons to whom it was sent or shown.

28 6. If any documents which contained responsive information no longer exist,

1 identify each by setting forth:

- 2 a) all the information contained in the document;
- 3 b) the type of document (e.g., letters or memoranda);
- 4 c) the time period when the documents were maintained;
- 5 d) all persons who have or had knowledge of the contents of the documents;
- 6 e) the circumstances of the loss or destruction; and
- 7 f) all persons who have knowledge of the loss or destruction.

8 7. If any identified document is subject to destruction under any document  
9 retention or destruction program, the document(s) should be exempted from any  
10 scheduled destruction until the conclusion of this lawsuit or unless otherwise permitted  
11 by the Court.

12 8. Separate responses should be given to each document request. If a document is  
13 responsive to more than one request, additional copies are not needed, but the  
14 subsequent responses should identify the request for which the document was  
15 produced.

16 9. The source or sources of each document produced shall be specifically  
17 identified.

18 10. Please produce clear and legible copies of the originals of all documents  
19 requested, as well as any and all copies of such original documents that bear any mark  
20 or notation not present on the original.

21 11. If in answering these requests, you claim any ambiguity in interpreting either the  
22 request or a definition or instruction applicable thereto, such claim shall not be utilized  
23 by you as a basis for refusing to respond, but there shall be set forth as part of the  
24 response the language deemed to be ambiguous and the interpretation chosen or used  
25 in responding to the request.

26 12. Unless otherwise specified, the time period covered by these demands is  
27 November 28, 2006 to the present.

28 13. The plural and singular tense shall be deemed to be used throughout these

1 demands and definitions and responses shall be made as if demands were made in both  
2 the plural and singular tense regardless of how such demands are actually worded  
3 herein.

4 14. The conjunctive and disjunctive tense (“and/or”) is to be deemed used  
5 throughout these demands and definitions and defendants should respond to all  
6 demands as if they are made in both the conjunctive and disjunctive tense except in  
7 respect to those demands which clearly qualify a demand by using the conjunctive  
8 tense to narrow the scope of the material sought.

9 15. The term “Defendants” refers to all defendants in this action represented by the  
10 law office(s) receiving this request.

11 16. In the event that any documents requested for production herein exist in  
12 electronic (be it database, word processing, or other computer software) form, or were  
13 generated from such electronic form, please specify the electronic form for each  
14 document produced. This includes the actual database files or other computer files in  
15 their original, native, format.

16 17. In the event the documents to be produced in response to these requests exceed  
17 500 pages, and the documents to be produced, or some of them, exist in electronic (be  
18 it database, word processing, or other computer software) form, or were generated  
19 from such electronic form, the production of such documents in their original  
20 electronic form (and not in paper form) is requested and please contact plaintiff’s  
21 counsel to make arrangements for the production of such documents in electronic  
22 form.

23 18. If a request seeks documents containing information that has not been compiled  
24 or organized by the defendants in the exact form requested, but the information  
25 requested exists in an electronic form from which such document(s) can be produced,  
26 a complete copy of such electronic form (database) can be produced in lieu of the  
27 specifically requested documents.

28 19. The term “plaintiffs” refers to all persons named as plaintiffs in the caption of

1        this case.

2 20. Persons “similarly situated” to the plaintiffs or “similarly situated persons”, for  
3 the purpose of these requests, means:

4           a) Persons employed as taxicab drivers for any of the defendants in the State of  
5 Nevada from October 8, 2008 through the present.

6 21. The term “document” means every recording or record of whatever nature,  
7 including all paper records and computer (electronic data) records and audio and video  
8 recordings.

9 22. The term “defendants” means all defendants in this case unless otherwise  
10 specified.

11 23. The term “premium” as used in these requests is to be given the same meaning  
12 as the use of the term “premiums” in Article 15, Section 16 of the Nevada  
13 Constitution.

**DOCUMENTS TO BE PRODUCED**

16 All requests are to be deemed continuing requests and when they state  
17 “through the present” they are continuing into the future and additional documents  
18 that are responsive to such requests and that come into defendants’ possession after the  
19 date of this request but prior to the close of discovery in this case must be promptly  
20 produced through supplemental responses.

**22 REQUEST NO. 1:**

23 Produce copies of all documents defendants used to communicate to their  
24 taxicab drivers employed from October 8, 2008 through the present the dollar amount  
25 of premium contributions such persons were required to make in order to participate in  
26 the health insurance benefits offered by the defendants. This request seeks, but is not  
27 limited to, copies of all documents titled “A Cab- Employee Benefit Summary” used  
28 by defendants from October 8, 2008 through the present.

