

IN THE SUPREME COURT OF THE STATE OF NEVADA

A CAB, LLC; AND A CAB SERIES,
LLC,

Appellants,

v.

MICHAEL MURRAY; AND
MICHAEL RENO, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Respondents.

) Supreme Court No. 77050

)

)

)

)

)

)

)

)

)

)

)

)

)

Electronically Filed
Aug 05 2020 04:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPENDIX TO
APPELLANTS OPENING BRIEF
VOLUME X of LII**

Appeal from the Eighth Judicial District Court
Case No. A-12-669926-C

HUTCHISON & STEFFEN, PLLC

Michael K. Wall (2098)
Peccole Professional Park
10080 Alta Drive, Suite 200
Las Vegas, Nevada 89145
Attorney for Appellants

Chronological Index

Doc No.	Description	Vol.	Bates Nos.
1	Complaint, filed 10/08/2012	I	AA000001-AA000008
2	Defendant's Motion to Dismiss Complaint, filed 11/15/2012	I	AA000009-AA000015
3	Response in Opposition to Defendants' Motion to Dismiss, filed 12/06/2012	I	AA000016-AA000059
4	Defendant's Reply in Support of Motion to Dismiss Complaint, filed 01/10/2013	I	AA000060-AA000074
5	First Amended Complaint, filed 01/30/2013	I	AA000075-AA000081
6	Decision and Order, filed 02/11/2013	I	AA000082-AA000087
7	Defendant's Motion for Reconsideration, filed 02/27/2013	I	AA000088-AA000180
8	Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's February 8, 2013 Order Denying Defendants' Motion to Dismiss, filed 03/18/2013	I	AA000181-AA000187
9	Defendant's Motion to Strike Amended Complaint, filed 03/25/2013	I	AA000188-AA000192
10	Defendant's Reply in Support of Motion for Reconsideration, filed 03/28/2013	I	AA000193-AA000201
11	Plaintiffs' Response in Opposition to Defendants' Motion to Strike First Amended Complaint and Counter-Motion for a Default Judgment or Sanctions Pursuant to EDCR 7.60(b), filed 04/11/2013	II	AA000202-AA000231

12	Defendant A Cab, LLC's Answer to Complaint, filed 04/22/2013	II	AA000232-AA000236
13	Defendant's Reply in Support of Motion to Strike Amended Complaint, filed 04/22/2013	II	AA000237-AA000248
14	Minute Order from April 29, 2013 Hearing	II	AA000249
15	Order, filed 05/02/2013	II	AA000250-AA000251
16	Defendant A Cab, LLC's Answer to First Amended Complaint, filed 05/23/2013	II	AA000252-AA000256
17	Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53, filed 05/19/2015	II	AA000257-AA000398
18	Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53, filed 06/08/2015	III	AA000399-AA000446
19	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53, filed 07/13/2018	III	AA000447-AA000469
20	Defendant's Motion for Declaratory Order Regarding Statue of Limitations, filed 08/10/2015	III	AA000470-AA000570
21	Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief, filed 08/10/2015	III	AA000571-AA000581
22	Second Amended Supplemental Complaint, filed 08/19/2015	III	AA000582-AA000599
23	Plaintiffs' Response in Opposition to Defendants' Motion for Declaratory Order Regarding Statue of Limitations, filed	IV	AA000600-AA000650

	08/28/2015		
24	Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' Second Claim for Relief, filed 08/28/2015	IV	AA000651-AA000668
25	Defendants Reply In Support of Motion to Dismiss Plaintiffs' Second Claim for Relief, filed 09/08/2015	IV	AA000669-AA000686
26	Defendant's Reply In Support of Motion for Declaratory Order Regarding Statue of Limitations, filed 09/08/2015	IV	AA000687-AA000691
27	Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief, filed 09/11/2015	IV	AA000692-AA000708
28	Defendant A Cab, LLC's Answer to Second Amended Complaint, filed 09/14/2015	IV	AA000709-AA000715
29	Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray, filed 09/21/2015	IV	AA000716-AA000759
30	Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno, filed 09/21/2015	IV, V	AA000760-AA000806
31	Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Claim for Relief, filed 09/28/2015	V	AA000807-AA000862
32	Defendant Creighton J. Nady's Answer to Second Amended Complaint, filed 10/06/2015	V	AA000863-AA000869
33	Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray, filed 10/08/2015	V	AA000870-AA000880
34	Response in Opposition to Defendants' Motion to Dismiss and for Summary	V	AA000881-AA000911

	Judgment Against Plaintiff Michael Reno, filed 10/08/2015		
35	Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray, filed 10/27/2015	V	AA000912- AA000919
36	Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno, filed 10/27/2015	V	AA000920- AA000930
37	Defendant's Reply in Support of Motion to Dismiss Plaintiffs' First Claim for Relief, filed 10/28/2015	V	AA000931- AA001001
38	Transcript of Proceedings, November 3, 2015	VI	AA001002- AA001170
39	Minute Order from November 9, 2015 Hearing	VI	AA001171
40	Order Granting in Part and Denying in Part Defendant's Motion for Declaratory Order Regarding Statue of Limitations, filed 12/21/2015	VI	AA001172- AA001174
41	Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP Rule 23(b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCP Rule 53, filed 02/10/2016	VI	AA001175- AA001190
42	Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael Murray, filed 02/18/2016	VI	AA001191- AA001192
43	Order Denying Defendant's Motion to Dismiss and for Summary Judgment Against Michael Reno, filed 02/18/2016	VI	AA001193- AA001194
44	Defendants' Motion for Reconsideration, filed 02/25/2016	VII	AA001195- AA001231

45	Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification, filed 03/14/2016	VII	AA001232-AA001236
46	Reply in Support of Defendants' Motion for Reconsideration, filed 03/24/2016	VII, VIII	AA001237-AA001416
47	Minute Order from March 28, 2016 Hearing	VIII	AA001417
48	Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating This Court's Order of February 10, 2016 and Compelling Compliance with that Order on an Order Shortening Time, filed 04/06/2016	VIII	AA001418-AA001419
49	Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP Rule 23(b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCP Rule 52 as Amended by this Court in Response to Defendants' Motion for Reconsideration heard in Chambers on March 28, 2016, filed 06/07/2016	VIII	AA001420-AA001435
50	Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief, filed 10/14/2016	VIII	AA001436-AA001522
51	Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief, filed 11/04/2016	VIII	AA001523-AA001544
52	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants	VIII	AA001545-AA001586

	From Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief, filed 11/10/2016		
53	Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(c) with Respect to All Claims for Damages Outside the Two-Year Statue of Limitations, filed 11/17/2016	VIII	AA001587-AA001591
54	Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint, filed 11/29/2016	IX	AA001592-AA001621
55	Opposition to Defendants' Motion for Judgment on the Pleadings, Counter Motion for Toll of Statue of Limitations and for an Evidentiary Hearing, filed 12/08/2016	IX	AA001622-AA001661
56	Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint and Counter-Motion for Sanctions and Attorney's Fees, filed 12/16/2016	IX, X, XI	AA001662-AA002176
57	Notice of Withdrawal of Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint, filed 12/16/2016	XI	AA002177-AA002178
58	Reply in Support of Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(c) with Respect to All Claims for Damages Outside the Two-Year Statue of Limitation and Opposition to Counter Motion for Toll of Statue of Limitations and for an Evidentiary Hearing, filed 12/28/2016	XI	AA002179-AA002189
59	Motion for Partial Summary Judgment, filed 01/11/2017	XII, XIII, XIV, XV	AA002190-AA002927

60	Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief, filed 01/12/2017	XV, XVI	AA002928- AA003029
61	Errata to Plaintiffs' Motion for Partial Summary Judgment, filed 01/13/2017	XVI	AA003030- AA003037
62	Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint, filed 01/27/2017	XVI	AA003038- AA003066
63	Defendants' Opposition to Plaintiffs' Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief, filed 01/30/2017	XVI	AA003067- AA003118
64	Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 02/02/2017	XVI	AA003119- AA003193
65	Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions, filed 02/03/2017	XVII, XVIII	AA003194- AA003548
66	Transcript of Proceedings, February 8, 2017	XVIII	AA003549- AA003567
67	Defendants' Opposition to Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/16 to Enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions, filed 02/10/2017	XVIII, XIX	AA003568- AA003620

68	Plaintiffs' Reply to Defendants's Opposition to Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants From Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of This Lawsuit and For Other Relief and for Sanctions, filed 02/10/2017	XIX	AA003621-AA003624
69	Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint and Counter-Motion for Sanctions and Attorneys' Fees, filed 02/13/2017	XIX	AA003625-AA003754
70	Transcript of Proceedings, February 14, 2017	XIX	AA003755-AA003774
71	Order Granting Certain Relief on Motion to Enjoin Defendants From Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief, filed 02/16/2017	XIX	AA003775-AA003776
72	Supplement to Order For Injunction Filed on February 16, 2017, filed 02/17/2017	XIX	AA003777-AA003780
73	Order Granting in Part and Denying in Part Plaintiffs' Motion to Have Case Reassigned to Dept I per EDCR Rule 1.60 and Designation as Complex Litigation per NRCP Rule 16.1(f), filed on 02/21/2017	XIX	AA003781-AA003782
74	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 02/22/2017	XIX, XX	AA003783-AA003846
75	Plaintiffs' Supplement to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 02/23/2017	XX	AA003847-AA003888

76	Declaration of Charles Bass, filed 02/27/2017	XX	AA003889-AA003892
77	Transcript of Proceedings, May 18, 2017	XX, XXI	AA003893-AA004023
78	Supplement to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 05/24/2017	XXI	AA004024-AA004048
79	Supplement to Defendants' Opposition to Plaintiffs' Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady From Liability of Corporate Defendants or Alternative Relief, filed 05/31/2017	XXI	AA004049-AA004142
80	Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief, filed 06/02/2017	XXI	AA004143-AA004188
81	Decision and Order, filed 06/07/2017	XXI	AA004189-AA004204
82	Defendants' Opposition to Plaintiffs' Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief, filed 06/09/2017	XXII	AA004205-AA004222
83	Transcript of Proceedings, June 13, 2017	XXII	AA004223-AA004244
84	Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with that Order, filed 07/12/2017	XXII	AA004245-AA004298
85	Order Denying Plaintiffs' Motion for Partial Summary Judgment, filed 07/14/2017	XXII	AA004299-AA004302
86	Order, filed 07/17/2017	XXII	AA004303-AA004304

87	Order, filed 07/17/2017	XXII	AA004305-AA004306
88	Order, filed 07/17/2017	XXII	AA004307-AA004308
89	Defendants' Opposition to Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with that Order, filed 07/31/2017	XXII	AA004309-AA004336
90	Order Denying Plaintiff's Counter-Motion for Sanctions and Attorneys' Fees and Order Denying Plaintiffs' Anti-SLAPP Motion, filed 07/31/2017	XXII	AA004337-AA004338
91	Declaration of Plaintiffs' Counsel Leon Greenberg, Esq., filed 11/02/2017	XXII, XXIII, XXIV, XXV	AA004339-AA004888
92	Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish "Lower Tier" Minimum Wage and Declare NAC 608.102(2)(b) Invalid, filed 11/02/2017	XXV	AA004889-AA004910
93	Motion for Bifurcation and/or to Limit Issues for Trial Per NRC 42(b), filed 11/03/2017	XXV	AA004911-AA004932
94	Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish "Lower Tier" Minimum Wage and Declare NAC 608.102(2)(b) Invalid, filed 11/20/2017	XXV, XXVI	AA004933-AA005030
95	Defendants' Motion for Summary Judgment, filed 11/27/2017	XXVI	AA005031-AA005122
96	Defendants' Opposition to Plaintiffs' Motion for Bifurcation and/or to Limit Issues for	XXVI	AA005123-AA005165

	Trial Per NRC 42(b), filed 11/27/2017		
97	Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motions for Partial Summary Judgment and to Place Evidentiary Burden on Defendants to Establish "Lower Tier" Minimum Wage and Declare NAC 608.102(2)(b) Invalid, filed 11/29/2017	XXVI, XXVII	AA005166-AA005276
98	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Bifurcation and/or to Limit Issues for Trial Per NRC 42(b), filed 12/01/2017	XXVII	AA005277-AA005369
99	Minute Order from December 7, 2017 Hearing	XXVII	AA005370-AA005371
100	Response in Opposition to Defendant's Motion for Summary Judgment, filed 12/14/2017	XXVII, XXVIII	AA005372-AA005450
101	Transcript of Proceedings, December 14, 2017	XXVIII	AA005451-AA005509
102	Defendants' Motion in Limine to Exclude Testimony of Plaintiffs' Experts, filed 12/22/2017	XXVIII	AA005510-AA005564
103	Plaintiffs' Omnibus Motion in Limine # 1-25, filed 12/22/2017	XXVIII, XXIV	AA005565-AA005710
104	Defendants' Reply in Support of Motion for Summary Judgment, filed 12/27/2017	XXIV	AA005711-AA005719
105	Transcript of Proceedings, January 2, 2018	XXIV	AA005720-AA005782
106	Defendants' Supplement as Ordered by the Court on January 2, 2018, filed 01/09/2018	XXIV	AA005783-AA005832
107	Plaintiffs' Supplement in Support of Motion for Partial Summary Judgment, filed 01/09/2018	XXX	AA005833-AA005966

108	Defendants' Opposition to Plaintiffs' Omnibus Motion in Limine #1-25, filed 01/12/2018	XXX	AA005967-AA006001
109	Plaintiffs' Response to Defendants' Motion in Limine to Exclude Expert Testimony, filed 01/12/2018	XXX, XXXI	AA006002-AA006117
110	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion in Limine #1-#25, filed 01/17/2018	XXXI	AA006118-AA006179
111	Reply in Support of Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts, filed 01/19/2018	XXXI	AA006180-AA001695
112	Order, filed 01/22/2018	XXXI	AA006196-AA006199
113	Minute Order from January 25, 2018 Hearing	XXXI	AA006200-AA006202
114	Transcript of Proceedings, January 25, 2018	XXXI	AA006203-AA006238
115	Plaintiffs' Supplement in Connection with Appointment of Special Master, filed 01/31/2018	XXXII	AA006239-AA006331
116	Order Denying Plaintiffs' Motion for Bifurcation and/or to Limit Issues for Trial Per NRCP 42(b), filed 02/02/2018	XXXII	AA006332-AA006334
117	Transcript of Proceedings, February 2, 2018	XXXII	AA006335-AA006355
118	Defendants' Supplement Pertaining to an Order to Appoint Special Master, filed 02/05/2018	XXXII	AA006356-AA006385
119	Order Granting Plaintiffs' Motion to Appoint a Special Master, filed 02/07/2018	XXXII	AA006386-AA006391
120	Defendants' Supplement to Its Proposed	XXXII	AA006392-

	Candidates for Special Master, filed 02/07/2018		AA006424
121	Order Modifying Court's Previous Order of February 7, 2019 Appointing a Special Master, filed 02/13/2018	XXXII	AA006425-AA006426
122	Transcript of Proceedings, February 15, 2018	XXXII, XXXIII	AA006427-AA006457
123	NC Supreme Court Judgment, filed 05/07/2018	XXXIII	AA006458-AA006463
124	Pages intentionally omitted	XXXIII	AA006464-AA006680
125	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, filed 04/17/2018	XXXIII, XXXIV	AA006681-AA006897
126	Plaintiff Jasminka Dubric's Opposition to Michael Murray and Michael Reno's Motion for Miscellaneous Relief, filed 04/23/2018	XXXIV	AA006898-AA006914
127	Declaration of Class Counsel, Leon Greenberg, Esq., filed 04/26/2018	XXXIV	AA006915-AA006930
128	Plaintiffs' Reply to Jasminka Dubric's Opposition to Plaintiffs' Motion for Miscellaneous Relief, filed 04/26/2018	XXXIV	AA006931-AA006980
129	Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., filed 05/16/2018	XXXIV	AA006981-AA007014
130	Second Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., filed 05/18/2018	XXXIV	AA007015-AA007064
131	Defendants' Opposition to Plaintiffs' Declarations; Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their	XXXV	AA007065-AA007092

	Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases, filed 05/20/2018		
132	Plaintiffs' Reply to A Cab and Nady's Opposition to Plaintiff's Motion for Miscellaneous Relief, filed 05/21/2018	XXXV	AA007093-AA007231
133	Declaration of Class Counsel, Leon Greenberg, Esq., filed 05/30/2018	XXXV	AA007232-AA007249
134	Defendants' Response to Plaintiffs' Additional Declaration, filed 05/31/2018	XXXVI	AA007250-AA007354
135	Memorandum re: Legal Authorities on the Court's Power to Grant a Default Judgment as a Contempt or Sanctions Response to Defendants' Failure to Pay the Special Master, filed 06/04/2018	XXXVI	AA007355-AA007359
136	Defendants' Supplemental List of Citations Per Court Order, filed 06/04/2018	XXXVI	AA007360-AA007384
137	Transcript of Proceedings, filed 07/12/2018	XXXVI, XXXVII	AA007385-AA007456
138	Declaration of Class Counsel, Leon Greenberg, Esq., filed 06/20/2018	XXXVII, XXXVII I, XXXIX, XL	AA007457-AA008228
139	Plaintiffs Supplement in Support of Entry of Final Judgment Per Hearing Held June 5, 2018, filed 06/22/2018	XL, XLI	AA008229-AA008293
140	Defendants' Objection to Billing By Stricken Special Master Michael Rosten, filed 06/27/2018	XLI	AA008294-AA008333
141	Opposition to Additional Relief Requested in Plaintiffs' Supplement, filed 07/10/2018	XLI	AA008334-AA008348

142	Defendants' Supplemental Authority in Response to Declaration of June 20, 2018, filed 07/10/2018	XLI	AA008349-AA008402
143	Michael Rosten's Response to Defendants' Objection to Billing by Stricken Special Master Michael Rosten, filed 07/13/2018	XLI	AA008403-AA008415
144	Plaintiffs' Supplement in Reply and In Support of Entry of Final Judgment Per Hearing Held June 5, 2018, filed 07/13/2018	XLI, XLII	AA008416-AA008505
145	Defendants' Supplemental Authority in Response to Plaintiffs' Additional Supplement Filed July 13, 2018, filed 07/18/2018	XLII	AA008506-AA008575
146	Plaintiffs' Supplement in Reply to Defendants' Supplement Dated July 18, 2018, filed 08/03/2018	XLII	AA008576-AA008675
147	Notice of Entry of Order Granting Judgment, filed 08/22/2018	XLIII	AA008676-AA008741
148	Motion to Amend Judgment, filed 08/22/2018	XLIII	AA008742-AA008750
149	Defendants' Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims, filed 09/10/2018	XLIII	AA008751-AA008809
150	Opposition to Plaintiffs' Motion to Amend Judgment, filed 09/10/2018	XLIII	AA008810-AA008834
151	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Amend Judgment, filed 09/20/2018	XLIII, XLIV	AA008835-AA008891
152	Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time, filed 09/21/2018	XLIV	AA008892-AA008916

153	Notice of Appeal, filed 09/21/2018	XLIV	AA008917-AA008918
154	Plaintiffs' Response to Defendants' Ex-Parte Motion to Quash Writ of Execution on an OST and Counter-Motion for Appropriate Judgment Enforcement Relief, filed 09/24/2018	XLIV	AA008919-AA008994
155	Plaintiffs' Response in Opposition to Defendants' Motion for Reconsideration, Amendment, for New Trial and for Dismissal of Claims, filed 09/27/2018	XLIV	AA008995-AA009008
156	Plaintiffs' Supplemental Response to Defendants' Ex-Parte Motion to Quash Writ of Execution on an OSt, filed 09/27/2018	XLIV	AA009009-AA009029
157	Defendant's Exhibits in support of Ex-Parte Motion to Quash Writ of Execution and, In the Alternative, Motion for Partial Stay of Execution on Order Shortening Time, filed 10/01/2018	XLIV, XLV	AA009030-AA009090
158	Claim of Exemption from Execution - A Cab Series, LLC, Administration Company, filed 10/04/2018	XLV	AA009091-AA009096
159	Claim of Exemption from Execution - A Cab Series, LLC, CCards Company, filed 10/04/2018	XLV	AA009097-AA009102
160	Claim from Exemption from Execution - A Cab Series, LLC, Employee Leasing Company Two, filed 10/04/2018	XLV	AA009103-AA009108
161	Claim of Exemption from Execution - A Cab Series, LLC, Maintenance Company, filed 10/04/2018	XLV	AA009109-AA009114
162	Claim from Exemption from Execution - A Cab Series, LLC, Medallion Company, filed 10/04/2018	XLV	AA009115-AA009120

163	Claim from Exemption from Execution - A Cab Series, LLC, Taxi Leasing Company, filed 10/04/2018	XLV	AA009121-AA009126
164	Claim of Exemption from Execution - A Cab, LLC, filed 10/04/2018	XLV	AA009127-AA009132
165	Plaintiffs' Motion for an Order Granting a Judgment Debtor Examination and for Other Relief, filed 10/05/2018	XLV	AA009133-AA009142
166	Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 10/12/2018	XLV	AA009143-AA009167
167	Plaintiffs' Objections to Claims from Exemption from Execution and Notice of Hearing, filed 10/15/2018	XLV	AA009168-AA009256
168	Opposition to Plaintiffs' Counter-Motion for Appropriate Judgment Relief, filed 10/15/2018	XLV	AA009257-AA009263
169	Plaintiffs' Reply to Defendants' Response to Plaintiffs' Counter-Motion for Appropriate Judgment Enforcement Relief, filed 10/16/2018	XLV	AA009264-AA009271
170	Reply in Support of Defendants' Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims, filed 10/16/2018	XLV	AA009272-AA009277
171	Defendants' Motion for Dismissal of Claims on Order Shortening Time, filed 10/17/2018	XLV	AA009278-AA009288
172	Plaintiffs' Response in Opposition to Defendants' Motion for Dismissal of Claims on an Order Shortening Time, filed 10/17/2018	XLVI	AA009289-AA009297
173	Notice of Entry of Order, filed 10/22/2018	XLVI	AA009298-AA009301

174	Order, filed 10/22/2018	XLVI	AA009302-AA009303
175	Transcript of Proceedings, October 22, 2018	XLVI	AA009304-AA009400
176	Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 10/29/2018	XLVI	AA009401-AA009413
177	Opposition to Plaintiffs' Motion for an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution, filed 11/01/2018	XLVI, XLVII	AA009414-AA009552
178	Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt, filed 11/05/2018	XLVII	AA009553-AA009578
179	Affidavit in Support of Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt, filed 11/05/2018	XLVII	AA009579-AA009604
180	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 11/08/2018	XLVII	AA009605-AA009613
181	Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCP Rule 54 and the Nevada Constitution, filed 11/16/2018	XLVII	AA009614-AA009626
182	Plaintiffs' Ex Parte Motion for Temporary Restraining Order and Motion on an Order Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, filed 11/26/2018	XLVII	AA009627-AA009646

183	Opposition to Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt, filed 11/26/2018	XLVII	AA009647-AA009664
184	Plaintiffs' Response to Special Master's Motion for an Order for Payment of Fees and Contempt, filed 11/26/2018	XLVII	AA009665-AA009667
185	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 11/28/2018	XLVII	AA009668-AA009674
186	Defendant's Opposition to Plaintiffs' Ex-Parte Motion for a Temporary Restraining Order and Motion on an Order [sic] Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, filed 11/30/2018	XLVII	AA009675-AA009689
187	Resolution Economics' Reply to Defendants' Opposition and Plaintiffs' Response to its Application for an Order of Payment of Special Master's Fees and Motion for Contempt, filed 12/03/2018	XLVII	AA009690-AA009696
188	Minute Order from December 4, 2018 Hearing	XLVIII	AA009697-AA009700
189	Transcript of Proceedings, December 4, 2018	XLVIII	AA009701-AA009782
190	Transcript of Proceedings, December 11, 2018	XLVIII	AA009783-AA009800
191	Defendant's Opposition to Plaintiffs' Motion for Other Relief, Including Receiver, filed 12/12/2018	XLVIII	AA009801-AA009812
192	Transcript of Proceedings, December 13, 2018	XLVIII	AA009813-AA009864

193	Notice of Entry of Order Denying Motion to Quash, filed 12/18/2018	XLVIII	AA009865-AA009887
194	Notice of Entry of Order Granting Objections to Claims from Exemption of Execution, filed 12/18/2018	XLVIII	AA009888-AA009891
195	Plaintiffs' Objections to Claims of Exemption from Execution and Notice of Hearing, filed 12/19/2018	XLIX	AA009892-AA009915
196	Order on Motion for Dismissal of Claims on Order Shortening Time, filed 12/20/2018	XLIX	AA009916-AA009918
197	Notice of Entry of Order Granting Motion for Judgment Enforcement, filed 01/02/2019	XLIX	AA009919-AA009926
198	Order Denying Defendants' Counter-Motion to Stay Proceedings and Collection Actions, filed 01/08/2019	XLIX	AA009927-AA009928
199	Amended Notice of Appeal, filed 01/15/2019	XLIX	AA009929-AA009931
200	Motion to Amend the Court's Order Entered on December 18, 2018, filed 01/15/2019	XLIX	AA009932-AA009996
201	Motion to Distribute Funds Held by Class Counsel, filed 01/5/2019	XLIX, L	AA009997-AA010103
202	Defendants' Motion to Pay Special Master on Order Shortening Time, filed 01/17/2019	L	AA010104-AA010114
203	Plaintiffs' Response in Opposition to Defendants' Motion to Pay Special Master on an Order Shortening Time and Counter-Motion for an Order to Turn Over Property, filed 01/30/2019	L	AA010115-AA010200
204	Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt, filed on 02/04/2019	L	AA010201-AA010207

205	Minute Order from February 5, 2019 Hearing	L	AA01208-AA01209
206	Notice of Entry of Order Granting Resolution Economics' Application for Order of Payment and Contempt, filed 02/05/2019	L	AA010210-AA010219
207	Notice of Entry of Order Granting Plaintiffs' Motion for Attorney's Fees and Costs, filed 02/07/2019	L	AA010220-AA010230
208	Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt, filed 02/25/2019	L	AA010231-AA010274
209	Order, filed 03/04/2019	L	AA010275-AA010278
210	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, filed 03/05/2019	L	AA010279-AA010280
211	Order on Defendants' Motion for Reconsideration, filed 03/05/2019	L	AA010281-AA010284
212	Second Amended Notice of Appeal, filed 03/06/2019	L	AA010285-AA010288
213	Special Master Resolution Economics' Opposition to Defendants Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt, filed 03/28/2019	LI	AA010289-AA010378
214	Notice of Entry of Order Denying Defendants' Motion for Reconsideration of	LI	AA010379-AA010384

	Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt, filed 08/09/2019		
215	Transcript of Proceedings, September 26, 2018	LI	AA010385-AA010452
216	Transcript of Proceedings, September 28, 2018	LI, LII	AA010453-AA010519
217	Minute Order from May 23, 2018 Hearing	LII	AA10520
218	Minute Order from June 1, 2018 Hearing	LII	AA10521

Alphabetical Index

Doc No.	Description	Vol.	Bates Nos.
179	Affidavit in Support of Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt, filed 11/05/2018	XLVII	AA009579-AA009604
199	Amended Notice of Appeal, filed 01/15/2019	XLIX	AA009929-AA009931
160	Claim from Exemption from Execution - A Cab Series, LLC, Employee Leasing Company Two, filed 10/04/2018	XLV	AA009103-AA009108
162	Claim from Exemption from Execution - A Cab Series, LLC, Medallion Company, filed 10/04/2018	XLV	AA009115-AA009120
163	Claim from Exemption from Execution - A Cab Series, LLC, Taxi Leasing Company, filed 10/04/2018	XLV	AA009121-AA009126
164	Claim of Exemption from Execution - A Cab, LLC, filed 10/04/2018	XLV	AA009127-AA009132

158	Claim of Exemption from Execution - A Cab Series, LLC, Administration Company, filed 10/04/2018	XLV	AA009091-AA009096
159	Claim of Exemption from Execution - A Cab Series, LLC, CCards Company, filed 10/04/2018	XLV	AA009097-AA009102
161	Claim of Exemption from Execution - A Cab Series, LLC, Maintenance Company, filed 10/04/2018	XLV	AA009109-AA009114
1	Complaint, filed 10/08/2012	I	AA000001-AA000008
6	Decision and Order, filed 02/11/2013	I	AA000082-AA000087
81	Decision and Order, filed 06/07/2017	XXI	AA004189-AA004204
76	Declaration of Charles Bass, filed 02/27/2017	XX	AA003889-AA003892
127	Declaration of Class Counsel, Leon Greenberg, Esq., filed 04/26/2018	XXXIV	AA006915-AA006930
133	Declaration of Class Counsel, Leon Greenberg, Esq., filed 05/30/2018	XXXV	AA007232-AA007249
138	Declaration of Class Counsel, Leon Greenberg, Esq., filed 06/20/2018	XXXVII, XXXVII I, XXXIX, XL	AA007457-AA008228
91	Declaration of Plaintiffs' Counsel Leon Greenberg, Esq., filed 11/02/2017	XXII, XXIII, XXIV, XXV	AA004339-AA004888
12	Defendant A Cab, LLC's Answer to	II	AA000232-

	Complaint, filed 04/22/2013		AA000236
16	Defendant A Cab, LLC's Answer to First Amended Complaint, filed 05/23/2013	II	AA000252-AA000256
28	Defendant A Cab, LLC's Answer to Second Amended Complaint, filed 09/14/2015	IV	AA000709-AA000715
32	Defendant Creighton J. Nady's Answer to Second Amended Complaint, filed 10/06/2015	V	AA000863-AA000869
152	Defendant's Ex-Parte Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time, filed 09/21/2018	XLIV	AA008892-AA008916
157	Defendant's Exhibits in support of Ex-Parte Motion to Quash Writ of Execution and, In the Alternative, Motion for Partial Stay of Execution on Order Shortening Time, filed 10/01/2018	XLIV, XLV	AA009030-AA009090
20	Defendant's Motion for Declaratory Order Regarding Statue of Limitations, filed 08/10/2015	III	AA000470-AA000570
7	Defendant's Motion for Reconsideration, filed 02/27/2013	I	AA000088-AA000180
29	Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray, filed 09/21/2015	IV	AA000716-AA000759
30	Defendant's Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno, filed 09/21/2015	IV, V	AA000760-AA000806
2	Defendant's Motion to Dismiss Complaint, filed 11/15/2012	I	AA000009-AA000015
21	Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief, filed 08/10/2015	III	AA000571-AA000581

27	Defendant's Motion to Dismiss Plaintiffs' First Claim for Relief, filed 09/11/2015	IV	AA000692-AA000708
9	Defendant's Motion to Strike Amended Complaint, filed 03/25/2013	I	AA000188-AA000192
18	Defendant's Opposition to Motion to Certify Case as Class Action Pursuant to NRCP 23 and Appoint a Special Master Pursuant to NRCP 53, filed 06/08/2015	III	AA000399-AA000446
186	Defendant's Opposition to Plaintiffs' Ex-Parte Motion for a Temporary Restraining Order and Motion on an Order [sic] Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, filed 11/30/2018	XLVII	AA009675-AA009689
191	Defendant's Opposition to Plaintiffs' Motion for Other Relief, Including Receiver, filed 12/12/2018	XLVIII	AA009801-AA009812
10	Defendant's Reply in Support of Motion for Reconsideration, filed 03/28/2013	I	AA000193-AA000201
13	Defendant's Reply in Support of Motion to Strike Amended Complaint, filed 04/22/2013	II	AA000237-AA000248
4	Defendant's Reply in Support of Motion to Dismiss Complaint, filed 01/10/2013	I	AA000060-AA000074
35	Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray, filed 10/27/2015	V	AA000912-AA000919
36	Defendant's Reply in Support of Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno, filed 10/27/2015	V	AA000920-AA000930
37	Defendant's Reply in Support of Motion to Dismiss Plaintiffs' First Claim for Relief, filed 10/28/2015	V	AA000931-AA001001

26	Defendant's Reply In Support of Motion for Declaratory Order Regarding Statue of Limitations, filed 09/08/2015	IV	AA000687-AA000691
25	Defendants Reply In Support of Motion to Dismiss Plaintiffs' Second Claim for Relief, filed 09/08/2015	IV	AA000669-AA000686
171	Defendants' Motion for Dismissal of Claims on Order Shortening Time, filed 10/17/2018	XLV	AA009278-AA009288
53	Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(c) with Respect to All Claims for Damages Outside the Two-Year Statue of Limitations, filed 11/17/2016	VIII	AA001587-AA001591
54	Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint, filed 11/29/2016	IX	AA001592-AA001621
62	Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint, filed 01/27/2017	XVI	AA003038-AA003066
149	Defendants' Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims, filed 09/10/2018	XLIII	AA008751-AA008809
44	Defendants' Motion for Reconsideration, filed 02/25/2016	VII	AA001195-AA001231
208	Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt, filed 02/25/2019	L	AA010231-AA010274
95	Defendants' Motion for Summary Judgment, filed 11/27/2017	XXVI	AA005031-AA005122
102	Defendants' Motion in Limine to Exclude Testimony of Plaintiffs' Experts, filed	XXVIII	AA005510-AA005564

	12/22/2017		
202	Defendants' Motion to Pay Special Master on Order Shortening Time, filed 01/17/2019	L	AA010104-AA010114
140	Defendants' Objection to Billing By Stricken Special Master Michael Rosten, filed 06/27/2018	XLI	AA008294-AA008333
131	Defendants' Opposition to Plaintiffs' Declarations; Motion on OST to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove up Hearing, and Coordinate Cases, filed 05/20/2018	XXXV	AA007065-AA007092
108	Defendants' Opposition to Plaintiffs' Omnibus Motion in Limine #1-25, filed 01/12/2018	XXX	AA005967-AA006001
94	Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish "Lower Tier" Minimum Wage and Declare NAC 608.102(2)(b) Invalid, filed 11/20/2017	XXV, XXVI	AA004933-AA005030
51	Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief, filed 11/04/2016	VIII	AA001523-AA001544
82	Defendants' Opposition to Plaintiffs' Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief, filed 06/09/2017	XXII	AA004205-AA004222
96	Defendants' Opposition to Plaintiffs' Motion for Bifurcation and/or to Limit Issues for Trial Per NRCP 42(b), filed 11/27/2017	XXVI	AA005123-AA005165

64	Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 02/02/2017	XVI	AA003119-AA003193
63	Defendants' Opposition to Plaintiffs' Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief, filed 01/30/2017	XVI	AA003067-AA003118
89	Defendants' Opposition to Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with that Order, filed 07/31/2017	XXII	AA004309-AA004336
67	Defendants' Opposition to Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/16 to Enjoin Defendants from Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions, filed 02/10/2017	XVIII, XIX	AA003568-AA003620
104	Defendants' Reply in Support of Motion for Summary Judgment, filed 12/27/2017	XXIV	AA005711-AA005719
134	Defendants' Response to Plaintiffs' Additional Declaration, filed 05/31/2018	XXXVI	AA007250-AA007354
106	Defendants' Supplement as Ordered by the Court on January 2, 2018, filed 01/09/2018	XXIV	AA005783-AA005832
118	Defendants' Supplement Pertaining to an Order to Appoint Special Master, filed 02/05/2018	XXXII	AA006356-AA006385
120	Defendants' Supplement to Its Proposed Candidates for Special Master, filed 02/07/2018	XXXII	AA006392-AA006424
145	Defendants' Supplemental Authority in	XLII	AA008506-

	Response to Plaintiffs' Additional Supplement Filed July 13, 2018, filed 07/18/2018		AA008575
142	Defendants' Supplemental Authority in Response to Declaration of June 20, 2018, filed 07/10/2018	XLI	AA008349-AA008402
136	Defendants' Supplemental List of Citations Per Court Order, filed 06/04/2018	XXXVI	AA007360-AA007384
61	Errata to Plaintiffs' Motion for Partial Summary Judgment, filed 01/13/2017	XVI	AA003030-AA003037
5	First Amended Complaint, filed 01/30/2013	I	AA000075-AA000081
204	Judgment and Order Granting Resolution Economics' Application for Order of Payment of Special Master's Fees and Order of Contempt, filed on 02/04/2019	L	AA010201-AA010207
135	Memorandum re: Legal Authorities on the Court's Power to Grant a Default Judgment as a Contempt or Sanctions Response to Defendants' Failure to Pay the Special Master, filed 06/04/2018	XXXVI	AA007355-AA007359
143	Michael Rosten's Response to Defendants' Objection to Billing by Stricken Special Master Michael Rosten, filed 07/13/2018	XLI	AA008403-AA008415
14	Minute Order from April 29, 2013 Hearing	II	AA000249
99	Minute Order from December 7, 2017 Hearing	XXVII	AA005370-AA005371
113	Minute Order from January 25, 2018 Hearing	XXXI	AA006200-AA006202
188	Minute Order from December 4, 2018 Hearing	XLVIII	AA009697-AA009700
205	Minute Order from February 5, 2019 Hearing	L	AA01208-

			AA01209
218	Minute Order from June 1, 2018 Hearing	LII	AA10521
47	Minute Order from March 28, 2016 Hearing	VIII	AA001417
217	Minute Order from May 23, 2018 Hearing	LII	AA10520
39	Minute Order from November 9, 2015 Hearing	VI	AA001171
93	Motion for Bifurcation and/or to Limit Issues for Trial Per NRCP 42(b), filed 11/03/2017	XXV	AA004911-AA004932
92	Motion for Partial Summary Judgment and Motion to Place Evidentiary Burden on Defendants to Establish “Lower Tier” Minimum Wage and Declare NAC 608.102(2)(b) Invalid, filed 11/02/2017	XXV	AA004889-AA004910
59	Motion for Partial Summary Judgment, filed 01/11/2017	XII, XIII, XIV, XV	AA002190-AA002927
80	Motion on Order Shortening Time to Extend Damages Class Certification and for Other Relief, filed 06/02/2017	XXI	AA004143-AA004188
148	Motion to Amend Judgment, filed 08/22/2018	XLIII	AA008742-AA008750
200	Motion to Amend the Court’s Order Entered on December 18, 2018, filed 01/15/2019	XLIX	AA009932-AA009996
60	Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief, filed 01/12/2017	XV, XVI	AA002928-AA003029
17	Motion to Certify this Case as a Class Action Pursuant to NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP Rule 53, filed 05/19/2015	II	AA000257-AA000398

201	Motion to Distribute Funds Held by Class Counsel, filed 01/5/2019	XLIX, L	AA009997-AA010103
50	Motion to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief, filed 10/14/2016	VIII	AA001436-AA001522
123	NC Supreme Court Judgment, filed 05/07/2018	XXXIII	AA006458-AA006463
153	Notice of Appeal, filed 09/21/2018	XLIV	AA008917-AA008918
214	Notice of Entry of Order Denying Defendants' Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt, filed 08/09/2019	LI	AA010379-AA010384
193	Notice of Entry of Order Denying Motion to Quash, filed 12/18/2018	XLVIII	AA009865-AA009887
173	Notice of Entry of Order, filed 10/22/2018	XLVI	AA009298-AA009301
147	Notice of Entry of Order Granting Judgment, filed 08/22/2018	XLIII	AA008676-AA008741
197	Notice of Entry of Order Granting Motion for Judgment Enforcement, filed 01/02/2019	XLIX	AA009919-AA009926
194	Notice of Entry of Order Granting Objections to Claims from Exemption of Execution, filed 12/18/2018	XLVIII	AA009888-AA009891
207	Notice of Entry of Order Granting Plaintiffs' Motion for Attorney's Fees and Costs, filed 02/07/2019	L	AA010220-AA010230
206	Notice of Entry of Order Granting Resolution	L	AA010210-

	Economics' Application for Order of Payment and Contempt, filed 02/05/2019		AA010219
57	Notice of Withdrawal of Defendants' Motion for Leave to Amend Answer to Assert a Third-Party Complaint, filed 12/16/2016	XI	AA002177-AA002178
141	Opposition to Additional Relief Requested in Plaintiffs' Supplement, filed 07/10/2018	XLI	AA008334-AA008348
55	Opposition to Defendants' Motion for Judgment on the Pleadings, Counter Motion for Toll of Statue of Limitations and for an Evidentiary Hearing, filed 12/08/2016	IX	AA001622-AA001661
56	Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint and Counter-Motion for Sanctions and Attorney's Fees, filed 12/16/2016	IX, X, XI	AA001662-AA002176
69	Opposition to Defendants' Motion for Leave to Amend Answer to Assert Third-Party Complaint and Counter-Motion for Sanctions and Attorneys' Fees, filed 02/13/2017	XIX	AA003625-AA003754
168	Opposition to Plaintiffs' Counter-Motion for Appropriate Judgment Relief, filed 10/15/2018	XLV	AA009257-AA009263
177	Opposition to Plaintiffs' Motion for an Award of Attorneys Fees and Costs Per NRCPP Rule 54 and the Nevada Constitution, filed 11/01/2018	XLVI, XLVII	AA009414-AA009552
150	Opposition to Plaintiffs' Motion to Amend Judgment, filed 09/10/2018	XLIII	AA008810-AA008834
181	Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs Per NRCPP Rule 54 and the Nevada Constitution, filed 11/16/2018	XLVII	AA009614-AA009626

183	Opposition to Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt, filed 11/26/2018	XLVII	AA009647-AA009664
42	Order Denying Defendant's Motion to Dismiss and For Summary Judgment Against Michael Murray, filed 02/18/2016	VI	AA001191-AA001192
43	Order Denying Defendant's Motion to Dismiss and for Summary Judgment Against Michael Reno, filed 02/18/2016	VI	AA001193-AA001194
198	Order Denying Defendants' Counter-Motion to Stay Proceedings and Collection Actions, filed 01/08/2019	XLIX	AA009927-AA009928
210	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, filed 03/05/2019	L	AA010279-AA010280
90	Order Denying Plaintiff's Counter-Motion for Sanctions and Attorneys' Fees and Order Denying Plaintiffs' Anti-SLAPP Motion, filed 07/31/2017	XXII	AA004337-AA004338
116	Order Denying Plaintiffs' Motion for Bifurcation and/or to Limit Issues for Trial Per NRCP 42(b), filed 02/02/2018	XXXII	AA006332-AA006334
85	Order Denying Plaintiffs' Motion for Partial Summary Judgment, filed 07/14/2017	XXII	AA004299-AA004302
48	Order Denying Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating This Court's Order of February 10, 2016 and Compelling Compliance with that Order on an Order Shortening Time, filed 04/06/2016	VIII	AA001418-AA001419

15	Order, filed 05/02/2013	II	AA000250-AA000251
86	Order, filed 07/17/2017	XXII	AA004303-AA004304
87	Order, filed 07/17/2017	XXII	AA004305-AA004306
88	Order, filed 07/17/2017	XXII	AA004307-AA004308
112	Order, filed 01/22/2018	XXXI	AA006196-AA006199
174	Order, filed 10/22/2018	XLVI	AA009302-AA009303
209	Order, filed 03/04/2019	L	AA010275-AA010278
71	Order Granting Certain Relief on Motion to Enjoin Defendants From Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of this Lawsuit and for Other Relief, filed 02/16/2017	XIX	AA003775-AA003776
40	Order Granting in Part and Denying in Part Defendant's Motion for Declaratory Order Regarding Statue of Limitations, filed 12/21/2015	VI	AA001172-AA001174
73	Order Granting in Part and Denying in Part Plaintiffs' Motion to Have Case Reassigned to Dept I per EDCR Rule 1.60 and Designation as Complex Litigation per NRCPL Rule 16.1(f), filed on 02/21/2017	XIX	AA003781-AA003782
119	Order Granting Plaintiffs' Motion to Appoint a Special Master, filed 02/07/2018	XXXII	AA006386-AA006391
41	Order Granting Plaintiffs' Motion to Certify	VI	AA001175-