1 **REQUEST NO. 2:**

2 Produce copies of all documents defendants used to communicate to their  
3 taxicab drivers employed from October 8, 2008 through the present the type of health  
4 insurance benefits offered by the defendants and the taxicab drivers' ability to enroll  
5 their family members (including spouses, domestic partners, and children) in such  
6 health insurance benefits. This request seeks, but is not limited to, copies of all  
7 documents titled "A Cab- Employee Benefit Summary" used by defendants from  
8 October 8, 2008 through the present.

9  
10 **REQUEST NO. 3:**

11 Produce all documents identifying which, if any, of defendants' taxicab drivers  
12 employed by defendants from October 8, 2008 through the present, declined to  
13 participate in health insurance benefits offered by defendants.

14  
15 DATED this 30<sup>th</sup> day of March, 2016.

16  
17 Leon Greenberg Professional Corporation

18 By: /s/ Dana Sniegocki

19 Dana Sniegocki, Esq.  
20 Nevada Bar No.: 11715  
21 2965 South Jones Boulevard - Suite E3  
22 Las Vegas, Nevada 89146  
23 Tel (702) 383-6085  
24 Fax (702) 385-1827  
25 [dana@overtimelaw.com](mailto:dana@overtimelaw.com)  
26  
27  
28



CERTIFICATE OF MAILING

The undersigned certifies that on March 30, 2016, she served the within:

**PLAINTIFFS' SEVENTH REQUEST FOR THE PRODUCTION OF DOCUMENTS**

by court electronic service to:

TO:

Esther C. Rodriguez, Esq.  
RODRIGUEZ LAW OFFICES, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, NV 89145

*/s/ Dana Sniegocki*

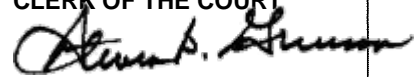
---

Dana Sniegocki

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EXHIBIT PAGE ONLY

## EXHIBIT 7

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



1 NOAS

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

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

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

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

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

22 Plaintiffs,

23 v.

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

26 Defendants.

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

**NOTICE OF APPEAL**

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

DATED this 21 day of September, 2018.

HUTCHISON & STEFFEN, PLLC



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

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## CERTIFICATE OF SERVICE

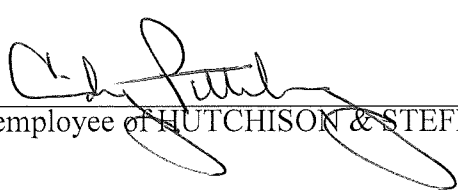
Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,  
and that on this 21<sup>st</sup> day of September, 2018, I caused the above and foregoing **NOTICE**  
**OF APPEAL** to be served as follows:

- ☐ 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.  
Leon Greenberg Professional Corporation  
2965 S. Jones Blvd., Ste. E3  
Las Vegas, NV 89146  
Telephone: (702) 383-6085  
Facsimile: (702) 385-1827  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[Dana@overtimelaw.com](mailto:Dana@overtimelaw.com)

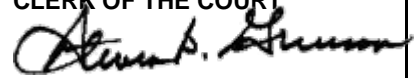
*Attorneys for plaintiffs*

  
An employee of HUTCHISON & STEFFEN, PLLC

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EXHIBIT PAGE ONLY

## EXHIBIT 8

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



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](mailto:leongreenberg@overtimelaw.com)  
[dana@overtimelaw.com](mailto: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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CERTIFICATE OF SERVICE

The undersigned certifies that on October 22, 2018, she served the within:

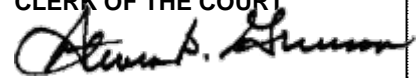
NOTICE OF ENTRY OF ORDER

by court electronic service to:  
TO:

Esther C. Rodriguez, Esq.  
RODRIGUEZ LAW OFFICES, P.C.  
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  
2965 South Jones Blvd- Suite E3  
Las Vegas, Nevada 89146  
(702) 383-6085  
(702) 385-1827(fax)  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[dana@overtimelaw.com](mailto:dana@overtimelaw.com)  
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,