	Class Action Pursuant to NRCP Rule 23(b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCP Rule 53, filed 02/10/2016		AA001190
49	Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP Rule 23(b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice Plaintiffs' Motion to Appoint a Special Master Under NRCP Rule 52 as Amended by this Court in Response to Defendants' Motion for Reconsideration heard in Chambers on March 28, 2016, filed 06/07/2016	VIII	AA001420-AA001435
121	Order Modifying Court's Previous Order of February 7, 2019 Appointing a Special Master, filed 02/13/2018	XXXII	AA006425-AA006426
211	Order on Defendants' Motion for Reconsideration, filed 03/05/2019	L	AA010281-AA010284
196	Order on Motion for Dismissal of Claims on Order Shortening Time, filed 12/20/2018	XLIX	AA009916-AA009918
124	Pages intentionally omitted	XXXIII	AA006464-AA006680
126	Plaintiff Jasminka Dubric's Opposition to Michael Murray and Michael Reno's Motion for Miscellaneous Relief, filed 04/23/2018	XXXIV	AA006898-AA006914
139	Plaintiffs Supplement in Support of Entry of Final Judgment Per Hearing Held June 5, 2018, filed 06/22/2018	XL, XLI	AA008229-AA008293
182	Plaintiffs' Ex Parte Motion for Temporary Restraining Order and Motion on an Order Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320, filed 11/26/2018	XLVII	AA009627-AA009646

166	Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 10/12/2018	XLV	AA009143-AA009167
165	Plaintiffs' Motion for an Order Granting a Judgment Debtor Examination and for Other Relief, filed 10/05/2018	XLV	AA009133-AA009142
65	Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants from Seeking Settlement of Any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief and for Sanctions, filed 02/03/2017	XVII, XVIII	AA003194-AA003548
125	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, filed 04/17/2018	XXXIII, XXXIV	AA006681-AA006897
176	Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 10/29/2018	XLVI	AA009401-AA009413
84	Plaintiffs' Motion to Impose Sanctions Against Defendants for Violating this Court's Order of March 9, 2017 and Compelling Compliance with that Order, filed 07/12/2017	XXII	AA004245-AA004298
167	Plaintiffs' Objections to Claims from Exemption from Execution and Notice of Hearing, filed 10/15/2018	XLV	AA009168-AA009256
195	Plaintiffs' Objections to Claims of Exemption from Execution and Notice of Hearing, filed 12/19/2018	XLIX	AA009892-AA009915
103	Plaintiffs' Omnibus Motion in Limine # 1-	XXVIII,	AA005565-

	25, filed 12/22/2017	XXIV	AA005710
132	Plaintiffs' Reply to A Cab and Nady's Opposition to Plaintiff's Motion for Miscellaneous Relief, filed 05/21/2018	XXXV	AA007093-AA007231
97	Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motions for Partial Summary Judgment and to Place Evidentiary Burden on Defendants to Establish "Lower Tier" Minimum Wage and Declare NAC 608.102(2)(b) Invalid, filed 11/29/2017	XXVI, XXVII	AA005166-AA005276
98	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Bifurcation and/or to Limit Issues for Trial Per NRCPP 42(b), filed 12/01/2017	XXVII	AA005277-AA005369
52	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Enjoin Defendants From Seeking Settlement of any Unpaid Wage Claims Involving any Class Members Except as Part of this Lawsuit and for Other Relief, filed 11/10/2016	VIII	AA001545-AA001586
74	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 02/22/2017	XIX, XX	AA003783-AA003846
110	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion in Limine #1-#25, filed 01/17/2018	XXXI	AA006118-AA006179
151	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Amend Judgment, filed 09/20/2018	XLIII, XLIV	AA008835-AA008891
19	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Certify this Case as a Class Action Pursuant to NRCPP Rule 23 and Appoint a Special Master Pursuant to NRCPP Rule 53, filed 07/13/2018	III	AA000447-AA000469

180	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 11/08/2018	XLVII	AA009605-AA009613
185	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to File a Supplement in Support of an Award of Attorneys Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution, filed 11/28/2018	XLVII	AA009668-AA009674
169	Plaintiffs' Reply to Defendants' Response to Plaintiffs' Counter-Motion for Appropriate Judgment Enforcement Relief, filed 10/16/2018	XLV	AA009264-AA009271
68	Plaintiffs' Reply to Defendants's Opposition to Plaintiffs' Motion on OST to Expedite Issuance of Order Granting Motion Filed on 10/14/2016 to Enjoin Defendants From Seeking Settlement of Any Unpaid Wage Claims Involving Any Class Members Except as Part of This Lawsuit and For Other Relief and for Sanctions, filed 02/10/2017	XIX	AA003621-AA003624
128	Plaintiffs' Reply to Jasminka Dubric's Opposition to Plaintiffs' Motion for Miscellaneous Relief, filed 04/26/2018	XXXIV	AA006931-AA006980
45	Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's Order Granting Class Certification, filed 03/14/2016	VII	AA001232-AA001236
203	Plaintiffs' Response in Opposition to Defendants' Motion to Pay Special Master on an Order Shortening Time and Counter-Motion for an Order to Turn Over Property, filed 01/30/2019	L	AA010115-AA010200

155	Plaintiffs' Response in Opposition to Defendants' Motion for Reconsideration, Amendment, for New Trial and for Dismissal of Claims, filed 09/27/2018	XLIV	AA008995-AA009008
11	Plaintiffs' Response in Opposition to Defendants' Motion to Strike First Amended Complaint and Counter-Motion for a Default Judgment or Sanctions Pursuant to EDCR 7.60(b), filed 04/11/2013	II	AA000202-AA000231
24	Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' Second Claim for Relief, filed 08/28/2015	IV	AA000651-AA000668
23	Plaintiffs' Response in Opposition to Defendants' Motion for Declaratory Order Regarding Statute of Limitations, filed 08/28/2015	IV	AA000600-AA000650
172	Plaintiffs' Response in Opposition to Defendants' Motion for Dismissal of Claims on an Order Shortening Time, filed 10/17/2018	XLVI	AA009289-AA009297
8	Plaintiffs' Response in Opposition to Defendants' Motion Seeking Reconsideration of the Court's February 8, 2013 Order Denying Defendants' Motion to Dismiss, filed 03/18/2013	I	AA000181-AA000187
154	Plaintiffs' Response to Defendants' Ex-Parte Motion to Quash Writ of Execution on an OST and Counter-Motion for Appropriate Judgment Enforcement Relief, filed 09/24/2018	XLIV	AA008919-AA008994
109	Plaintiffs' Response to Defendants' Motion in Limine to Exclude Expert Testimony, filed 01/12/2018	XXX, XXXI	AA006002-AA006117
184	Plaintiffs' Response to Special Master's	XLVII	AA009665-

	Motion for an Order for Payment of Fees and Contempt, filed 11/26/2018		AA009667
115	Plaintiffs' Supplement in Connection with Appointment of Special Master, filed 01/31/2018	XXXII	AA006239-AA006331
144	Plaintiffs' Supplement in Reply and In Support of Entry of Final Judgment Per Hearing Held June 5, 2018, filed 07/13/2018	XLI, XLII	AA008416-AA008505
146	Plaintiffs' Supplement in Reply to Defendants' Supplement Dated July 18, 2018, filed 08/03/2018	XLII	AA008576-AA008675
107	Plaintiffs' Supplement in Support of Motion for Partial Summary Judgment, filed 01/09/2018	XXX	AA005833-AA005966
75	Plaintiffs' Supplement to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 02/23/2017	XX	AA003847-AA003888
156	Plaintiffs' Supplemental Response to Defendants' Ex-Parte Motion to Quash Writ of Execution on an OSt, filed 09/27/2018	XLIV	AA009009-AA009029
46	Reply in Support of Defendants' Motion for Reconsideration, filed 03/24/2016	VII, VIII	AA001237-AA001416
170	Reply in Support of Defendants' Motion for Reconsideration, Amendment, for New Trial, and for Dismissal of Claims, filed 10/16/2018	XLV	AA009272-AA009277
58	Reply in Support of Defendants' Motion for Judgment on the Pleadings Pursuant to NRCP 12(c) with Respect to All Claims for Damages Outside the Two-Year Statue of Limitation and Opposition to Counter Motion for Toll of Statue of Limitations and for an Evidentiary Hearing, filed 12/28/2016	XI	AA002179-AA002189

111	Reply in Support of Defendants' Motion in Limine to Exclude the Testimony of Plaintiffs' Experts, filed 01/19/2018	XXXI	AA006180-AA001695
178	Resolution Economics' Application for Order of Payment of Special Master's Fees and Motion for Contempt, filed 11/05/2018	XLVII	AA009553-AA009578
187	Resolution Economics' Reply to Defendants' Opposition and Plaintiffs' Response to its Application for an Order of Payment of Special Master's Fees and Motion for Contempt, filed 12/03/2018	XLVII	AA009690-AA009696
100	Response in Opposition to Defendant's Motion for Summary Judgment, filed 12/14/2017	XXVII, XXVIII	AA005372-AA005450
31	Response in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Claim for Relief, filed 09/28/2015	V	AA000807-AA000862
3	Response in Opposition to Defendants' Motion to Dismiss, filed 12/06/2012	I	AA000016-AA000059
33	Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Murray, filed 10/08/2015	V	AA000870-AA000880
34	Response in Opposition to Defendants' Motion to Dismiss and for Summary Judgment Against Plaintiff Michael Reno, filed 10/08/2015	V	AA000881-AA000911
212	Second Amended Notice of Appeal, filed 03/06/2019	L	AA010285-AA010288
22	Second Amended Supplemental Complaint, filed 08/19/2015	III	AA000582-AA000599
130	Second Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., filed	XXXIV	AA007015-AA007064

	05/18/2018		
213	Special Master Resolution Economics' Opposition to Defendants Motion for Reconsideration of Judgment and Order Granting Resolution Economics Application for Order of Payment of Special Master's Fees and Order of Contempt, filed 03/28/2019	LI	AA010289-AA010378
78	Supplement to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, filed 05/24/2017	XXI	AA004024-AA004048
79	Supplement to Defendants' Opposition to Plaintiffs' Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady From Liability of Corporate Defendants or Alternative Relief, filed 05/31/2017	XXI	AA004049-AA004142
72	Supplement to Order For Injunction Filed on February 16, 2017, filed 02/17/2017	XIX	AA003777-AA003780
129	Supplemental Declaration of Class Counsel, Leon Greenberg, Esq., filed 05/16/2018	XXXIV	AA006981-AA007014
38	Transcript of Proceedings, November 3, 2015	VI	AA001002-AA001170
66	Transcript of Proceedings, February 8, 2017	XVII	AA003549-AA003567
70	Transcript of Proceedings, February 14, 2017	XIX	AA003755-AA003774
77	Transcript of Proceedings, May 18, 2017	XX, XXI	AA003893-AA004023
83	Transcript of Proceedings, June 13, 2017	XXII	AA004223-AA004244
101	Transcript of Proceedings, December 14, 2017	XXVIII	AA005451-AA005509

105	Transcript of Proceedings, January 2, 2018	XXIV	AA005720- AA005782
114	Transcript of Proceedings, January 25, 2018	XXXI	AA006203- AA006238
117	Transcript of Proceedings, February 2, 2018	XXXII	AA006335- AA006355
122	Transcript of Proceedings, February 15, 2018	XXXII, XXXIII	AA006427- AA006457
137	Transcript of Proceedings, filed July 12, 2018	XXXVI, XXXVII	AA007385- AA007456
215	Transcript of Proceedings, September 26, 2018	LI	AA010385- AA010452
216	Transcript of Proceedings, September 28, 2018	LI, LII	AA010453- AA010519
175	Transcript of Proceedings, October 22, 2018	XLVI	AA009304- AA009400
189	Transcript of Proceedings, December 4, 2018	XLVIII	AA009701- AA009782
190	Transcript of Proceedings, December 11, 2018	XLVIII	AA009783- AA009800
192	Transcript of Proceedings, December 13, 2018	XLVIII	AA009813- AA009864

CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this date **APPENDIX TO APPELLANTS OPENING BRIEF VOLUME X of LII** 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
Dana@overtimelaw.com

Attorneys for Respondents

DATED this 5th day of August, 2020.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC

CIVIL COVER SHEET

A-12-669926-C

Clark County, Nevada

XXVIII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

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

Leon Greenberg, 2963 S. Jones Blvd., Suite D-4, Las Vegas,
 NV 89146, 702-383-6085

Defendant(s) (name/address/phone): A Cab Taxi Service, LLC, 3730
 Poma 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	Negligence	Torts
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence -- Auto <input type="checkbox"/> Negligence -- Medical/Dental <input type="checkbox"/> Negligence -- Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence -- Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Tort/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Agmt/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal <input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment -- Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input checked="" type="checkbox"/> Other Civil Matters	

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

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

October 8, 2012

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **COMP**

2 LEON GREENBERG, ESQ., SEN 8094
3 DANA SNIEGOSKI, ESQ., SEN 11715
4 Leon Greenberg Professional Corporation
5 2965 South Jones Blvd- Suite E4
6 Las Vegas, Nevada 89146
7 (702) 383-6085
8 (702) 385-1827 (fax)
9 leon@greenbergprofessional.com
10 dana@greenbergprofessional.com

11 Attorneys for Plaintiffs

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 **A-12-669928-C**

15 **Case No.:**

16 **Dept.:** XXVIII

17 **COMPLAINT**

18 **ARBITRATION EXEMPTION**
19 **CLAIMED BECAUSE THIS IS**
20 **A CLASS ACTION CASE**

21 MICHAEL MURPHY and MICHAEL
22 PENO, Individually and on
23 behalf of others similarly
24 situated,

25 **Plaintiffs,**

26 **vs.**

27 A CAB TAXI SERVICE LLC and
28 A CAB, LLC,

29 **Defendants.**

30
31 MICHAEL MURPHY and MICHAEL PENO, Individually and on
32 behalf of others similarly situated, by and through their
33 attorney, Leon Greenberg Professional Corporation, do and
34 for a Complaint against the defendants, state and allege,
35 as follows:

36 **JURISDICTION, PARTIES AND PRELIMINARY STATEMENT**

37 1. The plaintiffs, MICHAEL MURPHY and MICHAEL PENO,
38 (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 15 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
26 NEVADA'S CONSTITUTION

27 13. The named plaintiffs repeat all of the
28 allegations previously made and bring this First Claim for
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 § 608.026, 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 2963 South Jones Blvd- Suite 84
14 Las Vegas, Nevada 89146
15 (702) 383-6085

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

EXHIBIT "D"



CLERK OF THE COURT

ORDER

LEON GREENBERG, SBN 8094
DANA SNIFFOCKI, SBN 11715
Leon Greenberg Professional Corporation
2965 S. Jones Blvd. - Suite E-4
Las Vegas, Nevada 89146
Tel (702) 383-6085
Fax (702) 383-1827
leongreenberg@overtimelaw.com
dana@overtimelaw.com

CHRISTIAN GABROY, SBN 8865
Gabroy Law Offices
170 S. Green Valley Parkway - Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
Christian@gabroy.com

Attorney for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE VALDEZ, individually and on behalf
of all others similarly situated,

Plaintiff

v.

VIDEO INTERNET PHONE INSTALLS,
INC.,

Defendant

Case No. A-09-597433-C

Dept. No. 1

ORDER

THIS MATTER having come before the Court for hearing on September 3, 2013 on
plaintiff's Motion for Summary Judgment and defendant's Countermotion for Summary
Judgment, after due consideration of all supporting and opposing briefs submitted by counsel

1 for the parties, the oral argument by counsel, and the record of these proceedings, and good
2 cause appearing, now therefore:

3 **THE COURT FINDS:**

4
5 Plaintiff sought an Order granting summary judgment on his remaining claim for 30
6 days of continuing wages under N.R.S. 608.040 for defendant's failure to pay him all wages
7 owed and due at the time of his separation from employment and for his claims under N.R.S.
8 99.040 for prejudgment interest. Plaintiff's unpaid wages for purposes of his N.R.S. 608.040
9 claim concerned defendant's failure to pay him overtime wages calculated at time and one-
10 half his "regular rate" of pay. The parties do not dispute that Plaintiff received no waiting-
11 time penalties under NRS 608.040 at the time of his separation from the Defendant.
12

13 In the parties' companion federal litigation, the parties entered into a Settlement and
14 Release of Claims in March 2013. Through such Settlement and Release, defendant satisfied
15 a payment of \$20,000.00 to plaintiff, which was inclusive of all "taxable costs, attorneys'
16 fees, and prejudgment interest" in the companion federal litigation. Prior to such Settlement
17 and Release, the plaintiff had also accepted an Offer of Judgment in the amount of \$4194.20
18 which was entered on November 14, 2012 in the federal litigation. Thus, plaintiff's only
19 remaining claims concerned his entitlement to damages under N.R.S. 608.040 and
20 prejudgment interest on his unpaid wages claims.
21

22 **Conclusions of Law**

23
24 The Court accepts both parties' position that no triable issues of material fact exist
25 and only questions of law remain before the Court. The Court finds that it is undisputed that
26 plaintiff has accepted an offer of judgment for the unpaid overtime wages owed to him at the
27 time of his separation of employment from the defendant and that such offer of judgment
28

1 acceptance establishes, for the purposes of NRS 608.040, that the plaintiff was owed unpaid
2 overtime at the time of his employment termination. Thus, plaintiff's entitlement to the
3 requested 30 days of continuing wages as a penalty under N.R.S. 608.040 rests on a pure
4 issue of law concerning whether unpaid overtime wages, due under a piece rate payment
5 system, constitute the unpaid "compensation" or "wages" contemplated by the legislature
6 under N.R.S. 608.040 and whether N.R.S. 608.040 contains a private right of action. The
7 Court finds that in both instances it does.

8
9 In so finding, the Court disagrees with the federal district court decisions that the
10 later complications by statute obliterate the earlier meaning. The Court reaches its
11 conclusion regardless of whether the Court would construe this statute the way the Supreme
12 Court has indicated in *General Motors v. Jackson*, saying that giving meaning to their parts
13 and language read each sentence, phrase and word to render it meaningful within the context
14 of the purpose of the legislation. *General Motors v. Jackson*, 99 Nev. 739, 670 P.2d 102
15 (Nev. 1983). Thus, the Court would arrive at the same conclusion it arrived at if it did go to
16 the secondary method, which is where the statutory language does not speak to the issue
17 before the Court, the Court should construe it according to that which reason and public
18 policy would indicate the legislature intended, and the Court finds they intended employees
19 to be paid the agreed-upon contractual rate, which was, in this case, the average of the
20 piecemeal rate.

21
22 The Court further finds that plaintiff is entitled to thirty days of continuing wages
23 under N.R.S. 608.040 for defendant's failure to pay plaintiff all overtime wages owed and
24 due at the time of his separation from employment. Because plaintiff was employed under a
25 piecework payment system, such "continuing wages" are to be calculated based upon his
26
27
28

1 average earnings while employed by defendant, which the Court finds to be at a rate of
2 \$115.20 per day for a total award of \$3,456.00 for a period of 30 days.


3 In respect to plaintiff's request for prejudgment interest on his unpaid overtime
4 wages, the Court finds that such prejudgment interest was satisfied and foreclosed as a result
5 of the parties' Settlement and Release in the companion federal district court case in March
6 2013. The Court concludes that nothing in the settlement could be read to have parceled out
7 or excluded out some later consideration by this Court as to prejudgment interest.

8
9 Conclusion

10 Based on the foregoing, it is hereby ORDERED that plaintiff's Motion for Summary
11 Judgment is GRANTED in part and DENIED in part. Plaintiff is entitled to thirty days of
12 continuing wages under N.R.S. 608.040. Summary judgment on such claim is GRANTED
13 and plaintiff is entitled to a judgment in the amount of \$3,456.00. Plaintiff's Motion for
14 Summary Judgment under N.R.S. 99.040 for prejudgment interest is DENIED for the
15 reasons stated above.
16
17

18 It is hereby further ORDERED that defendant's Counter Motion for Summary
19 Judgment is GRANTED in part and DENIED in part. Defendant's Motion for Summary
20 Judgment on plaintiff's claim under N.R.S. 99.040 for prejudgment interest is GRANTED
21 pursuant to the parties' Settlement and Release satisfied in the companion federal district
22 court litigations. Defendant's Motion for Summary Judgment on plaintiff's claim under
23 N.R.S. 608.040 is DENIED for the reasons stated above.
24

25 Dated this 4 day of April, 2013.

26
27
28

DISTRICT COURT JUDGE
THE HONORABLE KENNETH CORY

100

Abstract The purpose of this study was to determine the effect of a 12-week training program on the heart rate (HR) and heart rate reserve (HRR) of sedentary middle-aged men. The study was conducted in a laboratory setting. The subjects were 15 sedentary middle-aged men (mean age 45.8 ± 1.2 years, range 35-55 years). They were divided into two groups: a control group (n = 7) and an exercise group (n = 8). The exercise group performed a 12-week training program consisting of three sessions per week, each lasting 30 minutes. The control group did not exercise. The HR and HRR were measured at rest and during maximal exercise at the beginning and at the end of the 12-week period. The results showed that the exercise group had a significant decrease in HR at rest and during maximal exercise, and a significant increase in HRR at rest and during maximal exercise, compared to the control group. The control group showed no significant changes in HR and HRR. The results suggest that a 12-week training program can improve the cardiovascular fitness of sedentary middle-aged men.

10

Attorney for Defendant
V.P. Ingalls

EXHIBIT "E"

DECL.
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
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.: 1

DECLARATION OF CLASS
COUNSEL, LEON
GREENBERG, ESQ.

Leon Greenberg, an attorney duly licensed to practice law in the State of
Nevada, hereby affirms, under the penalty of perjury, that:

1. I am one of the attorneys representing the class of plaintiffs in this matter and
submit this declaration as part of plaintiffs' motion to enjoin defendants from pursuing
any settlement of class members' wage claims, except by application to the Court in
this case, and for other relief.

2. I first communicated with counsel for the plaintiff in the *Dubric* action,
Trent Richards, by telephone on October 8, 2015. At that time I advised him of the
pendency of this lawsuit and the pending class certification motion in this case, such
motion having been filed in May of 2015. I explained to him that the putative class

1 claims in the *Dubric* case could not proceed given the pendency of class certification
2 in this much older case. I also expressed to Mr. Richards a desire to secure his
3 cooperation and that of his client, Ms. Dubric. I suspected that his client, who worked
4 not just as a taxi driver for defendants but in other capacities, might have information
5 valuable to the prosecution of the class claims. Mr. Richards refused to assist me in
6 the prosecution of this case, advising he would not arrange for me to speak with Ms.
7 Dubric. He stated that Ms. Dubric had other sexual harassment claims he intended to
8 prosecute against defendants in a federal lawsuit apart from the *Dubric* case's
9 minimum wage claims.

10 3. I kept in regular communication with Mr. Richards, Dubric's counsel, as
11 this case developed. I spoke with him on January 12, 2016 about the Court's minute
12 order granting class certification of this case and sent him a copy of that minute order
13 and on February 10, 2016 a copy of this Court's Class Certification Order. At no time
14 did Dubric's counsel, or defendants' counsel, advise me that they intended to pursue a
15 class action settlement, in the *Dubric* case, of any of the minimum wage related claims
16 that are at issue in this case.

17
18 4. Upon learning of the *Dubric* case's proposed settlement I contacted
19 Dubric's counsel by email. I advised them they were proceeding improperly and asked
20 them to cooperatively resolve that situation with me. They refused and declined to
21 offer any explanation of how their conduct could be proper in light of this Court's
22 class certification order. That email is at Ex. "H" of this motion.

23
24 5. Today I spoke for about 40 minutes with Ms. Rodriguez, defendants'
25 counsel. I asked her to explain how the *Dubric* case's proposed class settlement, to
26 be presented to the Court in that case, was jurisdictionally and procedurally proper and
27 not in violation of the class certification order in this case. She did not offer any such
28

1 to speak with me further about that once she did so. I advised her I intended to file
2 this motion with the Court, today, and in the event defendants agreed to enter into a
3 suitable stipulation and order resolving the issues addressed by this motion it would be
4 withdrawn.

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

6 Affirmed this 14th day of October, 2016

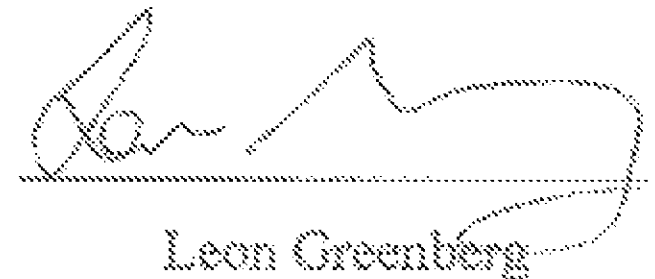
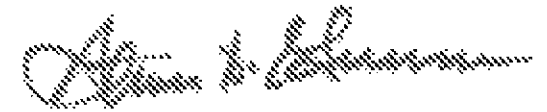
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Leon Greenberg

EXHIBIT "F"



CLERK OF THE COURT

1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 MICHAEL MURRAY, ET AL.,

9 Plaintiffs,

10 vs.

11 A CAB TAXI SERVICE LLC, ET AL.,

12 Defendants.
13

CASE NO. A669926

DEPT. I

14
15 BEFORE THE HONORABLE BONNIE A., DISCOVERY COMMISSIONER

16 WEDNESDAY, JANUARY 13, 2016

17 RECORDER'S TRANSCRIPT OF PROCEEDINGS
18 DISCOVERY PRODUCTION/DEFERRED RULING - DEFENDANT'S
19 RULE 37 SANCTIONS

20 APPEARANCES:

21 For the Plaintiffs:

LEON GREENBERG, ESQ.,
DANA SNIEGOCKI, ESQ.

22
23 For the Defendants:

ESTHER RODRIGUEZ, ESQ.

24
25 RECORDED BY: FRANCESCA HAAK, COURT RECORDER

1 Las Vegas, Nevada - Wednesday, January 13, 2016, 9:29 a.m.

2 * * * * *

3 DISCOVERY COMMISSIONER: Murray.

4 MS. RODRIGUEZ: Good morning, Your Honor. Esther Rodriguez, for the
5 Defendants.

6 DISCOVERY COMMISSIONER: Good morning.

7 MR. GREENBERG: Good morning, Your Honor. Leon Greenberg, Dana
8 Sniegocki, for Plaintiffs.

9 MS. SNIEGOCKI: Good morning.

10 DISCOVERY COMMISSIONER: Good morning. It's gonna be a Happy
11 New Year, everybody?

12 MR. GREENBERG: I hope so.

13 DISCOVERY COMMISSIONER: I hope so too. I'm counting on it.

14 So we're here for a status check, and I know we've been back and forth a
15 number of times, and I'm sure that there is probably a little bit of confusion. I do know that
16 there was an objection to my Report and Recommendation by defense counsel, but I don't
17 think it's been heard yet.

18 MS. RODRIGUEZ: No, Your Honor, it hasn't.

19 DISCOVERY COMMISSIONER: So I'm not sure what the status is. But I
20 think where we left off last time, if I -- if memory serves me correctly, is that the Defendant
21 was going to produce some additional information, and then there was going to be a review
22 of that information and a determination whether or not it was different than what had already
23 been produced on the time cards and the initially disclosed information. So I don't know
24 what the status of that is. I know that apparently it was a little more labor intensive than
25 anticipated. I had the impression certainly, and I think the record will bear me out, that we

1 didn't think it was going to be that big of a deal just to provide that information to the
2 Plaintiffs' counsel in addition to the timecards and everything that had already been
3 provided.

4 If it had turned out to be such a big chore, I would have hoped I would have
5 had a telephone call or a conference call so that we could address the issue, but perhaps it has
6 been taken care of, and the documentation is now produced. I just don't know what the
7 status is.

8 MR. GREENBERG: Well --

9 MS. RODRIGUEZ: I can update you as to what we have produced.

10 DISCOVERY COMMISSIONER: Okay.

11 MS. RODRIGUEZ: As Your Honor indicated, there is not a signed order yet,
12 and I don't know if Judge Cory -- what he's gonna do with the Report and Recommendation,
13 if he's gonna modify it, as we've requested, to just kinda limit the time. So, in the interim,
14 while we were kind of on hold over the holidays, I had Jim Morgan, the expert, and A Cab
15 personnel start to work to try to put this together. And so they have -- or I have produced
16 what we were able to come up with so far, which is a QuickBooks production, as ordered,
17 and the CAB Manager production, as ordered.

18 And I subsequently recently just got correspondence from Mr. Greenberg
19 indicating that he's not happy with the production, and so I think we are gonna have further
20 discussions on this because I think it was his interpretation that we were supposed to turn
21 over all of the names of the cab drivers associated with that information, and that was never
22 my understanding of Your Honor's order. I think you previously ordered that the specific
23 names of the drivers wasn't to be disclosed, but the data that he's been looking for was to be
24 disclosed, and that's what --

25 DISCOVERY COMMISSIONER: I don't remember --

1 MS. RODRIGUEZ: -- I turned over,

2 DISCOVERY COMMISSIONER: -- talking about the names. I think that's
3 actually something that you may need to talk with the District Court Judge when it comes to
4 the class certification issue. Right now we're dealing with numerosity.

5 MS. RODRIGUEZ: Right.

6 DISCOVERY COMMISSIONER: I don't think you need to know the exact
7 names of the drivers. I think you need to know the number that we're dealing with that fall
8 in -- potentially fall into the categories of concern so that the Judge can deal with the
9 certification issue. Then once it is certified as a class, if, in fact, it is, then the names of the
10 individuals have to be exchanged, a letter has to be sent advising them that they're a member
11 of the class, and that's something that typically the District Court Judge works out with the
12 lawyers.

13 MS. RODRIGUEZ: Right, and that --

14 DISCOVERY COMMISSIONER: It's not something I personally do.

15 MS. RODRIGUEZ: And just --

16 MR. GREENBERG: If I could --

17 MS. RODRIGUEZ: -- to update you, and I guess I'm trying to jump ahead of
18 Mr. Greenberg because --

19 DISCOVERY COMMISSIONER: Right. That's okay.

20 MS. RODRIGUEZ: -- a lot of times he'll hit so many issues that I can't even
21 address 'em all, so I just wanted to get a couple points out. Yes, we just got a minute order
22 Friday from the Judge. We don't have a full order of what he's going to certify, but there is
23 a minute order indicating that he's gonna move forward with class certification.

24 DISCOVERY COMMISSIONER: Okay.

25 MS. RODRIGUEZ: But when I produced all of this over the holidays, we

1 didn't have any indication.

2 DISCOVERY COMMISSIONER: And I didn't order it, so I'm not as
3 concerned about that. I think it's -- certainly I'd like you to have your order in place, and
4 then we can figure out the -- how to provide the names of the individuals.

5 MS. RODRIGUEZ: Okay. And the only thing that I would add is that he did
6 send me another E-mail yesterday -- I'm sure he's gonna bring this up -- indicating that
7 there -- he had some other questions about the way the electronic data is being reflected
8 between gross wages and hours, which I think is what your order indicated, that we were
9 supposed to turn over all information pertaining to the -- or information pertaining to the
10 wages and the hours, which we did, but now I think he's wanting a further specification of
11 all of the deductions, which we don't feel is appropriate, like federal tax withholdings, social
12 security withholdings, FICA, all of those things, because that has nothing to do with the
13 minimum wage claims. And I don't think that was ever addressed.

14 DISCOVERY COMMISSIONER: I agree with you on that.

15 MS. RODRIGUEZ: That's all I have, Your Honor. Thank you.

16 MR. GREENBERG: Your --

17 DISCOVERY COMMISSIONER: Go ahead.

18 MR. GREENBERG: -- Honor, counsel's making some representations about
19 the QuickBooks production which I got last Friday. Okay.

20 DISCOVERY COMMISSIONER: Okay.

21 MR. GREENBERG: What I want to explain to the Court, I -- Your Honor just
22 made a statement about something not being appropriate in respect to the production. I
23 would ask Your Honor to simply reserve any ruling on any issue regarding what should or
24 shouldn't be done with the QuickBooks production. Let us, as counsel, confer further about
25 this. There are problems with the form of the production. Not only didn't -- they didn't

1 produce it with the employee names, they didn't produce it with an employee reference.
2 Normally I get this with a code number for each employee, so I don't even know --

3 DISCOVERY COMMISSIONER: Didn't we talk about that? I'm -- again, I
4 apologize to counsel because I have a number of cases, so I try to keep all these straight, but
5 I'm not always wonderful at it.

6 And I'm wondering -- didn't we talk about producing them with names, or
7 letters, or numbers, or something?

8 MR. GREENBERG: Well, my point is the obvious, Your Honor. Without a
9 unique identification for a payroll period, we don't know who it refers to. But, again, back
10 to my first request, Your Honor, that we simply defer the Court making any instructions or
11 any rulings regarding the QuickBooks --

12 DISCOVERY COMMISSIONER: I'm just trying to find out what the status is
13 today.

14 MS. RODRIGUEZ: Well --

15 MR. GREENBERG: Yes, Your Honor. In respect to this issue of the
16 deductions from the pay, it is germane because deductions are taken from pay that are not tax
17 deductions that reduce pay below the minimum wage amount. That's why we need to see
18 the bills and the net. It is not irrelevant to this case, Your Honor.

19 DISCOVERY COMMISSIONER: I'm not sure I agree with you on that, so
20 that might be something we'll have to brief and deal with later.

21 MR. GREENBERG: Yes, Your Honor.

22 DISCOVERY COMMISSIONER: What I'm concerned about right now
23 though -- and I -- you know, defense counsel, you're going to have to have a way for
24 whatever information you turned over per employee of identifying that employee on your
25 QuickBook. Now, I'm assuming you can do that, but I can't imagine you wouldn't have had

1 some sort of a code or chart so you could know which employee's information you were
2 turning over. I mean, that's a common sense issue that I'm not sure I can really address
3 further than that.

4 MS. RODRIGUEZ: Well, it's laid out line by line, Your Honor, and the only
5 thing --

6 DISCOVERY COMMISSIONER: I'm sure you have a number -- a name that
7 goes with each line, right?

8 MS. RODRIGUEZ: Yes. It just was left off. I mean, we could easily number
9 it as employee number 1 through 300.

10 MR. GREENBERG: Yes, Your Honor. Without a unique identifier, the
11 information is useless. There are other problems with the information --

12 DISCOVERY COMMISSIONER: Well, it's --

13 MR. GREENBERG: -- as produced.

14 DISCOVERY COMMISSIONER: -- not useless if each line represents an
15 employee, then number the lines. I mean, you know --

16 MR. GREENBERG: No, but, Your Honor, I don't know which employee goes
17 with which line. It's --

18 DISCOVERY COMMISSIONER: Well, not yet.

19 MR. GREENBERG: Well, yes, if it was supplemented it could be useful.

20 DISCOVERY COMMISSIONER: Not yet.

21 MR. GREENBERG: In its current form, Your Honor --

22 DISCOVERY COMMISSIONER: But you have numerosity, that's what
23 you're missing. And it doesn't even matter because the Judge is gonna certify the class,
24 right?

25 MR. GREENBERG: The class has --

1 DISCOVERY COMMISSIONER: So --

2 MR. GREENBERG: -- been certified --

3 DISCOVERY COMMISSIONER: Right, so --

4 MR. GREENBERG: -- Your Honor.

5 DISCOVERY COMMISSIONER: --- we're done with that issue.

6 MR. GREENBERG: I really don't want to take up Your Honor's time.

7 DISCOVERY COMMISSIONER: Oh, no.

8 MR. GREENBERG: You're being very --

9 DISCOVERY COMMISSIONER: It's my pleasure.

10 MR. GREENBERG: -- patient. You're being very patient with us.

11 DISCOVERY COMMISSIONER: Oh, sometimes I'm better than others.

12 MR. GREENBERG: Well, Your Honor, what I would like to do is try to work

13 cooperatively with defense counsel to resolve all of this, and if we are not able to, spell it out

14 for the Court in some written submission, hopefully very brief where it is all absolutely clear

15 'cause we're talking about charts, and documents, and, you know, a spreadsheet and so forth.

16 DISCOVERY COMMISSIONER: Right.

17 MR. GREENBERG: And data. It's hard to discuss orally without detail, Your

18 Honor.

19 DISCOVERY COMMISSIONER: Have we seen the order for class

20 certification yet?

21 MR. GREENBERG: We --

22 DISCOVERY COMMISSIONER: We just have the minute order.

23 MR. GREENBERG: We have --

24 MS. RODRIGUEZ: Have a minute order.

25 MR. GREENBERG: -- a minute order, if Your Honor would like a copy,

1 but --

2 DISCOVERY COMMISSIONER: Okay.

3 MR. GREENBERG: -- I am drafting an order for Judge --

4 DISCOVERY COMMISSIONER: For the Judge.

5 MR. GREENBERG: -- Cory's submission.

6 DISCOVERY COMMISSIONER: Okay.

7 MR. GREENBERG: Hopefully this week it'll get to him.

8 What I did want to point out, just as a scheduling issue here, Your Honor --

9 DISCOVERY COMMISSIONER: Yes.

10 MR. GREENBERG: -- your Report and Recommendation did put this to June
11 29th for conclusion of discovery. Given the class certification and the fact that there's going
12 to be a notice sent, which notice and opt-out period probably is not going to be concluded I
13 would suspect until April or May --

14 DISCOVERY COMMISSIONER: I was gonna say May.

15 MR. GREENBERG: -- at this point. Yeah. I don't know if that discovery
16 period is gonna be workable. I'm just --

17 DISCOVERY COMMISSIONER: Probably not.

18 MR. GREENBERG: Just giving you a heads up, Your Honor. I'm not
19 suggesting there's something you need to do at this point about it, but you wanted to know
20 the status, so I think that should be something you're --

21 DISCOVERY COMMISSIONER: Well, I --

22 MR. GREENBERG: -- told about.

23 DISCOVERY COMMISSIONER: -- think that you all need to think about
24 preparing either a 2.35 stipulation, or I think you're going to need to submit something to
25 me. Now, did Judge Cory talk to you about how you were gonna do the notice?

1 MS. RODRIGUEZ: No, Your Honor. None of that has been addressed.
2 We've been on hold, and we just got that -- what he just held up, just a one-paragraph minute
3 order, on Friday afternoon. So there hasn't been any further guidance, and we still have a
4 number of issues pending before Judge Cory --

5 DISCOVERY COMMISSIONER: Okay.

6 MS. RODRIGUEZ: -- in terms of the time that's gonna -- you know, for the --
7 for each employee.

8 DISCOVERY COMMISSIONER: 'Cause we're going to need to have -- once
9 the class is certified, the list of names that potentially go with the class is going to need to be
10 identified. So it may be time now to turn over the names. I'm going to let you all talk about
11 it and try to work it out. But it seems to me, defense counsel, now is probably the time to
12 provide the list of names that go with the documents, as you've already turned over, because
13 those people are going to have to be contacted.

14 MS. RODRIGUEZ: Your Honor, and it gets a little bit more complex, and I
15 would just like to give you the heads up as well on this.

16 DISCOVERY COMMISSIONER: Okay.

17 MS. RODRIGUEZ: Is that we have another pending class action suit for the
18 same employees, the same timeframe, pending from another law firm in another Department.
19 And so Judge --

20 DISCOVERY COMMISSIONER: How is that possible?

21 MR. GREENBERG: Your Honor, it's not.

22 MS. RODRIGUEZ: So Judge Cory needs to -- I'm gonna bring all of these
23 issues before Judge Cory to let him know that the Barassa Law Group has this pending
24 before Judge Delaney at the same time, so there are some issues because --

25 DISCOVERY COMMISSIONER: Maybe that was my confusion.

1 MS. RODRIGUEZ: No, Your Honor.

2 DISCOVERY COMMISSIONER: I've seen this twice.

3 MS. RODRIGUEZ: This is -- we haven't even addressed these issues before
4 you. I've talked to Mr. Greenberg about 'em, but none of this has really been --

5 DISCOVERY COMMISSIONER: Before me.

6 MS. RODRIGUEZ: I didn't -- exactly.

7 DISCOVERY COMMISSIONER: Okay.

8 MS. RODRIGUEZ: And we're gonna have -- I can't necessarily release all of
9 the names because some of 'em are under the Barassa Law Group as opposed to Mr.
10 Greenberg's.

11 MR. GREENBERG: Your Honor, that's not -- I spoke with Mr. -- with
12 counsel at Barassa Law Group yesterday.

13 DISCOVERY COMMISSIONER: Okay.

14 MR. GREENBERG: And their position is they simply want to get notice of
15 the certification in this case. Their client may remain a class member in this case. Their
16 client has other claims against Defendants. They have not moved for class certification.
17 This case has been certified as a class. It includes everyone. So there's not going to be --

18 DISCOVERY COMMISSIONER: This has to be the earlier case too.

19 MR. GREENBERG: Yes, Your Honor.

20 DISCOVERY COMMISSIONER: So if there's any consolidation, that other
21 case would come into this one I would suspect.

22 MR. GREENBERG: Yes, Your Honor. There's not gonna be any conflict or
23 overlap or separation. I mean, there's one person in that case who can or cannot proceed in
24 this case, if they wish. That's up to them.

25 DISCOVERY COMMISSIONER: But their claims are different in the other

1 case.

2 MR. GREENBERG: They have --

3 MS. RODRIGUEZ: No.

4 MR. GREENBERG: They have --

5 MS. RODRIGUEZ: No. They --

6 MR. GREENBERG: -- other claims against the Defendant involving
7 completely different issues as well in federal litigation that they're pursuing against the
8 company. They have identical claims in this court in respect to minimum wages for the one
9 individual they represent. They did allege that as a class case, but it was never certified. No
10 request was made for certification.

11 DISCOVERY COMMISSIONER: So how is the Barassa Group's case in
12 front of Judge Delaney different than yours?

13 MR. GREENBERG: Your Honor, it's not certified. It's only for one
14 individual. This case has been certified for everyone, including that individual, if she elects
15 to participate in this case. If she wishes to --

16 DISCOVERY COMMISSIONER: Can she opt out and then have her own
17 lawsuit --

18 MR. GREENBERG: Absolutely, Your Honor.

19 DISCOVERY COMMISSIONER: -- in front of Judge Delaney? Okay.

20 MR. GREENBERG: And that was what I was speaking with her counsel about
21 yesterday --

22 DISCOVERY COMMISSIONER: All right.

23 MR. GREENBERG: -- Your Honor.

24 DISCOVERY COMMISSIONER: All right.

25 MS. RODRIGUEZ: Well, I was unaware of his conversations, but they're

1 exactly the same case. The different claims he's talking about is a separate case --

2 DISCOVERY COMMISSIONER: But --

3 MS. RODRIGUEZ: -- in a federal lawsuit.

4 DISCOVERY COMMISSIONER: But they can't move for class certification
5 because this case has already certified the class.