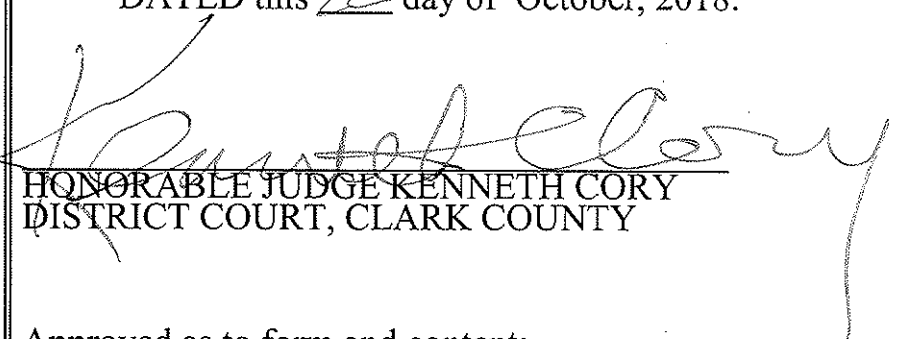
1 that the motion is GRANTED; and

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:

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

**LEON GREENBERG  
PROFESSIONAL  
CORPORATION**

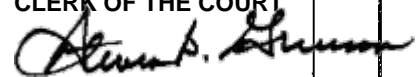
21  
22 By: \_\_\_\_\_  
23 Esther C. Rodriguez, Esq.  
24 Nevada State Bar No. 6473  
25 10161 Park Run Drive, Suite 150  
26 Las Vegas, Nevada 89145  
27 *Attorneys for Defendants*

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*

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EXHIBIT PAGE ONLY

## EXHIBIT 9

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



**ORDER**

JAY A. SHAFER, ESQ.  
Nevada Bar No. 006791  
PREMIER LEGAL GROUP  
1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
Telephone: (702) 794-4411  
Fax: (702) 794-4421  
jshafer@premierelegalgroup.com  
Attorney for Defendants  
CAB TAXI SERVICE LLC and A CAB, LLC

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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

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 heard<sub>2</sub> the arguments of the parties, the court does not  
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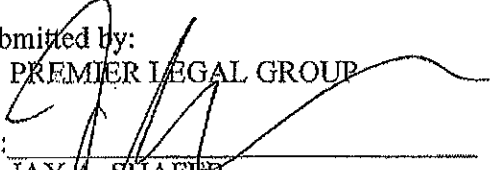
1 believe that it is devoid of jurisdiction in this matter for the reasons argued by the Defendants  
2 and accordingly that motion is DENIED.

3 **IT IS SO ORDERED.**

4  
5 Dated this 18<sup>th</sup> day of December, 2018.

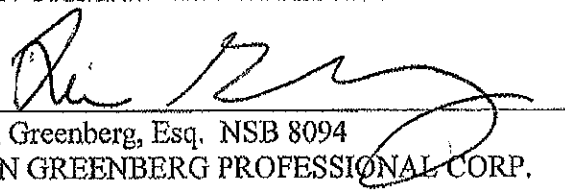
6  
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DISTRICT COURT JUDGE

9  
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11  
12 Submitted by:  
13 PREMIER LEGAL GROUP

14 By:   
15 JAY A. SHAFER  
16 Nevada Bar No. 9184  
17 1333 North Buffalo Drive, Suite 210  
18 Las Vegas, Nevada 89128  
19 (702) 794-4411  
20 Fax: (702) 794-4421  
21 JShafer@premierlegalgroup.com  
22 Attorney for Defendant

23 Approved as to Form and Content:

24 LEON GREENBERG PROFESSIONAL CORP.

25   
26 Leon Greenberg, Esq. NSB 8094  
27 LEON GREENBERG PROFESSIONAL CORP.  
28 2965 S. Jones Boulevard - Ste. E-3  
Las Vegas, NV 89146  
Tel (702) 383-6085  
Attorney for the Plaintiffs

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EXHIBIT PAGE ONLY

## EXHIBIT 10

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

Michael K. Wall (2098)  
HUTCHISON & STEFFEN, PLLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Tel: (702) 385-2500  
Fax: (702) 385-2086  
mwall@hutchlegal.com

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

## AMENDED NOTICE OF APPEAL

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

Notice is given that A Cab, LLC, Creighton J. Nady, and A Cab Series, LLC, defendants in the above-captioned matter,<sup>1</sup> 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.

Case Number: A-12-669926-C

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.

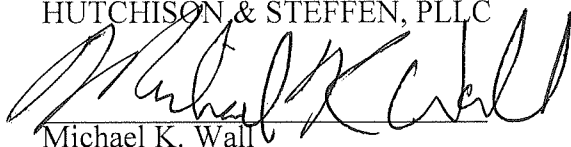
9 (4) The district court's order entered on December 18, 2018, denying defendants'  
10 motion to quash writ of execution.