6 MR. GREENBERG: Correct, Your Honor.

7 DISCOVERY COMMISSIONER: I don't think they can. Otherwise, they're
8 going to be consolidated 'cause it's the same case, and then we've got a problem.

9 MR. GREENBERG: Yes, Your Honor.

10 MS. RODRIGUEZ: Well --

11 MR. GREENBERG: That's correct. Your Honor, as I was urging the Court to
12 let us work as counsel to try to deal further with the discovery and the production of the
13 QuickBooks, the other materials --

14 DISCOVERY COMMISSIONER: So when do you want to come back and
15 see me, because you're -- I'm not gonna let you go today without a followup.

16 MR. GREENBERG: I would suggest something on the order of 45 to 60 days
17 is probably sensible. I don't want to put it off too far. On the other hand, if we come back in
18 three weeks, I don't think there's gonna be that much we can really substantively discuss.
19 Maybe --

20 DISCOVERY COMMISSIONER: How about a mandatory settlement
21 conference?

22 MS. RODRIGUEZ: That would be wonderful, Your Honor. We've -- I think
23 we've tried to engage in --

24 DISCOVERY COMMISSIONER: Because we've got --

25 MS. RODRIGUEZ: -- some discussions.

1 DISCOVERY COMMISSIONER: -- class certification now. We do have
2 some information; I understand it's not everything you want, but you've got -- somebody's
3 not feeling very good over there.

4 MS. SNIEGOCKI: Sorry.

5 DISCOVERY COMMISSIONER: I think class certification is important.
6 You've got that. You've got some of the QuickBooks. You've got the time cards. I think
7 maybe -- let's see where you're at when I bring you back. I may suggest that. I may even
8 suggest that we see what we can do to coordinate one for you.

9 MR. GREENBERG: Yes, Your Honor, if there's adequate production, that
10 would make sense. At this point, there is not adequate production of information.

11 DISCOVERY COMMISSIONER: Okay. Well, I need you to work it out. It
12 sounds to me like there's been a good faith effort. So here's what I'm going to do today.

13 I also know I continued this matter for further Rule 37 sanctions; I'm going to
14 deny that without prejudice right now. I think that the party's conduct at deposition is going
15 to come out at trial, and I don't think it's going to be a wonderful thing for the Defendant,
16 but I'm not willing to give anymore sanctions at this point, but I will deny that without
17 prejudice, but I will defer. I mean, if conduct continues, I'm going to have to deal with it
18 appropriately. I just -- I have my reasons for denying it without prejudice, but I don't want
19 the Plaintiffs' counsel to think that I am not appalled by what happened because I am. But I
20 think that I'm not going to do anything further right now about it because I think the
21 Defendant actually has hurt himself sufficiently by his conduct. I also think that if there are
22 future issues or future problems with him, then I will have to do something more active than
23 I'm doing it. But I think you have a lot of good cross-exam.

24 MR. GREENBERG: Your Honor, my concern about that is Your Honor has
25 definitely shown the Defendant its disapproval, and I appreciate that. My concern about the

1 limiting of the sanctions award is Your Honor awarded me costs for the cost of the
2 deposition attendance. My time that was involved in bringing this issue --

3 DISCOVERY COMMISSIONER: Right, and I did award those. I'm not
4 taking those away. Those remain.

5 MR. GREENBERG: I understand, Your Honor, but I spent probably another
6 20 hours of time presenting the misconduct of the Defendants to this Court for ruling, and
7 the Court did find that that misconduct at the deposition --

8 DISCOVERY COMMISSIONER: I think I gave you an award of your time --

9 MR. GREENBERG: For attendance --

10 DISCOVERY COMMISSIONER: -- for that, and for bringing the motion,
11 I'm pretty sure I did. And the 2.3, did I not?

12 MS. RODRIGUEZ: Yes, you did, Your Honor.

13 MR. GREENBERG: You did not, Your Honor. The recommendation simply
14 covered the time and the cost for the deposition itself.

15 DISCOVERY COMMISSIONER: I thought I brought -- I thought I awarded
16 the costs of the motion.

17 MR. GREENBERG: You did not, Your Honor.

18 MS. RODRIGUEZ: Yeah, I was objecting because he even included his travel
19 time, and when he noticed it --

20 DISCOVERY COMMISSIONER: Yeah. I think --

21 MS. RODRIGUEZ: -- two hours away --

22 MR. GREENBERG: Your Honor --

23 DISCOVERY COMMISSIONER: I think you're confused, counsel. I think
24 you did, and I think I gave it.

25 MR. GREENBERG: Your Honor --

1 DISCOVERY COMMISSIONER: I think -- All right. Listen.

2 MR. GREENBERG: I have the report right here, and recommendation.

3 DISCOVERY COMMISSIONER: May I take a look at it, because I don't
4 have it.

5 [Mr. Greenberg approaches the bench]

6 DISCOVERY COMMISSIONER: And then I need to get you on your way
7 today.

8 MR. GREENBERG: It is page 7 and 8, Your Honor.

9 DISCOVERY COMMISSIONER: I'm looking.

10 THE CLERK: Is this from November 18th?

11 DISCOVERY COMMISSIONER: Yes, it is.

12 THE CLERK: You did award, in the minute order, some things --

13 DISCOVERY COMMISSIONER: I think I awarded the money for the
14 preparation and the attendance, but not for the motion.

15 MR. GREENBERG: None for the motion, Your Honor, and this was for the
16 deposition --

17 DISCOVERY COMMISSIONER: Okay. So why don't you, before the next
18 hearing, prepare a supplemental affidavit applying the Brunzell factors for the cost and time
19 of bringing it to my attention through the motion.

20 MR. GREENBERG: And, Your Honor, just to clarify, the award covered the
21 Morgan deposition, not Mr. Nady's deposition. You believed that the cost of the Nady
22 deposition should not be assessed against --

23 DISCOVERY COMMISSIONER: Right, because you were going to need to
24 take that deposition.

25 MR. GREENBERG: Just to clarify --

1 DISCOVERY COMMISSIONER: But --

2 MR. GREENBERG: -- I understand, Your Honor.

3 DISCOVERY COMMISSIONER: But -- and I understand the bad conduct
4 that happened during the deposition. I'll give you the fees and costs you spent preparing the
5 motion on that conduct.

6 MR. GREENBERG: Thank you, Your Honor.

7 DISCOVERY COMMISSIONER: But you'll need to apply the Brunzell
8 factors, and you'll need to do it by a supplemental affidavit in advance of the next hearing,
9 and that will give defense counsel opportunity to look at it as well and make any arguments
10 against it that she desires to do.

11 I'm going to continue this matter 60 days, so I'll need that supplement with
12 your affidavit applying the Brunzell factors in advance of the next hearing, and I would like
13 it certainly let's say by March 1st --

14 MR. GREENBERG: Yes, Your Honor.

15 DISCOVERY COMMISSIONER: -- 2016, and that will give defense counsel
16 an opportunity to file any type of opposition she desires to do. And then I'm going to bring
17 you back March 16th, which is a Wednesday, at 10 a.m., for further status check conference.
18 I do -- would require though, defense counsel, on the Rule 37 sanctions, I'm basically going
19 to deny that in large part. It's gonna be granted in part and denied in part, but I will allow
20 the Plaintiff to submit an affidavit just for bringing the motion and referencing the conduct.

21 MS. RODRIGUEZ: I understand, Your Honor.

22 DISCOVERY COMMISSIONER: All right.

23 MR. GREENBERG: Yes, Your Honor.

24 DISCOVERY COMMISSIONER: But that's it.

25 MS. RODRIGUEZ: Thank you.

1 DISCOVERY COMMISSIONER: No other Rule 37 sanctions at this point.
2 But the further Rule 37 sanctions are denied without prejudice, but I am going to award the
3 fees and costs for having to bring the motion, but they'll have to -- Plaintiffs' counsel, you'll
4 just have to do your supplement.

5 MR. GREENBERG: Yes, Your Honor. I understand.

6 DISCOVERY COMMISSIONER: So I make sure I have the right number.

7 And I don't think there's anything further to do today. I would request -- when
8 are you going back in front of Judge Cory? Do you have a hearing set?

9 MR. GREENBERG: We do not, Your Honor.

10 MS. RODRIGUEZ: No, Your Honor.

11 DISCOVERY COMMISSIONER: Okay. So one of you will need to go back
12 in front of the Judge and make the determination as to how the class certification notice is
13 going to be prepared and proceed. And, you know, I leave that to you all. You know what
14 your next step is in that regard,

15 MR. GREENBERG: That will be addressed in the order that will be --

16 DISCOVERY COMMISSIONER: Okay.

17 MR. GREENBERG: -- submitted on the minute order. He was provided with
18 a draft on the moving papers.

19 DISCOVERY COMMISSIONER: Okay.

20 MR. GREENBERG: So it will be requested. He approved the notice
21 procedure --

22 DISCOVERY COMMISSIONER: So it --

23 MR. GREENBERG: -- now,

24 DISCOVERY COMMISSIONER: -- would make the Commissioner very
25 happy if, before you return to see me in March, that the names of the drivers have been

1 disclosed.

2 MR. GREENBERG: That will be part of the order going to Judge Cory --

3 DISCOVERY COMMISSIONER: Because that has to be done now. Okay?

4 MS. RODRIGUEZ: Okay.

5 DISCOVERY COMMISSIONER: All right. I don't have anything further
6 today. Do you all have anything further?

7 MR. GREENBERG: We have nothing further, Your Honor.

8 DISCOVERY COMMISSIONER: Okay.

9 MR. GREENBERG: In terms --

10 DISCOVERY COMMISSIONER: I do need defense counsel to prepare my
11 Report and Recommendation from today's hearing because I am denying -- I had continued
12 the motion on the Rule 37 sanctions, which is denied in part and granted in part, and it's just
13 granted with respect -- very limited with respect to bringing the motion, but that award will
14 be made at the time of the next hearing. I also need you to put the next hearing date and time
15 in the motion -- or in the Report and Recommendations.

16 MS. RODRIGUEZ: I will.

17 MR. GREENBERG: Your Honor --

18 DISCOVERY COMMISSIONER: Thank you.

19 MR. GREENBERG: -- defense counsel will presumably take the opportunity
20 to include in the Report and Recommendation a statement that the Court does not believe
21 that the deduction information from the payroll should be produced. I don't need --

22 DISCOVERY COMMISSIONER: I don't need to have that included in the
23 Report and Recommendations because I haven't made that decision yet. I tend to agree with
24 the defense counsel on that, but then you asked me not to make a decision --

25 MR. GREENBERG: That's correct, Your Honor.

1 DISCOVERY COMMISSIONER: -- pending further discussions between the
2 two of you, so I'm going to honor that. I'm just saying I don't know if the deduction part -- I
3 mean, my wage, your -- well, you're different. You all are employed differently. But as an
4 employee, you know, my wage -- the deductions don't affect the wage rate, so I'm not sure
5 how they do here.

6 MR. GREENBERG: Your Honor, if the employer is deducting for accidents,
7 for money loaned to the employee with interest, which is what was happening at this
8 company, it --

9 DISCOVERY COMMISSIONER: Well, that's a different issue.

10 MR. GREENBERG: Yes, Your Honor. Those are the deductions I'm
11 interested in, not the tax deductions, not the child support deductions, 'cause those don't
12 implicate --

13 DISCOVERY COMMISSIONER: Okay. Why don't you all have your 2.34
14 conference on this issue, and then we can address it further when you return to see me in
15 March.

16 MR. GREENBERG: Thank you, Your Honor.

17 DISCOVERY COMMISSIONER: And then we'll also address the discovery
18 deadlines, if you're not able to work that out by 2.35 stipulation.

19 MS. RODRIGUEZ: Okay.

20 DISCOVERY COMMISSIONER: So the next hearing date will be March 16th
21 at 10 a.m. We will address the imposition of the attorney's fees for having to bring the
22 motion for sanctions. We will address compliance with discovery. We will address class
23 certification issues, and we will discuss the discovery deadlines at that time.

24 THE CLERK: And the status check for the Report and Recommendation is
25 February 19th at 11.

1 DISCOVERY COMMISSIONER: And that's only for defense counsel to be
2 here, but I do need you to address the motion for sanctions.

3 MS. RODRIGUEZ: I understand. Thank you, Your Honor.

4 MR. GREENBERG: Thank you, Your Honor.

5 DISCOVERY COMMISSIONER: Thank you. And make sure you run it by
6 Plaintiffs' counsel to approve as to form and content.

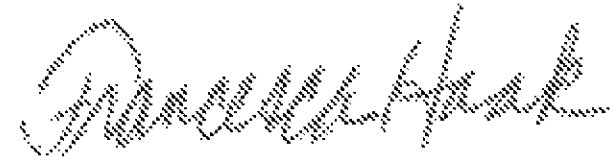
7 MS. RODRIGUEZ: I will.

8 DISCOVERY COMMISSIONER: Thank you.

9 [Proceeding concluded at 9:53 a.m.]

10 * * *

11 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
12 video recording of this proceeding in the above-entitled case.

13 

14 _____
15 FRANCESCA HAAK
16 Court Recorder/Transcriber
17
18
19
20
21
22
23
24
25

EXHIBIT "G"

[Home](#) | [About Us](#) | [Contact Us](#) | [Privacy Policy](#) | [Terms of Use](#) | [Feedback](#)
[Home](#) | [About Us](#) | [Contact Us](#) | [Privacy Policy](#) | [Terms of Use](#) | [Feedback](#)

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: 8/8/2015

Location: Department 25

Cross-Reference Case Number: A721063

PARTY INFORMATION

Defendant A Cab LLC

Lead Attorneys

Esther Rodriguez

Retained

702-232-8400(W)

Plaintiff Dubric, Jasminka

Mark J. Bourassa

Retained

702-861-2180(W)

EVENTS & ORDERS OF THE COURT

10/05/2016 Settlement Conference (10:30 AM) (Judicial Officer Wiese, Jerry A.)

Minutes

10/05/2016 8:00 AM

10/05/2016 10:30 AM

10/05/2016 10:30 AM

- The above-referenced matter came on for a settlement conference with Judge Jerry A. Wiese II, on Wednesday, October 05, 2016. The Plaintiff, Jasminka Dubric, was present with her daughter, Valentina Astalon, and her attorneys, Mark Bourassa, Esq., Trent Richards, Esq., and Hillary Ross, Esq. The Defendant, A Cab LLC, was present through its managing member, Orlington J. Nady, and was represented by Esther Rodriguez, Esq. Also present was Donna Sorelson with A Cab LLC, and Nicole Orms (CPA). The parties have agreed to a resolution and settlement of this case. The parties will stipulate and agree to class certification. Additional terms regarding the settlement, payment terms, payment to the class representative, class member distributions, etc., were agreed to as part of the settlement. The parties will work together in good faith to prepare any additional settlement documents. It is anticipated that once the class distributions have been finalized, counsel for the Plaintiffs will submit a motion for fees and costs. This matter is now referred back to the originating department, to await the filing of a proposed Stipulation and Order for Class Certification. The settlement agreement among and between the parties is subject to and contingent upon the Court's approval of the class certification, and all other terms of settlement.

[Return to Register of Actions](#)

EXHIBIT "H"

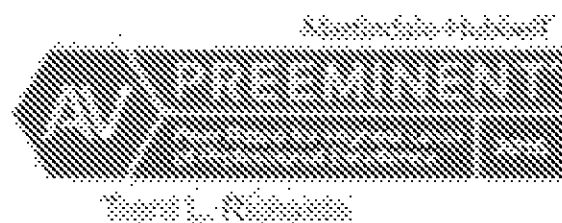
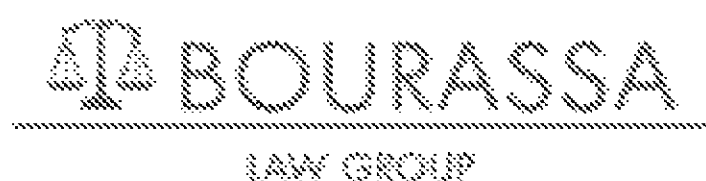
Subject: RE: Dubric v. A-Cab - It is imperative we speak MOST PROMPTLY
From: Trent Richards <trichards@blgwins.com>
Date: 10/14/2016 11:58 AM
To: Leon Greenberg <wagelaw@hotmail.com>, Mark Bourassa
<mbourassa@blgwins.com>, 'Dana Sniegocki' <dana@overtimelaw.com>

Mr. Greenberg,

As you are aware, this firm is pursuing a wage and hour claim against A-Cab on behalf of its former employees. This firm has vigorously prosecuted that claim on behalf of our client, and the putative class. This firm has pushed the defendant employer A-Cab to a settlement conference before a judge, at which time we were able to reach a settlement of the class claims from Ms. Dubric's complaint on a class wide basis with A-Cab.

Our office is in the process of preparing the appropriate paperwork to bring the necessary motions before the court regarding a settlement of the allegations in Ms. Dubric's complaint. You are certainly free to respond to those pleadings as you see appropriate.

Best regards,



Trent L. Richards
Attorney at Law

8888 Spring Mountain Road #101
Las Vegas, NV 89117
trichards@blgwins.com
Office: 702.861.2180
Facsimile: 702.861.2180
Direct: 702-789-7178

BEVERLY HILLS • DENVER • LAS VEGAS

BourassaLawGroup.com | 800.306.6032

From: Leon Greenberg [<mailto:wagelaw@hotmail.com>]
Sent: Wednesday, October 12, 2016 4:01 PM
To: Trent Richards <trichards@blgwins.com>; Mark Bourassa <mbourassa@blgwins.com>; 'Dana Sniegocki' <dana@overtimelaw.com>
Subject: Dubric v. A-Cab - It is imperative we speak MOST PROMPTLY

Counselors:

As Mr. Richards should recall, he and I had some cordial telephone and email communications about this. I called and tried to speak with him a few minutes ago but was unable to do so and left a message.

Today I located the attached minutes from the 10/5/16 court hearing. As Mr. Richards is aware, both from

the below email and order sent to him on 2/10/16 (attached again) and my communications with him prior to 2/10/16, there can be no class prosecution, much less settlement, of the class claims alleged as part of Ms. Dubric's complaint filed on 7/7/15 and as apparently contemplated in the 10/5/16 minutes. Those claims have already been certified for class action prosecution, and I have been appointed class counsel, in the *Murray* case, as I confirmed to you in my February 10, 2016 email which included the class certification order. That class certification order was also revised on 6/7/16, which I send to you now, but that did not materially change anything.

I write to you directly, without copying defendant's counsel or communicating with them in any fashion about this, in an attempt to cordially resolve this. But I expect to hear from you most promptly (this week) and for us to cooperatively resolve this or I will have to file an appropriate application with the Court to have the Court address this situation. Please do not compel such actions on my part. And please rest assured, I have no animus towards you, or your advocacy for your client. But what is apparently contemplated by the 10/5/16 minutes is not proper and perhaps is an outgrowth of some sort of lack of understanding on your part, which we should discuss and cooperatively resolve. And I say "apparently contemplated" because despite my difficulty in comprehending how what is intended to be done as per the 10/5/16 minutes can be proper, I remain open to hearing an explanation from you about that.

Thank you.

Accordingly, the references to the mini

----- Forwarded Message -----

Subject: Dubric v. A-Cab

Date: Wed, 10 Feb 2016 20:27:34 -0800

From: Leon Greenberg <wagelaw@outlook.com>

To: richards@boursassalawgroup.com

Attached is the Order entered on the class certification on the *Murray* case. Your client is expressly excluded from the class.

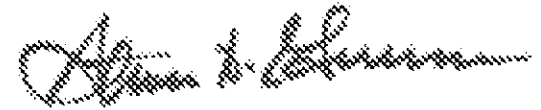
I remain very interested in speaking with your client as I believe she likely has helpful information about A-Cab's operations.

...

RE: Dubric v. A-Cab - It is imperative we speak MOST PROMPTLY

Leon Greenberg
Attorney at Law
2065 South Jones Boulevard #2-3
Las Vegas, Nevada 89146
(702) 383-6080
website: overtimelaw.com

EXHIBIT "D"



CLERK OF THE COURT

DCRR

LEON GREENBERG, ESQ.

Nevada Bar No.: 8094

DANA SNIEGOCKI, ESQ.

Nevada Bar No.: 11715

Leon Greenberg Professional Corporation

2965 South Jones Boulevard - Suite E-3

Las Vegas, Nevada 89146

(702) 383-6085

(702) 385-1827(fax)

leongreenberg@overtimelaw.com

dana@overtimelaw.com

Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY and
MICHAEL RENO, individually and
on behalf of all 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.: 1

**DISCOVERY COMMISSIONER'S
REPORT AND RECOMMENDATION**

Hearing Date: November 18, 2015

Hearing Time: 9:00 a.m.

Attorney for Plaintiff Dana Sniegocki, Esq. and Leon Greenberg, Esq. of

Leon Greenberg Professional Corporation

Attorney for Defendant: Esther Rodriguez, Esq. of Rodriguez Law Offices, P.C

I.
FINDINGS

1. This matter was heard before the Discovery Commissioner on Plaintiffs' Motion to Compel the Production of Documents, which was originally heard by the Court on March 18, 2015 and continued for a further hearing on November 18, 2015 and was heard on that date along with Plaintiffs' Motion to Extend the Discovery Schedule. This matter was also heard on a status check to advise the Court of the parties' progress on conducting Rule 30(b)(6) depositions, first recommended by the Discovery Commissioner at the May 20, 2015 status check, on information relevant to the plaintiffs' Motion to Compel Production of Documents.

2. Plaintiffs' motion to compel seeks the production of those portions of the electronic computer data records from defendants' Cab Manager software system which would assist at trial in determining the times that defendants' taxi drivers start and end their shifts, *as well as the location and activity of any given* ~~the defendants not otherwise maintaining any computerized time~~ *Cab Manager* ~~records on their taxi drivers' hours of work.~~ *Plaintiffs position is as follows:* Taxi drivers conduct certain activities at the start and end of their shifts which activities communicate information into the Cab Manager software. Those activities involve having the bar codes on their Taxicab Authority Identification cards and trip sheets scanned and uploading their taxi meter totals into the Cab Manager software system. The taxi drivers also deposit money into electronic drop safes at the end of their shifts and information about that activity

1 may also be communicated to the Cab Manager software. The trip sheets the taxi
2 drivers use also come with "start times" printed on them and those "start times" are
3 printed by the Cab Manager software. The times the defendants' taxi drivers
4 conducted the foregoing activities, and the printed "start times" on their trip sheets, if
5 preserved in the Cab Manager computer data records, are relevant and discoverable
6 information that should be produced. In addition, records showing that a particular
7 taxi cab was operated by a particular taxi driver on a particular day, along with the
8 attendant records, if any, of the times during such day such taxi cab was operated, and
9 placed into service and taken out of service, is relevant and discoverable information
10 that should be produced. *Based on the foregoing, &* Defendants are to produce the portion of the Cab Manager
11 computer data records containing the foregoing information for all of defendants'
12 taxicab drivers *and/or cabs &* from October 8, 2008 through the present. Additionally, plaintiffs'
13 request for electronic computer data records from defendants' Quickbooks software
14 system showing the wages paid (excluding tips actually received or credited as gross
15 income), shifts worked, and hours worked (or hours recorded for payroll purposes or
16 minimum wage compliance purposes as having been worked), of defendants' taxicab
17 drivers also seeks relevant information that can be produced and must be produced for
18 the time period of October 8, 2008 through the present.

25
26
27 3. Defendants have not complied with their obligation to respond to
28 *discovery requests timely and in accordance with WRCR 16.1.*
~~plaintiffs' discovery requests in an informed, good faith, and appropriate manner. The~~

defendants' principal, Creighton J. Nady, ^{told me} misrepresented to the Court at the March 18, 2015 hearing the difficulties defendants' faced in producing the information originally sought by plaintiffs in February 2015 and specifically that burdensome computer "code" would have to be written to produce such information. ^{This representation} ~~A conclusion that such~~ ^{was incorrect.} ~~misrepresentation was intentional is supported by the course of events in this case.~~ ~~Even if that misrepresentation was not intentional it was, by defendants' own admission, uninformed, not the product of appropriate due diligence, and without any actual basis in fact.~~ ^{me} Despite having a duty to do so, defendants never inquired with any knowledgeable person, which clearly should have been their computer consultant James Morgan, about what would be necessary to produce such information. Such ~~dereliction of their responsibility to cooperate with the discovery process, or their~~ ^{A previous} ~~affirmative misrepresentation, resulted in the need for plaintiffs' counsel to conduct a~~ Rule 34 inspection that was terminated early by defendants and ultimately resulted in ^{me} ~~the unnecessary~~ ^{the Discovery Commissioner recommending the Plaintiff take the} deposition of non-party James Morgan. The foundational information ^{to determine the necessity of the information in the} secured from James Morgan on the Cab Manager system during that deposition was always available to defendants. Defendants should have ^{been able to consult} ~~complied with their duty to~~ ^{me} inquire with James Morgan about producing the information sought by plaintiffs and taken appropriate action to produce such information. There was no need for the deposition of James Morgan.

1 4. Defendants' non-compliance with their obligation to respond to
2 plaintiffs' discovery request in an informed, ~~good faith~~ ^{and} appropriate manner, was
3 also manifested in the deposition held of defendants' principal, Creighton J. Nady as
4 an NRCP Rule 30(b)(6) witness. ~~That deposition was required for the same reason,~~
5 ~~defendants' failure to comply with their discovery obligations as specified in~~
6 ~~paragraph 3, supra, as the unnecessary deposition of James Morgan. Many or most of~~
7 ~~the NRCP Rule 30(b)(6) subjects inquired about at that deposition were unnecessary~~
8 ~~for the same reasons the James Morgan deposition was unnecessary.~~ In addition the
9 conduct of Mr. Nady at the deposition was highly inappropriate and inexcusable. He
10 was not a proper NRCP Rule 30(b)(6) deposition witness as he conceded he made no
11 attempt to inform himself as to certain noticed deposition topics, that he was not
12 informed about those topics, and indicated other personnel of the defendants, known
13 to him, had knowledge about those topics. He was abusive to examining counsel,
14 and ~~plaintiffs' position is that he was also~~ evasive and confrontational beyond any appropriate or allowable boundaries, and was
15 ~~uninformed as to several key areas which has not~~ ^{been} cautioned or counseled to curb his behavior by defendants' counsel. ^{yet been}
16 ~~Unfortunately, it does not appear~~ ^{based on a review of the record Mr. Nady was} ^{especially} ^{adversely}
17 ~~based on a review of the record Mr. Nady was~~ ^{adversely} ^{adversely} ^{adversely}
18 5. An extension of the discovery schedule, as requested by the plaintiffs, is
19 also warranted in light of the plaintiffs' motion to compel the production of
20 documents which has been pending for eight months and the resolution of which was
21 delayed by defendants. Accordingly, the discovery deadlines in this matter will be
22 extended as specified below.

II.

RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED that Plaintiffs' Motion to Compel the Production of Documents is GRANTED. The electronic computer data records from the Cab Manager software system recording the dates, times, and activities specified in paragraph 2 of the Findings shall be produced by defendants for each of their taxicab drivers, and taxi cabs, from October 8, 2008 through the present must be produced. Such information is to be produced in an Excel spreadsheet format or in an otherwise searchable electronic format and be produced to plaintiffs on or before December 31, 2015.

Defendants' counsel is instructed to work with Cab Manager personnel, including Jim Morgan who provided testimony in this matter regarding the Cab Manager software system and stated he had the ability to review the Cab Manager computer data records and segregate and produce the information, if it existed, specified in paragraph 2 of the Findings.

Difficulties in producing the Cab Manager information
~~Defendants' counsel should also communicate with plaintiffs' counsel should~~
as recommended may result in the Commission
~~any issues arise with the production of the records being compelled. As the testimony~~
~~of Morgan indicates that the entire Cab Manager database can be copied and produced,~~
The specifics of such production will be
~~in bulk without difficulty, should the portion of the data being compelled by this~~
~~Report and Recommendation be unable to be extracted and provided to the plaintiffs'~~
~~counsel, the Court will require the entire contents of the Cab Manager database to be~~

1 ~~turned over to plaintiffs' counsel who must then sort and extract the relevant~~
2 ~~information plaintiffs sought in their motion to compel.~~ Additionally, defendants
3
4 must also provide to plaintiffs' counsel, no later than December 31, 2015, electronic
5 computer data records in Excel spreadsheet or an otherwise searchable electronic
6 format from defendants' Quickbooks system as specified in paragraph 2 of the
7 Findings for the time period of October 8, 2008 through the present.

8
9 No other information contained within defendants' Quickbooks system, such as
10 defendants' internal business or accounts payable records, are being compelled in this
11 Report and Recommendation, provided that defendants produce the information as
12 specified in paragraph 2 of the Findings. If they fail to do so, or assert they cannot
13 extract such information, *Discovery Commissioned will likely require*
14 ~~the Court will require the parties to enter into a suitable~~

15
16 ~~protective order preserving the confidentiality of the Quickbooks database and~~
17 ~~for the Applicable time frame to be produced~~
18 ~~defendants shall turn over the entire contents of the Quickbooks database to plaintiffs'~~
19 ~~Subject to an appropriate protective order, the~~
20 ~~counsel who must then sort and extract the relevant information plaintiffs sought in~~
21 ~~their motion to compel~~ *Such time as it becomes necessary.*

22 IT IS FURTHER RECOMMENDED that based upon paragraph 3 of the
23 Findings defendants are ordered to pay the costs and fees of plaintiffs' counsel for
24 having to proceed with the unnecessary deposition of James Morgan on July 8, 2015.
25 The Discovery Commissioner has determined that plaintiffs' counsel must be
26 reimbursed \$638.95 for court reporter fees, plus \$400 per hour for plaintiffs' counsel's
27 time in connection with the Morgan deposition. The Discovery Commissioner is
28

1 satisfied that plaintiffs' counsel's time records showing 2.5 hours of preparation, 2.8
2 hours of attendance, and 1.2 hours for travel relating to the Morgan deposition are fair.

3 Accordingly, defendants are required to submit to plaintiffs' counsel, a check for
4 \$3,238.95 to cover the costs and fees associated with the Morgan deposition. *These*
5 *costs and fees will be due and owing within 30 days after this*

6 IT IS FURTHER RECOMMENDED that based upon paragraphs 3 and 4 of the *Report*
7 Findings the imposition of additional fees and costs upon defendants in connection *is signed by me*
8 with plaintiffs' motion to compel, including but not limited to the deposition of *Daniel Land*
9 Creighton J. Nady, be reserved for further consideration and recommendations by the *Judge*

10 Discovery Commissioner at the parties' next status check on January 13, 2016 *at*
11 *9:00 a.m. MT*

12 Finally, the discovery deadlines in this matter are extended as follows:

13 Close of Discovery: June 29, 2016

14 Deadline to Amend Pleadings and Add Parties: April 1, 2016

15 Deadline to Disclose Expert Reports: April 1, 2016

16 Deadline to Disclose Rebuttal Expert Reports: April 29, 2016

17 Dispositive Motion Deadline: July 29, 2015

18 *Further, the case will now be ready for trial on or after*
19 *The parties are further ordered to appear back before the Discovery* *9-12-15*
20 *and be current*

21 Commissioner on January 13, 2016 at 9:00 a.m. for a status check on compliance
22 with the foregoing. The parties may provide additional briefings to the Discovery
23 Commissioner regarding compliance with this Report and Recommendation no later
24 than January 8, 2016.

trial date
of 1-4-16 is
vacated.

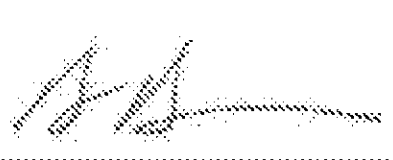
CASE NAME: *Murray et al. v. A Cab Taxi Service LLC, et al.*

Case No. A-12-669926-C

Hearing Date: November 18, 2015

The Discovery Commissioner, met with counsel for the parties, having discussed the issues noted above and having reviewed any materials proposed in support thereof, hereby submits the above recommendations.

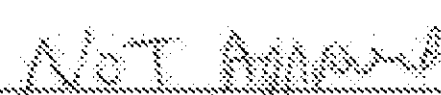
DATED: December 4, 2015.


DISCOVERY COMMISSIONER

Respectfully submitted:

Approved as to form and content:


LEON GREENBERG, ESQ.
DANA SNIEGOCKI, ESQ.
LEON GREENBERG
PROFESSIONAL
CORPORATION
2965 South Jones Blvd., #E4
Las Vegas, NV 89146
Tel (702) 383-6085
Fax (702) 385-1827
dana@overtimelaw.com
Attorney for Plaintiffs


ESTHER C. RODRIGUEZ, ESQ.
NV Bar 006473
RODRIGUEZ LAW OFFICES,
P.C.
10161 Park Run Drive,
Suite 150
Las Vegas, NV 89145
Tel: (702) 320-8400
Fax (702) 320-8401
info@rodriguezlaw.com
Attorney for Defendant

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

NOTICE

Pursuant to N.R.C.P. 16.1(d)(2), you are hereby notified you have five (5) days from the date you receive this document within which to file written objections.

[Pursuant to E.D.C.R. 2.34(f), an objection must be filed and served no more than five (5) days after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the Report in a folder of the party's lawyer in the Clerk's office. See E.D.C.R. 2.34(f).]

A copy of the foregoing Discovery Commissioner's Report was:

_____ Mailed to the parties at the following address on the _____ day of _____

X Placed in the folders of Plaintiff's/Defendant's counsel in the Clerk's Office on the 17 day of Dec.

STEVEN D. GRIERSON

By 
DEPUTY CLERK

CASE NAME: *Murray et al. v. A Cab Taxi Service LLC, et al.*
Case No. A-12-669926-C
Hearing Date: November 18, 2015

ORDER

The Court, having reviewed the above report and recommendations prepared by the Discovery Commissioner and,

_____ The parties having waived the right to object thereto,

_____ No timely objections having been received in the office of the Discovery Commissioner pursuant to E.D.C.R. 2.34(f),

~~X~~ Having received the objections thereto and the written arguments in support of said objections, and good cause appearing,

~~X~~ AND

~~X~~ IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted.

_____ IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted as modified in the following manner:

_____ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report and Recommendations is set for the _____ day of _____ 2015, at _____ a.m./p.m.

Dated this 29 day of Feb, 2015.


DISTRICT COURT JUDGE

CERTIFICATE OF MAILING

The undersigned certifies that on March 4, 2016, she served the
within:

Order on Discovery Commissioner's Report and Recommendation

by court electronic service to:

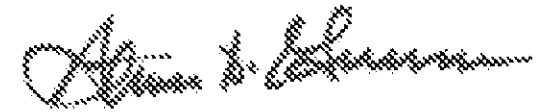
TO:

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 "E"



CLERK OF THE COURT

1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 MICHAEL MURRAY, ET AL.,

9 Plaintiffs,

10 vs.

11 A CAB TAXI SERVICE LLC, ET AL.,

12 Defendants.
13

}
} CASE NO. A669926
}

}
} DEPT. I
}

14
15 BEFORE THE HONORABLE BONNIE A. BULLA, DISCOVERY COMMISSIONER

16 WEDNESDAY, NOVEMBER 18, 2015

17 RECORDER'S TRANSCRIPT OF PROCEEDINGS

18 ALL PENDING MOTIONS

19 APPEARANCES:

20 For the Plaintiffs:

LEON GREENBERG, ESQ.,
DANA SNIEGOCKI, ESQ.

21 For the Defendants:

ESTHER C. RODRIGUEZ, ESQ.

22
23
24
25 RECORDED BY: FRANCESCA HAAK, COURT RECORDER

1 Las Vegas, Nevada - Wednesday, November 18, 2015, 9:03 a.m.

2 * * * * *

3 DISCOVERY COMMISSIONER: Murray.

4 MS. SNIEGOCKI: Good morning. Dana Sniegocki, for the Plaintiffs.

5 DISCOVERY COMMISSIONER: Good morning.

6 MR. GREENBERG: Good morning, Your Honor, Leon Greenberg, for the
7 Plaintiffs.

8 DISCOVERY COMMISSIONER: Good morning.

9 MS. RODRIGUEZ: Good morning, Your Honor, Esther Rodriguez, for the
10 Defendants.

11 DISCOVERY COMMISSIONER: Okay. So I know the attorneys know this,
12 but I just need to say it based on what I reviewed in this particular case, and that is as a
13 lawyer you do have responsibility for the client, and even though we can't always control
14 what other people do, we have to be able to control our client in deposition, and, Ms.
15 Rodriguez, you did not do that.

16 I don't know if I would have had more success. I'm not sure anyone in this
17 room would have had more success, but, unfortunately, what it did was it caused a problem
18 in the process, and I'm concerned about how this case ultimately gets prepared for trial.

19 I understand depositions are very difficult for lay people, and certain
20 personalities don't always work very well with this deposition process, but that's something
21 the lawyer has to be able to deal with.

22 It was inexcusable, what your client called Plaintiff's counsel during the
23 deposition, which I will not repeat in open court. Inexcusable, almost to the point where I'm
24 not sure he should be allowed to be a Defendant in the 8th Judicial District Court -- that's
25 how serious this is -- because I have no confidence in what he's -- how he's answering

1 questions. That's the problem. It's not just the very childish retort, even if Plaintiffs'
2 counsel brings that out in a deponent, which I read the deposition. I didn't think the
3 questions were inappropriate. I thought the answers were somewhat evasive, so I actually
4 would have done exactly what Plaintiffs' counsel did and reask the question or try to clarify
5 it. I have to say, at least from reading the transcript, I didn't see it, I didn't hear it, but it
6 sounded to me like Plaintiffs' counsel kept his temper in check and tried to just ask his
7 questions. Now, again, I'm reading a transcript. I'm not hearing the dynamics of the voices
8 or the tones or anything like that.

9 How are we going to effectively resolve this case? That's really the question I
10 have. And how do we do it in a way where the information can be exchanged and decisions
11 can be made regarding the wage loss claim that's been asserted in a meaningful manner. The
12 motion to extend the discovery deadlines I'm granting. I'm going to give you new deadlines
13 on phase 2 liability and damages, which I intended to do all along.

14 I read the opposition last night, Ms. Rodriguez, but it's, again, there's a
15 disconnect because the reason that we are delayed in the discovery is not because the
16 Plaintiffs haven't been prosecuting their case as we --- and I even agreed that some of the
17 discovery had to wait till after the class certification. I don't know if you've received your
18 order on that yet. I suspect you will soon. --- after the class certification ruling has been
19 made, and to see what discovery is left to do after class certification, in addition to which we
20 have been working at every hearing to get the wage support for the taxicab drivers from your
21 client. And I had ordered some depositions so that we could make a decision on how to pull
22 the information off the computer so that the Plaintiff could have that information.

23 And it turns out that it's not that big of a deal, with all due respect. And, as
24 Mr. Morgan explained, it's not a problem to pull the documents off the computer. You don't
25 need to write a special program for it. You don't need a special password.

1 And, Ms. Rodriguez, your client should be able to get that information off his
2 own computer, and I'm gonna require him to do that. Whether he needs Mr. Morgan's
3 assistance or not, I don't know, but that's your issue. You'll have to deal with that. But I
4 expect all the documents on the cab manager program to be turned over to the Plaintiff, and I
5 don't know how else to say that. I know that there are concerns about, you know,
6 employment and identification, but at some point I suspect we're gonna have to know who
7 all the taxicab drivers are and what they were paid.

8 So we didn't really need to take Mr. Morgan's deposition. We just needed the
9 Defendant to download the information or print it out from the computer.

10 MR. GREENBERG: Well, Your Honor, just to be clear, a printout is not what
11 we need here because it won't be able to be analyzed or used. The materials are kept in
12 electronic form, and under Rule 26 I am entitled to them in the same form they are stored in,
13 which is electronic data files.

14 There's essentially two ways to produce the information electronically, Your
15 Honor. We can either cooperatively extract particular portions of the information -- we're
16 interested in activity information, information that's gonna tell us the times and dates that
17 certain activities were undertaken --

18 DISCOVERY COMMISSIONER: Well --

19 MR. GREENBERG: -- by certain drivers.

20 DISCOVERY COMMISSIONER: -- now's not the time to be vague. What
21 activities are you specifically talking about --

22 MR. GREENBERG: Well, as --

23 DISCOVERY COMMISSIONER: -- because right now all I really think I
24 need to do is give you the documents that are on the cab manager program that pertain to this
25 particular Defendant.

1 MR. GREENBERG: Well --

2 DISCOVERY COMMISSIONER: That's what you need.

3 MR. GREENBERG: You mean particular Plaintiff perhaps, Your Honor.

4 DISCOVERY COMMISSIONER: Or, well --

5 MR. GREENBERG: Yes.

6 DISCOVERY COMMISSIONER: No.

7 MR. GREENBERG: Oh.

8 DISCOVERY COMMISSIONER: All the -- don't you want all the taxicab
9 driver information?

10 MR. GREENBERG: That is correct, Your Honor, and there's at least two time
11 intervals that may be recorded. There's one when they start a shift and a trip sheet is printed;
12 that's on Exhibit B of my supplement, that's at the top of the document. And there is also a
13 time when meter totals are set into the CAB Manager system at the conclusion of their shift,
14 okay?

15 DISCOVERY COMMISSIONER: So why can't we just print all those
16 documents out?

17 MR. GREENBERG: Well, Your Honor, printing them out in a static paper
18 form is not going to allow me to conduct any type of appropriate analysis as to what they
19 show.

20 DISCOVERY COMMISSIONER: What analysis do you need?

21 MR. GREENBERG: I need to know what the interval is between the first time
22 and the second time for hundreds of drivers, Your Honor, for --

23 DISCOVERY COMMISSIONER: I don't understand what you're talking
24 about.

25 MR. GREENBERG: Your Honor, the purpose of the production is to try to

1 determine the hours these drivers worked. Defendants did not keep records as to the hours
2 they worked.

3 DISCOVERY COMMISSIONER: But they enter them -- they enter that data
4 in the CAB Manager program.

5 MR. GREENBERG: It is our belief that the CAB Manager system will have
6 times recorded, when they started and stopped work, yes.

7 DISCOVERY COMMISSIONER: Right.

8 MR. GREENBERG: That is our hope, Your Honor, okay?

9 DISCOVERY COMMISSIONER: Well, that seems to be what Mr. Morgan
10 said.

11 MR. GREENBERG: Well --

12 MS. RODRIGUEZ: Respectfully, Your Honor --

13 MR. GREENBERG: -- to be --

14 MS. RODRIGUEZ: -- it does not.

15 MR. GREENBERG: -- to be perfectly honest, Your Honor, Mr. Morgan
16 wasn't sure, okay, but he said it may. So the point is we need to find out. And he said: I can
17 go look and find out. Okay? And we could have a cooperative process, Your Honor,
18 whereby we agree to have the materials reviewed and produced.

19 The alternative process, Your Honor, is just they produce everything. They
20 copy the hard drive, the bulk production so to speak, which Mr. Morgan said is easily done
21 as well.

22 Your Honor, in the normal case I would be very averse to getting the bulk
23 production because it is more burdensome for me, okay, and in other cases where I get
24 cooperation from Defendants we sit down and we cooperatively figure out, well, this is the
25 portion of the database we need. It's usually a very small portion of the information that's

1 actually in there, and we --

2 DISCOVERY COMMISSIONER: How can we describe that small portion?

3 MR. GREENBERG: It would be any record of times that taxi drivers or
4 taxicabs are reported as engaging in particular activities and particular dates. Okay.