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) All other judgments and orders of the district court rendered appealable by any  
14 of the foregoing orders and judgments.

15 DATED this 15 day of January, 2019.

16 HUTCHISON & STEFFEN, PLLC

17 

18 Michael K. Wall  
19 10080 West Alta Drive, Suite 200  
20 Las Vegas, NV 89145  
21 Tel: (702) 385-2500  
22 Attorney for defendants  
23 A Cab, LLC, and Creighton J. Nady  
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# CERTIFICATE OF SERVICE

Pursuant to NRC 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,  
and that on this 15<sup>th</sup> day of January, 2019, I caused the above and foregoing **AMENDED**  
**NOTICE OF APPEAL** 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.  
Leon Greenberg Professional Corporation  
2965 S. Jones Blvd., Ste. E3  
Las Vegas, NV 89146  
Telephone: (702) 383-6085  
Facsimile: (702) 385-1827  
[leongreenberg@overtimelaw.com](mailto:leongreenberg@overtimelaw.com)  
[Dana@overtimelaw.com](mailto:Dana@overtimelaw.com)

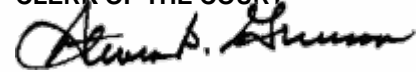
*Attorneys for plaintiffs*

  
An employee of HUTCHISON & STEFFEN, PLLC

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EXHIBIT PAGE ONLY

## EXHIBIT 11

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



1 **ORDR**  
 Steven J. Parsons  
 2 Nevada Bar No. 363  
 LAW OFFICES OF STEVEN J. PARSONS  
 3 10091 Park Run Dr Ste 200  
 Las Vegas NV 89145-8868  
 4 (702) 384-9900  
 (702) 384-5900 (fax)  
 5 [Steve@SJPlawyer.com](mailto: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

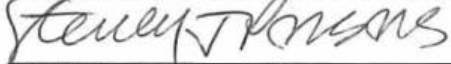
3 E. All other issues including the pending Motions of the parties be continued to the  
4 further hearing on Wednesday, February 27, 2019 at 10:00 am; and all other Orders of the  
5 Court shall continue pending any modification or further Orders.

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

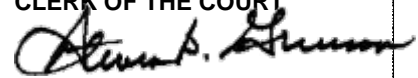
13 Nevada Bar No. 363

14 Attorney for Special Master  
15 **GEORGE C. SWARTS, CPA**  
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## EXHIBIT 12

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



1    ORDR

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

5  
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**

15  
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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

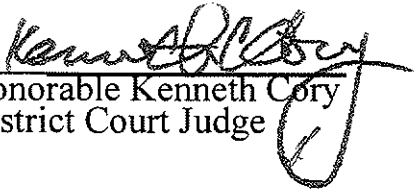
9 IT IS FURTHER ORDERED that the Motion to Strike Defendants' Answer is  
10 CONTINUED to June 1, 2018;  
11

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

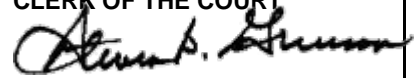
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21 DATED this 1 day of March, 2018.<sup>9</sup>  
22

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

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## EXHIBIT 13

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



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](mailto:leongreenberg@overtimelaw.com)  
[dana@overtimelaw.com](mailto: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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Sydney Saucier

CHRISTIAN GABROY, ESQ., Bar No. 8805  
KAINÉ MESSER, ESQ., Bar No. 14240  
Gabroy law Offices  
170 South Green Valley Pkwy- Suite 280  
Henderson, Nevada 89012  
Tel: (702) 259-7777  
Fax: (702) 259-7704  
christian@gabroy.com  
kmesser@gabroy.com

CLARK COUNTY, NEVADA

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.

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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 class<sub>2</sub> 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 Plaintiffs further argued that none of Defendants' arguments have merit or should  
15 concern the court. NAC 608.155 does not apply. Plaintiffs state all arguments have previously  
16 been given due consideration by the Court and have all previously been rejected, including  
17 Defendants' assertion that plaintiffs have pleaded claims under a fraud theory for which class  
18 certification is improper; the sufficiency of Plaintiffs' expert submissions and summaries; and  
19 the lack of a proper class representative. No basis exists for the Court to reconsider any of its  
20 prior rulings on these issues.