5 DISCOVERY COMMISSIONER: I'm sorry. You'll need to speak louder.

6 Any records and times of taxicab --

7 MR. GREENBERG: Of taxicabs or taxi drivers engaging in particular
8 activities at particular times, okay, and the record of which drivers were operating which
9 taxicabs on --

10 DISCOVERY COMMISSIONER: When you say particular activities and
11 particular times, are you talking about particular cab fares or routes --

12 MR. GREENBERG: No, no, Your Honor. Particular -- the CAB Manager
13 system may record, for example, that cab number 1 went out at 7:00 in the morning.

14 DISCOVERY COMMISSIONER: Okay.

15 MR. GREENBERG: But perhaps it doesn't tell us a time for driver Smith
16 starting at 7:00 in the morning, but the CAB Manager system may tell us that Smith was
17 driving cab number 1 on that date.

18 DISCOVERY COMMISSIONER: Okay.

19 MR. GREENBERG: That's why I want to know which drivers are associated
20 with which cabs, and I want the time records for both the cabs and the drivers because they
21 may exist for the cabs but not the drivers, but I may be able to trace it to the driver through
22 the connection of the driver to the particular cab. They know which driver's driving which
23 cab in the system because they, obviously, they keep that information and follow purposes,
24 and so forth, Your Honor.

25 So that's what we're seeking, Your Honor. If the Court is inclined to direct

1 Defendants to cooperatively have the CAB Manager database reviewed and produce those
2 records in a computer data file format, it could be Excel, it could be CSV, it could be any
3 number, you know. There's any number of, you know --

4 DISCOVERY COMMISSIONER: I'd like to --

5 MR. GREENBERG: -- computer data form.

6 DISCOVERY COMMISSIONER: -- start there instead of doing a complete
7 copy of the hard drive because I think that that is going to be burdensome on you, and I
8 certainly think Mr. Morgan sounds like a very reasonable person, I mean from his
9 deposition. I don't know, you know, what -- I mean, he wants to protect his program. I
10 understand that. I want to protect his program. But the information that's contained therein,
11 that pertains to the issues in this case -- and I think the Court held it was a four-year statute
12 of limitations, right?

13 MR. GREENBERG: That is correct, Your Honor.

14 DISCOVERY COMMISSIONER: So we need to go back four years, and we
15 need -- and I can't remember the date. Is it going to be 2011? I can't --

16 MR. GREENBERG: Well, it would be actually 2008, Your Honor.

17 DISCOVERY COMMISSIONER: 2008.

18 MR. GREENBERG: And we need to move --

19 DISCOVERY COMMISSIONER: Okay.

20 MR. GREENBERG: -- forward as well because the class claims are
21 continuing through 2014.

22 DISCOVERY COMMISSIONER: I understand that. I'm just trying to figure
23 out the first start date. Can you give me the first start date in --

24 MR. GREENBERG: It would be October --

25 MS. SNIEGOCKI: Eleventh, I think.

1 MR. GREENBERG: -- 11, 2008. That -- okay.

2 DISCOVERY COMMISSIONER: I remember an 11.

3 MR. GREENBERG: Yeah.

4 DISCOVERY COMMISSIONER: I just couldn't -- okay. So October 11th,
5 2008, to the present time.

6 MR. GREENBERG: And, yes, just to note, Your Honor, Mr. Morgan told me
7 at the deposition he was very distressed at being called in to this dispute, and I do think he's
8 a reputable man who wants to do the right thing. I have confidence in his credibility and his
9 forthrightness.

10 Unfortunately, I don't have confidence in the Defendants, which is the reason
11 why I will just state for the record, Your Honor, I would actually prefer to have the mass data
12 production in this case, which is normally not my preference, simply because I don't believe
13 the Defendant's conduct --

14 DISCOVERY COMMISSIONER: I just think we open up too many areas,
15 and under the Schlatter decision, even though it's a personal injury case, I don't believe that
16 just because you're either involved in a lawsuit or you're bringing a lawsuit, it opens your
17 whole business or your own personal life up to everything, and it makes me a little bit
18 concerned about doing that.

19 But I will tell you this. If defense comes back and says there's nothing on
20 there, then I'm gonna make them turn over the hard drive.

21 MS. RODRIGUEZ: Your Honor, may I --

22 DISCOVERY COMMISSIONER: Because I don't believe it.

23 MS. RODRIGUEZ: May I respond to this?

24 DISCOVERY COMMISSIONER: Yes.

25 MS. RODRIGUEZ: Because this is the first time that Mr. Greenberg will

1 specify -- and I think it's only 'cause Your Honor is pressing him -- as to what he wants from
2 there because up until this point --

3 DISCOVERY COMMISSIONER: But Ms. --

4 MS. RODRIGUEZ: -- that's all he's wanted, is just to plug into the data.

5 DISCOVERY COMMISSIONER: But Ms. Rodriguez --

6 MS. RODRIGUEZ: And there's been no --

7 DISCOVERY COMMISSIONER: -- you should know what he wants. You're
8 defending the case. You know what the allegations are. You should have gone to your
9 client, told him to get that information on a disk or some type of electronic storage unit right
10 away.

11 MS. RODRIGUEZ: Respectfully, Your Honor, I am going to do my best, but I
12 don't know what Your Honor read in the deposition because --

13 DISCOVERY COMMISSIONER: I read the whole --

14 MS. RODRIGUEZ: -- I think it's --

15 DISCOVERY COMMISSIONER: -- deposition.

16 MS. RODRIGUEZ: I think it's gonna be very difficult to -- he's still a little
17 ambiguous about hours pertaining to all activities because I think -- I mean, I'm happy to do
18 that. I'm happy to give him a printout on that, if I can.

19 DISCOVERY COMMISSIONER: You need to --

20 MS. RODRIGUEZ: But it's not as --

21 DISCOVERY COMMISSIONER: -- download the information on either -- I
22 don't know -- a flash drive, a disk. What is your preference?

23 MR. GREENBERG: Your Honor --

24 MS. RODRIGUEZ: But he's never wanted that.

25 MR. GREENBERG: -- a portable --

1 DISCOVERY COMMISSIONER: Well, that's what we're gonna get. That's
2 where we're gonna start. And if there's nothing useful on that, then I'm gonna have you turn
3 over the hard drive.

4 Yes.

5 MR. GREENBERG: In terms of media, Your Honor, it's a question of the
6 size. What they call a thumb drive would be sufficient. I can give them one. It's \$50, and it
7 stores many gigabytes of data, portable hard drive. If they have mechanical issues, I'm
8 happy to cooperate with them on it. I don't think that should be an issue, Your Honor.

9 DISCOVERY COMMISSIONER: Okay.

10 MR. GREENBERG: I understand Your Honor's approach. I think it's
11 perfectly appropriate. I appreciate Your Honor taking the time to understand the issues here
12 in respect to this.

13 I would just bring a sort of parallel or same application to this other set of
14 electronic data.

15 DISCOVERY COMMISSIONER: The QuickBooks.

16 MR. GREENBERG: The QuickBooks records, which is essentially the same
17 thing, Your Honor. What Defendants have last advised me of is that, well, we don't have an
18 obligation to make a report from the QuickBooks, which, you know, think of the
19 QuickBooks as a file cabinet that contains lots of different stuff and there's a drawer that
20 says P-for-payroll, which is what I want, not the I drawer with invoices or whatever it is.

21 DISCOVERY COMMISSIONER: That is the best way I've heard that
22 described.

23 MR. GREENBERG: Well, yes, Your Honor.

24 DISCOVERY COMMISSIONER: Maybe you need to give a CLE on it.

25 MR. GREENBERG: Well --

1 DISCOVERY COMMISSIONER: That would be helpful --

2 MR. GREENBERG: Okay. Thank --

3 DISCOVERY COMMISSIONER: -- for the Commissioner.

4 MR. GREENBERG: Thank you, Your Honor. So in QuickBooks you don't --
5 it's not like a physical cabinet, so you don't go open drawer P and take out the payroll file
6 and say, here, copy this and give it to the other counsel. You have to run a report. That's the
7 interface in the QuickBook system --

8 MS. RODRIGUEZ: That's what I've offered to do.

9 MR. GREENBERG: -- to extract that information, Your Honor.

10 DISCOVERY COMMISSIONER: And why didn't you just do it? Why --

11 MS. RODRIGUEZ: Because he's not -- he doesn't want that. He wants to
12 plug in and get a copy of the complete QuickBooks file.

13 MR. GREENBERG: Your Honor --

14 MS. RODRIGUEZ: And I've offered that, and I'm happy to do that, Your
15 Honor.

16 DISCOVERY COMMISSIONER: Ms. Rodriguez, if you had done that up
17 front, and just taken care of business, and if they had continued to push you for everything,
18 then I would have granted your protective order. But you didn't even try to put the
19 information together, what you knew would be relevant, what you knew what would be
20 relevant. You didn't even try, and that's not acceptable to me.

21 MS. RODRIGUEZ: Well --

22 DISCOVERY COMMISSIONER: And then you oppose their motion to
23 extend the discovery deadlines saying they haven't done anything when you have been
24 before me multiple times, and I have instructed certain things to happen, which apparently
25 were unnecessary because the information was available to your client without having to

1 write some sort of special code to retrieve it. So it would probably behoove you today not to
2 push me on these issues because I'm really unhappy, and I'm really unhappy with your
3 client.

4 MS. RODRIGUEZ: Your Honor, I am not going to attempt to push you. I
5 understand your frustration, but please understand that I was just served with all of these
6 issues Monday afternoon. I didn't even know that this was --

7 DISCOVERY COMMISSIONER: No. That is --

8 MS. RODRIGUEZ: -- all -- a lot of these were gonna be --

9 DISCOVERY COMMISSIONER: -- incorrect because we have been talking
10 about these issues at every hearing we've had.

11 MS. RODRIGUEZ: Your Honor, again, the information, if there is anything
12 contained in these things, have nothing to do with the named Plaintiffs, and that is one issue
13 that I've continued to bring up before Judge Cory and that he made representations --

14 DISCOVERY COMMISSIONER: Well, I'm --

15 MS. RODRIGUEZ: -- that --

16 DISCOVERY COMMISSIONER: -- going to tell you I'm not concerned
17 about it. You're gonna give the data over today.

18 MS. RODRIGUEZ: Okay.

19 DISCOVERY COMMISSIONER: So here's what I'm gonna do. I'm gonna
20 grant the motion to compel. I am not going to require the Defendant to turn over his entire
21 hard drive, but I am going to require him to put on some sort of searchable drive, just thumb
22 drive, whatever is available, all the information that pertains to the cabs, and the cab drivers,
23 and the activities on any given day starting October 11th, 2008, to the present time. And I am
24 going to accept my -- at least Plaintiffs' understanding through the deposition, and from what
25 I could ascertain, that it's not that difficult to be able to download this information.

1 You don't need to turn over the entire hard drive, but the information that
2 pertains to the cabs and the cab drivers needs to be turned over. Now, I don't know if there's
3 a searchable -- if there's a way to do that on that program.

4 MR. GREENBERG: Your Honor, the data we're talking about, again, would
5 be produced in a generic data file format, which could include Excel or CSV, which is
6 another data file format, so it's not like a picture. It's not like a printed image. It's not like a
7 document per se. It's a form of data, computer data file production. I have that. I can give it
8 to a computer savvy person. They can then go in and do the analysis as to what the times
9 show, what the driver -- the identification --

10 DISCOVERY COMMISSIONER: But I need to give Ms. Rodriguez more
11 instruction on how to pull it off the CAB Manager. That's what I'm trying to figure out.
12 Because do we have daily entries? Do we plug in cab driver? Do we plug in the cab? I
13 mean, I need to be able to articulate how they're going to pull the data off the CAB Manager.

14 MR. GREENBERG: Well, Your Honor, we had a discussion with Mr. Morgan
15 actually back in March when this inspection was terminated, and Mr. Morgan was very clear
16 that, you know, he was competent and capable of extracting the relevant tables and portions
17 of the tables that would contain that information. I am --

18 DISCOVERY COMMISSIONER: So what we need to do, Ms. Rodriguez, is
19 have you work with Mr. Morgan with your particular Defendant, have him assist you all in
20 pulling that information off, and specifically the compensation for the drivers and the routes
21 that they were driving on any given day in question starting October 11, 2008, or where the
22 cab was I guess, you know, what cab was assigned to what route.

23 MR. GREENBERG: Well, right, Your Honor. The issue is not in the CAB
24 Manager system as an actual compensation paid to the drivers; that's in the QuickBooks
25 system.

1 But in the CAB Manager system it's a question of records of times that can be
2 associated with the drivers. For example, there's barcode scans that are conducted of the
3 drivers' trip sheets and their TA cards. If those times are recorded and preserved in the CAB
4 Manager system, it'll tell us when these guys were maybe working, okay?

5 DISCOVERY COMMISSIONER: Well, now, I wrote this down from the
6 deposition that Mr. Morgan said the CAB Manager software is designed to calculate
7 commission compensation for the drivers. That's what it's designed to do.

8 Now, I don't know if this particular defendant used it for that purpose. I just
9 don't know.

10 MR. GREENBERG: I understand, and, Your Honor, what they calculated
11 actually isn't relevant. It's what they paid them. What they paid them is in the QuickBooks
12 system. That's why -- I'm trying to make it easier, Your Honor --

13 DISCOVERY COMMISSIONER: Right.

14 MR. GREENBERG: -- and avoid extraneous material. So information
15 regarding the fares that were charged, or the commissions that were paid in the CAB
16 Manager system we don't need. We just need anything that records a time that can be
17 associated with the driver or to a taxicab and through the taxicab back to a driver. That's
18 what we need, Your Honor, so we can figure out what hours these people were working.
19 That's the whole purpose of this undertaking, Your Honor.

20 DISCOVERY COMMISSIONER: So, Ms. Rodriguez, if I were you, I would
21 work with Mr. Morgan. He seemed to understand. I think -- at least my recollection is when
22 I read the transcript -- he seemed to understand what he could -- what information could be
23 accessed. So let's take care of that with respect to the CAB Manager and have you produce
24 that information regarding the location of a cab or a cab driver on any given day in question
25 starting October 11, 2008, through the present time; that's number one.

1 And then on the QuickBooks you need to produce -- and, again, in an
2 electronic searchable format or at least an electronic format -- the payroll records.

3 MR. GREENBERG: Yes, Your Honor, and QuickBooks can directly export
4 information to Excel. That's a common function that QuickBooks is used for. So, again, in
5 an electronic file format.

6 There is one remaining issue of discovery here that I was consulting with
7 Defendants' counsel, which concerned Mr. Nady's testimony as to these four pay periods
8 that they went in and they actually reviewed their records and compiled statements for each
9 driver as to the hours worked. And his testimony in the deposition at page 238 is there's an
10 Excel with a line for each driver, which has the number of hours they worked as well as
11 other information -- compensation -- for the pay period. Those are the kind of records, Your
12 Honor, that would have complied with the statute which Defendants otherwise don't have,
13 okay?

14 I spoke with Defendants' counsel this morning. She says she's not aware that
15 this document exists. She does not believe necessarily that Mr. Nady's testimony in the
16 deposition was correct about that. I would like as part of the order for them to be required to
17 give some sort of declaration clarifying this. Either Mr. Nady's gonna have to say in a
18 declaration his testimony was wrong and what the reality is, or that we don't have this
19 anymore, and it was destroyed.

20 DISCOVERY COMMISSIONER: Well, it might have been a document too. I
21 couldn't tell, and, again, I did read it, but my memory's not perfect. I thought that there was
22 some information put together for the DOL, Department of Labor.

23 MS. RODRIGUEZ: There was.

24 DISCOVERY COMMISSIONER: So I'm wondering if that's what he was
25 referring --

1 MS. RODRIGUEZ: And that's what I --

2 DISCOVERY COMMISSIONER: -- to.

3 MS. RODRIGUEZ: Did you -- just to clarify, you got my opposition --

4 DISCOVERY COMMISSIONER: This morning.

5 MS. RODRIGUEZ: -- that I sent.

6 DISCOVERY COMMISSIONER: Right. I looked --

7 MS. RODRIGUEZ: Yeah.

8 DISCOVERY COMMISSIONER: -- at it this morning.

9 MS. RODRIGUEZ: Right. And I had less than 24 hours to get that to you, so
10 I apologize for giving it to you so late, but I was served on Monday afternoon with his --

11 DISCOVERY COMMISSIONER: I think I --

12 MS. RODRIGUEZ: -- 200 pages.

13 DISCOVERY COMMISSIONER: -- had every -- I think I had previously said
14 you all could supplement your briefs after, so.

15 MS. RODRIGUEZ: My understanding was that you asked for the depo
16 transcript, so I was quite surprised to receive this number of issues, including this one, which
17 I don't think is properly before you because he's just talked to me about it for the first --

18 DISCOVERY COMMISSIONER: Well --

19 MS. RODRIGUEZ: -- time today.

20 DISCOVERY COMMISSIONER: --- I want you to have --- you've had your
21 2.34 on it, so I think you need to follow up with your client on the issue.

22 MS. RODRIGUEZ: I'll be happy to, Your Honor.

23 DISCOVERY COMMISSIONER: And that's all I'm gonna require you to do
24 today, is just follow up with your client, try to determine, you know, if there is such a
25 document or if it was prepared for the Department of Labor investigation and he no longer

1 has it.

2 Who is the lawyer on that DOL investigation, do you know, for him, or was

3 He --

4 MS. RODRIGUEZ: Oh, I represented --

5 DISCOVERY COMMISSIONER: You were?

6 MS. RODRIGUEZ: -- Mr. Nady, yes.

7 DISCOVERY COMMISSIONER: Okay, so --

8 MS. RODRIGUEZ: And A Cab.

9 DISCOVERY COMMISSIONER: -- would you not have it in your file?

10 MS. RODRIGUEZ: I do not have that, no. I don't. What I have I gave Mr.
11 Greenberg, and I gave you a redacted copy just because it was used for settlement purposes
12 between the two of us.

13 DISCOVERY COMMISSIONER: Okay. So what I would recommend that
14 you do is follow up with your client. I'm gonna set you -- you're coming back in January, so
15 I won't do anything further with that. I'll let you have the opportunity to work with your
16 client, but I do want an answer. And with regard to the specific testimony he gave in his
17 deposition, you need to talk to him about that and clarify it, at least have a clarification for
18 me when you come back.

19 MS. RODRIGUEZ: Okay.

20 DISCOVERY COMMISSIONER: But I'm not gonna order anything today on
21 it, other than you need to follow up and --

22 MS. RODRIGUEZ: Sure.

23 DISCOVERY COMMISSIONER: -- and have an answer on it. And if that
24 document or those documents do exist, they need to be produced.

25 MR. GREENBERG: Your Honor, finally, there's a question of the cost for

1 these depositions that I was assessed as well as --

2 DISCOVERY COMMISSIONER: I'm going to address that --

3 MR. GREENBERG: Yes.

4 DISCOVERY COMMISSIONER: -- in a minute. I want to get through
5 everything else.

6 MR. GREENBERG: Yes, Your Honor.

7 DISCOVERY COMMISSIONER: I have a very large calendar today.

8 So the motion to compel is granted within the following parameters. The
9 relevant information will be pulled off of the CAB Manager program into a electronic format
10 that is usable and will be provided to Plaintiffs' counsel. Defendants' counsel is instructed to
11 work with Mr. Morgan so that you can be assured that the correct information is pulled off. I
12 think there's enough discussion of this in the deposition that you should be able to ascertain
13 what it is.

14 I'll have Plaintiffs' counsel prepare the Report and Recommendation, so
15 maybe you can set forth therein exactly what you're trying to have them pull off of the CAB
16 Manager. I know you articulated it better than I'm going to rearticulate it, so I'm not gonna
17 do that, but you need to put that in the Report and Recommendations.

18 Number two, with respect to the QuickBooks, the payroll records need to be
19 pulled off the QuickBooks and, again, put into electronic format. And the dates that were --
20 the date -- timeframe that we are talking about for both sets of data is October 11th, 2008, to
21 the present time, and that's the timeframe that we're looking at.

22 With respect to fees and costs --

23 MS. RODRIGUEZ: Your Honor, may I be heard on that because I didn't have
24 an opportunity to speak, and I'll be very brief, but I just want you to understand as you
25 acknowledge that a lot of this is not captured in the transcript, but Mr. Greenberg has made

1 this whole process extremely antagonistic with my client. He has personally told him that he
2 intends to bankrupt him, and he's made -- he's the one that's made this personal, so that was
3 a --

4 DISCOVERY COMMISSIONER: But that wasn't --

5 MS. RODRIGUEZ: -- very --

6 DISCOVERY COMMISSIONER: -- on the record.

7 MS. RODRIGUEZ: No, I understand that, Your Honor.

8 DISCOVERY COMMISSIONER: What was on the record was --

9 MS. RODRIGUEZ: I don't think he'll deny saying that to him, and, as Your
10 Honor knows, we -- this is following a site inspection that went very badly, that these two --
11 and you asked --

12 DISCOVERY COMMISSIONER: But it didn't even have to happen, Ms.
13 Rodriguez, that's the point. We didn't have to go there because the information could have
14 been pulled off of the CAB Manager system .

15 MS. RODRIGUEZ: Not --

16 DISCOVERY COMMISSIONER: And that is your responsibility.

17 MS. RODRIGUEZ: Not how he wants it, and that's what I've --

18 DISCOVERY COMMISSIONER: But you're not listening. It doesn't matter
19 how he wants it. It matters how you can pull off the information that is clearly relevant to
20 this lawsuit under 16.1 and provide it. You do your part. You pull off everything that's
21 relevant. They don't like how it's presented to them, they can bring a motion, and you can
22 bring a motion for a protective order saying to me we have given them all this information
23 from CAB Manager, from QuickBooks. This is all we can do. This is the format we can do
24 it in.