21 ///

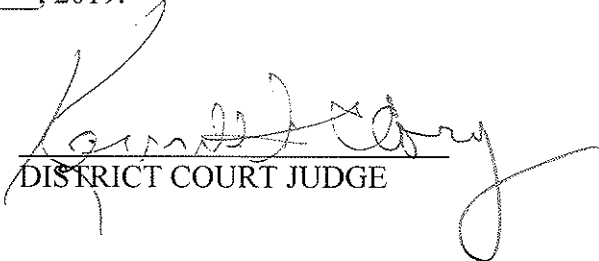
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Having reviewed the briefs and heard oral argument, Defendants' motion is DENIED.  
The Court adopts the assertions of Plaintiffs for the bases for its decision.

**IT IS SO ORDERED.**

Dated this 1 day of March, 2019.

  
DISTRICT COURT JUDGE

Submitted by:  
LEON GREENBERG PROFESSIONAL CORP.

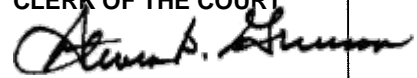
  
Leon Greenberg, Esq. NSB 8094  
LEON GREENBERG PROFESSIONAL CORP.  
2965 S. Jones Boulevard - Ste. E-3  
Las Vegas, NV 89146  
Tel (702) 383-6085  
Attorney for the Plaintiffs



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## EXHIBIT 14

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC



**NOAS**

Michael K. Wall (2098)  
HUTCHISON & STEFFEN, PLLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Tel: (702) 385-2500  
Fax: (702) 385-2086  
mwall@hutchlegal.com

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

*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,

Plaintiffs,

v.

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

Defendants.

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

**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,<sup>1</sup> 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.

<sup>1</sup>Under 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.<sup>2</sup>

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.<sup>3</sup>

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

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24 <sup>2</sup>Because 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.

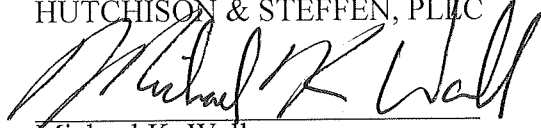
27 <sup>3</sup>Why the district court issued this order almost a year late is a mystery, but due to the timing  
28 of the issuance of the order, appellants include this order in their list of specifically appealed from  
orders in order to preserve all potential appellate rights.

1 for reconsideration.”<sup>4</sup>

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 <sup>4</sup>Among 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 6<sup>th</sup> 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*

18  
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An employee of HUTCHISON & STEFFEN, PLLC  
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## EXHIBIT 15

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 77050

**FILED**

JUL 12 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court summary judgment and various post-judgment orders. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

When initial review of the docketing statements and the documents before this court revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court's summary judgment order severed respondents' claims against appellant and stayed those claims. Thus, the district court's severance created two separate actions, and although the challenged order may have been final as to respondents' claims against A Cab, LLC,<sup>1</sup> respondents' claims against appellant appeared to remain pending below such that no final judgment had been entered against appellant. *See Valdez v. Cox Commc'ns Las Vegas, Inc.*, 130 Nev. 905, 336 P.3d 969 (2014) (explaining that severance creates two separate actions for the purposes of appeal); *Lee*

---

<sup>1</sup>A Cab's appeal was previously dismissed pursuant to operation of the automatic bankruptcy stay. *A Cab, LLC v. Murray*, Docket No. 77050 (Order, May 7, 2019).

*v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Additionally, if no final judgment had been entered against appellant, it did not appear that the post-judgment orders would be appealable as special orders after final judgment under NRAP 3A(b)(8).

In response to the order to show cause, appellant concedes “as the record now stands,”<sup>2</sup> that there is no judgment against appellant and the appeal should be dismissed. As it appears that no final judgment has been entered against appellant, and no other statute or court rule appears to allow an appeal from the order challenged in this appeal, see *Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (“We may only consider appeals authorized by statute or court rule.”), this court concludes that it lacks jurisdiction, and

ORDERS this appeal DISMISSED.<sup>3</sup>

	<u>Pickering</u> , J.	
	Pickering	
<u>Parraguirre</u> , J.		<u>Cadish</u> , J.
Parraguirre		Cadish

---

<sup>2</sup>Appellant contests whether the district court’s severance was proper.

<sup>3</sup>This court declines appellant’s request to dismiss this appeal based on appellant’s contention that the district court’s severance was ineffective.



cc: Hon. Kenneth C. Cory, District Judge  
Kathleen M. Paustian, Settlement Judge  
Rodriguez Law Offices, P.C.  
Premier Legal Group  
Hutchison & Steffen, LLC/Las Vegas  
Leon Greenberg Professional Corporation  
Eighth District Court Clerk