25 But to do nothing is not an option, and that's what you have done to date, is

1 zero --

2 MS. RODRIGUEZ: Well, that's not --

3 DISCOVERY COMMISSIONER: -- in terms of pulling off the documents
4 that are on the CAB Manager and the QuickBooks. You've given them things that you think
5 satisfy, but when it comes to discussing the electronic information that's relevant, that's
6 stored on those programs, with all due respect, unless you've produced something that I'm
7 unaware of.

8 MS. RODRIGUEZ: Your Honor, I've produced 1,800 pages to them, and the
9 first time we were in here you --

10 DISCOVERY COMMISSIONER: But it -- was it --

11 MS. RODRIGUEZ: -- indicated that I was --

12 DISCOVERY COMMISSIONER: -- from the CAB Manager program? Was
13 it from the QuickBooks program?

14 MS. RODRIGUEZ: It's the same thing that is contained in both of those
15 programs.

16 DISCOVERY COMMISSIONER: Well, we're gonna find out if that's --
17 we're gonna find out.

18 MS. RODRIGUEZ: And Your Honor acknowledged that. You told Ms.
19 Sniegocki she'd -- I don't have to give it to them in the format that they prefer as long as I'm
20 giving it to them, and I did give that to them.

21 DISCOVERY COMMISSIONER: But, see, here's the problem. There's a
22 disconnect for me between what you've given them in the past, which, you know, you've
23 given them the -- oh, what do they call it?

24 MS. RODRIGUEZ: The trip sheets, the paystubs.

25 DISCOVERY COMMISSIONER: The trip sheets, right.

1 MS. RODRIGUEZ: All payroll records.

2 DISCOVERY COMMISSIONER: But what's on the electronic record?

3 MS. RODRIGUEZ: The paystubs, the trip sheets, the same things.

4 DISCOVERY COMMISSIONER: Well, then why didn't you just hand it
5 over? I mean --

6 MS. RODRIGUEZ: I did hand it over, Your Honor.

7 DISCOVERY COMMISSIONER: Okay. You know what? I -- my concern
8 right now is that, based on everything that has gone on, I don't know if what's on that
9 electronic -- in those electronic programs are going to comport with what is --

10 MS. RODRIGUEZ: And I think you'll be satisfied that it will.

11 DISCOVERY COMMISSIONER: Okay. Let's find that out.

12 MS. RODRIGUEZ: I'm happy to put it on a thumb drive for them.

13 DISCOVERY COMMISSIONER: Okay.

14 MS. RODRIGUEZ: And I'm happy to demonstrate to Your Honor --

15 DISCOVERY COMMISSIONER: Perfect.

16 MS. RODRIGUEZ: -- that they're one in the same.

17 DISCOVERY COMMISSIONER: Perfect. So in light of that, what I am
18 going to do today in terms of fees and costs is this. This is the only thing I'm willing to do
19 today. Everything else I'm going to have to defer until the time that I actually have the
20 opportunity to see if it's the same thing or not, okay? I am going to do that.

21 MS. RODRIGUEZ: Thank you.

22 DISCOVERY COMMISSIONER: And if it is the same thing, and there's no
23 discrepancies, then we may just call it a day. That doesn't necessarily mean that I'm not
24 gonna deal with the bad behavior of the Defendant driver at deposition -- or the Defendant
25 owner at deposition. I just haven't quite figured out how I'm gonna deal with that yet.

1 MR. GREENBERG: Your Honor spent a lot of time with us. If you're gonna
2 defer that issue, which is what it sounds like you're going to do, I understand. Let me not
3 waste your time pressing it with you right now. I would just point out that the representation
4 other things, that the stuff's been produced on paper, could only be true in terms of some
5 printed pay stubs from the QuickBooks system. Nothing from the CAB Manager system has
6 been produced, Your Honor, just copies of trip sheets. We don't have any data from --

7 DISCOVERY COMMISSIONER: Right.

8 MR. GREENBERG: -- CAB Manager.

9 DISCOVERY COMMISSIONER: And the data or -- that's on the CAB
10 Manager system may be consistent with everything else. I just don't know that because I
11 haven't seen it.

12 MR. GREENBERG: Yes.

13 DISCOVERY COMMISSIONER: This is the one thing I am willing to
14 reimburse you on though today, and that is for Mr. Morgan's deposition, because I don't
15 think it was necessary or at least if it -- it may have been necessary, but it did confirm that
16 we don't need a special code, which was represented by Defendant we don't have to write a
17 special program, we can pull the information off, and it would have been a lot more efficient
18 to do that than to go through this entire process.

19 However, I do think that you did receive some information that's helpful from
20 the deposition, so I don't think it was all a worthless process. But I calculated, with the rate
21 of -- your rate, Mr. Greenberg. I took the 2.8 hours of attendance, the 2.5 of prep, and the
22 1.2 of travel into account, and -- I'm trying to think -- I came up with a number though that
23 doesn't match that. I came up with a number of \$638.95, and that's not --

24 MR. GREENBERG: That is the court reporter amount, 638.95, is for the court
25 reporter.

1 DISCOVERY COMMISSIONER: That's the court reporter amount? Okay.
2 So that amount of money, the court reporter, for the transcript, plus -- and I did not do the
3 math, and I think it was, Mr. Greenberg, it was you who took the deposition, prepared for it,
4 attended it, travelled to it. That's all I'm going to do.

5 MR. GREENBERG: Yes, Your Honor. The question is are we going to --- are
6 you going to assess a specific amount in respect to that --

7 DISCOVERY COMMISSIONER: Well --

8 MR. GREENBERG: -- time expenditure?

9 DISCOVERY COMMISSIONER: -- I've got -- I guess I need to do the math.

10 MR. GREENBERG: Or at least give us a formula and we'll put it in --

11 DISCOVERY COMMISSIONER: It's \$400 an hour for you.

12 MR. GREENBERG: Yes, Your Honor.

13 DISCOVERY COMMISSIONER: And I'm accepting your 2.8 hours for
14 attending the deposition, 2.5 for the prep, and 1.2 for the travel, and if you could do the math,
15 I would appreciate it.

16 MR. GREENBERG: Okay. I will put that ---

17 DISCOVERY COMMISSIONER: \$400 and hour.

18 MR. GREENBERG: That is how it will be calculated and put into the order. I
19 will specify --

20 DISCOVERY COMMISSIONER: And then I'll reimburse you for your
21 transcript.

22 MR. GREENBERG: Yes, Your Honor.

23 DISCOVERY COMMISSIONER: The 638.95.

24 MR. GREENBERG: That will all be itemized specifically with the formula --

25 DISCOVERY COMMISSIONER: Okay.

1 MR. GREENBERG: -- in the recommendation, Your Honor.

2 DISCOVERY COMMISSIONER: That's all I'm willing to do today. And I
3 think that's fair because I think this could have been avoided had discussions between the
4 Defendant and Mr. Morgan occurred, and Mr. Morgan could have pulled off everything that
5 was relevant to this case.

6 Now, if it turns out there's absolutely nothing on that CAB Manager program,
7 it doesn't change, you know, my decision because then it was a worthless deposition, I mean,
8 if there's nothing on it. But I think this could have been avoided with some effort by the
9 Defendant working with Mr. Morgan.

10 All right. So that's what I'm willing to do today, not going to assess any other
11 fees or costs. I'm still -- have under advisement how I'm going to handle the Defendant
12 driver's conduct at deposition and the fact that apparently it was not finished, although we
13 went over seven hours, so I'm not sure I'm willing to continue it, but I'm going to have to
14 figure that out. And I also want it to be a meaningful process, and I'm concerned that it's
15 going to turn into -- it may be that I have to attend that deposition when we finish it up. I'm
16 not sure yet. I'm still thinking. I apologize for that, but I'm -- I have to think it through a
17 little bit more. My plan is to bring you all back January 6, 2016, at 9 a.m.

18 Now, I do have to grant your motion to extend the discovery deadline since
19 currently that date is after your current trial date. I am granting that motion; it was always
20 my intention to do that. I was hoping we'd have the class certification issue resolved. I think
21 we will in short order. But my plan was always to extend the phase 2 liability and damages
22 discovery, so that's what I'm going to do today, or at least that's kind of how I characterized
23 it because I think the class certification issue's already fully discovered in to the Judge,
24 right?

25 MR. GREENBERG: Well, Your Honor, Judge Cory actually noted this for

1 last Monday for chambers decision on that. We haven't seen it as yet.

2 DISCOVERY COMMISSIONER: Right.

3 MR. GREENBERG: So we don't a hundred percent know if he's going to
4 approve of the class certification.

5 DISCOVERY COMMISSIONER: Yeah.

6 MR. GREENBERG: If he believes an additional record needs to be presented
7 to him, then presumably we would need to discover more on that. But the overlap between
8 the class discovery and the certification and, as you said, liability and damages of phase 2 is
9 very substantial, so I'm not sure that there's really sort of a wall between these two, Your
10 Honor.

11 In terms of extending the schedule, we also have Mr. Nady now as a personal
12 Defendant, which raises some additional issues in the case. He's gonna have to give a
13 further deposition just on that, Your Honor. So I would --

14 DISCOVERY COMMISSIONER: Well, we'll see. I'm sure there was a lot of
15 overlap.

16 MS. RODRIGUEZ: Absolutely. I mean, Your Honor ordered a PMK depo
17 pertaining to payroll records, and --

18 DISCOVERY COMMISSIONER: 30(b)(6).

19 MS. RODRIGUEZ: -- and -- a 30(b)(6). And, as you can see, there were 23
20 other categories, and then Mr. Greenberg asked things way outside the scope, and that was
21 one of the reasons the depo went seven hours, so --

22 DISCOVERY COMMISSIONER: But I didn't --

23 MS. RODRIGUEZ: -- he's already asked him all of those.

24 DISCOVERY COMMISSIONER: But I didn't really -- all I can say -- and
25 you all know your case much better than I do, but I'm reading the transcript, and I didn't see

1 where the questioning was inappropriate or way off base. I just didn't see it. I thought there
2 was a logical flow to it. But the issue is what do we need to do to complete the deposition of
3 the Defendant owner, if anything, and how we're gonna do it, so I may have to be present.

4 MS. RODRIGUEZ: And, Your Honor, following that timeframe, as you
5 know, there were five additional depositions taken by Mr. Greenberg where he showed up
6 with his camcorder in the witness's face, and you ordered that he was supposed to produce
7 copies of those videos to me. I've asked for 'em twice already, and he has not turned over
8 those videos.

9 MR. GREENBERG: I apologize. They can definitely have copies of the
10 videos.

11 DISCOVERY COMMISSIONER: Will you just please take care of that.

12 MR. GREENBERG: Absolutely, Your Honor. My apologies for the delay.

13 DISCOVERY COMMISSIONER: I'm going to give everybody till the end of
14 the year, which is December 31st of 2015 to provide the information from the CAB Manager
15 program, QuickBooks, and for you to get those videos over to --

16 MR. GREENBERG: Absolutely, Your Honor.

17 DISCOVERY COMMISSIONER: -- the Defendant.

18 MR. GREENBERG: I'll have my staff work on it this week.

19 DISCOVERY COMMISSIONER: Okay. So the motion to compel is granted
20 within the parameters. I did award certain fees and costs for Mr. Morgan's deposition. I am
21 deferring any additional fees and costs or other types of Rule 37 sanctions until January. I
22 want to see what the compliance is and what those documents show that we need to take a
23 look at. And you don't have to produce a copy to me, but I do expect, Mr. Greenberg, when
24 you come back to see me in January that you tell me if they're consistent with what you were
25 previously given.

1 MR. GREENBERG: Yes, Your Honor. I certainly, in respect to the
2 QuickBooks --

3 DISCOVERY COMMISSIONER: Maybe January 6 is too soon. Maybe we
4 need a little more time. Want to come back and see me January 13th? It's a Wednesday, not
5 a Friday.

6 MR. GREENBERG: That would be fine, Your Honor. And just to state for
7 the record, the only thing that would be consistent would be the QuickBooks information
8 with the printed payroll.

9 DISCOVERY COMMISSIONER: And you did explain that to me before.

10 MR. GREENBERG: Thank you, Your Honor.

11 DISCOVERY COMMISSIONER: I just don't know if what's on the CAB
12 Manager is going to be very enlightening. We'll have to find out.

13 MR. GREENBERG: Your Honor, I don't know either.

14 DISCOVERY COMMISSIONER: Well, it may not be, so we'll find out.

15 MR. GREENBERG: I appreciate Your Honor's patience with us.

16 DISCOVERY COMMISSIONER: All right. So motion to compel is granted
17 within those parameters. Plaintiffs' counsel is going to prepare my Report and
18 Recommendation. Motion to extend discovery is also granted. I'm vacating the 1/4/16 trial
19 date. I am going to give you your other deadlines. I would like to place this case on the June
20 27th, 2016, trial stack. So, in light of that, you know, my only concern now is that if you
21 don't get that information till the 30th, you're gonna need at least 30 days to get your expert
22 reports done I would think.

23 MR. GREENBERG: That's correct, Your Honor, and in terms of a June trial
24 date, I mean, assuming Judge Cory relatively soon grants certification, there's gonna have to
25 be a notice procedure to the class. That's gonna take some time, and as you were pointing

1 out, we would need to finish up the classwide discovery.

2 DISCOVERY COMMISSIONER: Okay.

3 MR. GREENBERG: Presumably there would be use for experts.

4 DISCOVERY COMMISSIONER: So what --

5 MR. GREENBERG: I think June --

6 DISCOVERY COMMISSIONER: What are you suggesting then because your
7 dates won't work.

8 MR. GREENBERG: Yeah. I think a June trial target is a little ambitious,
9 Your Honor. I would suggest something more around August or September would be more
10 sort of --

11 DISCOVERY COMMISSIONER: Probably won't be till October.

12 MR. GREENBERG: Well, then October. I mean, that's heavily --

13 DISCOVERY COMMISSIONER: Okay. So --

14 MR. GREENBERG: -- realistic.

15 DISCOVERY COMMISSIONER: -- when do you think you can reasonably
16 disclose your experts?

17 MR. GREENBERG: I would ask to have an expert disclosure deadline in
18 April, if possible, Your Honor. I think that would be more realistic, given what we're
19 dealing with here, the end of April, and then we would wrap up all of our discovery a couple
20 months thereafter I guess would be the idea.

21 DISCOVERY COMMISSIONER: I need you to work harder than the end of
22 April, and I know you've been working hard, but I need you to move it quicker --

23 MR. GREENBERG: Well --

24 DISCOVERY COMMISSIONER: -- than the end of April.

25 MR. GREENBERG: -- if Your Honor wants to move -- make that March, then

1 you can make it March. I just think, as you were saying, I mean, if I'm gonna be looking to
2 be getting --

3 DISCOVERY COMMISSIONER: How about April 1st?

4 MR. GREENBERG: Your Honor, I will do my best. I promise. I appreciate
5 Your Honor recognizing I have been working hard here.

6 DISCOVERY COMMISSIONER: And I'm not saying Ms. Rodriguez hasn't
7 been working hard.

8 MS. RODRIGUEZ: Thank you, Your Honor.

9 DISCOVERY COMMISSIONER: I think the problem is -- well, I think I
10 know what the problem is, but you're gonna have to work on it. Okay?

11 MR. GREENBERG: Would Your Honor be helped perhaps by briefs
12 submitted prior to the 13th of January?

13 DISCOVERY COMMISSIONER: No. I'm gonna give you dates right now.

14 MR. GREENBERG: Oh, okay.

15 DISCOVERY COMMISSIONER: Because we just cannot -- we cannot drag
16 this out any longer. This is a very, very old case.

17 MR. GREENBERG: Well, Your Honor, there was a stay in the case for about
18 six or nine months, so --

19 DISCOVERY COMMISSIONER: Well, that's --

20 MR. GREENBERG: -- the 41E time has been extended on that basis.

21 DISCOVERY COMMISSIONER: That doesn't --

22 MR. GREENBERG: It still is an old case, Your Honor. I appreciate that. My
23 question was just in respect to the status conference of January 13th, whether the Court will
24 be open or would want some formal report from the parties or briefs from the parties in
25 advance of the status conference.

1 MS. RODRIGUEZ: I would request not because you see what happened with
2 this one -- he turned in 200 pages.

3 DISCOVERY COMMISSIONER: I'm going to give you dates. Motion to
4 extend the discovery is granted. Your close of discovery is June 29th of 2016; last day to
5 amend pleadings, add parties, initial expert disclosure date is April 1st of 2016; your rebuttal
6 deadline is April 29th of 2016; and your dispositive motion deadline is July 29th of 2016. The
7 case will now be ready for trial September 12th of 2016. We'll see when you can get back
8 on --

9 MR. GREENBERG: Yes, Your Honor.

10 DISCOVERY COMMISSIONER: -- your trial setting, and I'll let the Judge
11 know.

12 MR. GREENBERG: Thank you, Your Honor. I am sorry to keep pestering
13 the Court. Again though in respect to the status conference on January 13th, would the Court
14 welcome or allow some status report or supplemental brief?

15 DISCOVERY COMMISSIONER: I will say this.

16 MR. GREENBERG: Yes.

17 DISCOVERY COMMISSIONER: If either side wants to provide me with
18 some additional information, i.e. there's nothing different on the QuickBooks than what we
19 previously provided, or the CAB Manager program doesn't show anything insightful,
20 however you want to, you know, supplement your -- the information is fine.

21 I don't need one to do it first and then somebody to respond. You can do it
22 simultaneously. Just make sure I get it by January 8th, 2016.

23 MR. GREENBERG: Yes, Your Honor.

24 DISCOVERY COMMISSIONER: I need my Report and Recommendation in
25 ten days. Make sure Ms. Rodriguez approves as to form and content. The status check for

1 that will be?

2 THE CLERK: January 8th, 11 a.m.

3 DISCOVERY COMMISSIONER: Let's not be here for that.

4 MR. GREENBERG: We won't. Thank you, Your Honor.

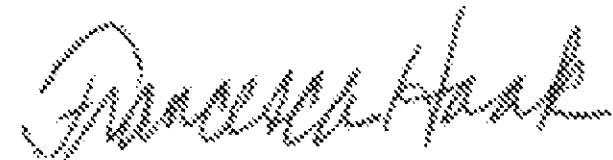
5 MS. RODRIGUEZ: All right. Thank you.

6 DISCOVERY COMMISSIONER: Thank you.

7 [Proceeding concluded at 9:47 a.m.]

8 * * *

9 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
10 video recording of this proceeding in the above-entitled case.

11 

12 _____
13 FRANCESCA HAAK
14 Court Recorder/Transcriber
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT "F"

1 DISTRICT COURT
2 CLARK COUNTY, NEVADA
3
4 MICHAEL MURRAY, and MICHAEL)
5 RENO, individually and on)
6 behalf of others similarly)
7 situated,) CASE NO: A-12-669929-C
8 Plaintiffs,) DEPT NO: I
9 vs.)
10 A CAB TAXI SERVICE LLC, and)
11 A CAB, LLC,)
12 Defendants.)
13
14 DEPOSITION OF CREIGHTON NADY
15 LAS VEGAS, NEVADA
16 TUESDAY, AUGUST 18, 2015
17
18
19
20
21
22
23
24 REPORTED BY: BRITTANY J. CASTREJON, CCR NO. 926
25 JOB NO.: 261171

1 DEPOSITION OF CREIGHTON NADY, held at Litigation
2 Services, located at 3770 Howard Hughes Parkway, Suite
3 300, Las Vegas, Nevada, on Tuesday, August 18, 2015, at
4 11:13 a.m., before Brittany J. Castrejon, Certified
5 Court Reporter, in and for the State of Nevada.

6

7

8 APPEARANCES:

9 FOR THE PLAINTIFFS:

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

LEON GREENBERG PROFESSIONAL
CORPORATION
BY: LEON GREENBERG, ESQ.
DANA SNIEGOCKI, ESQ.
2965 South Jones Boulevard
Suite E3
Las Vegas, Nevada 89146
702-383-6085
leongreenberg@overtimelaw.com
dana@overtimelaw.com

FOR THE DEFENDANTS:

RODRIGUEZ LAW OFFICES, P.C.
BY: ESTHER RODRIGUEZ, ESQ.
10161 Park Run Drive
Suite 150
Las Vegas, Nevada 89145
702-320-8401
info@rodriguezlaw.com

1 I N D E X

2 WITNESS: CREIGHTON NADY

3 EXAMINATION

PAGE

4 By Mr. Greenberg

4

5

6

7

8

E X H I B I T S

9 NUMBER DESCRIPTION

PAGE

10 EXHIBIT 1 Payroll Detail Report 126

11 EXHIBIT 2 Payroll Detail Report 143

12 EXHIBIT 3 SARGEANT 2-3 147

13 EXHIBIT 4 Employee Handbook 157

14 EXHIBIT 5 Collection of Receipts 184

15 EXHIBIT 6 Narrative Documents 245

16 EXHIBIT 7 Transcript of Proceedings 253

17

18

19

20

21

22

23

24

25

1 Las Vegas, Nevada; Tuesday, August 18, 2015

2 11:13 a.m.

3 -oCo-

4 Whereupon --

5 (In an off-the-record discussion held prior
6 to the commencement of the proceedings,
7 counsel agreed to waive the court reporter's
8 requirements under Rule 30(b)(4) of the
9 Nevada Rules of Civil Procedure.)

10 CREIGHTON NADY,

11 having been first duly sworn by the court reporter to
12 testify to the truth, the whole truth, and nothing but
13 the truth, was examined and testified under oath as
14 follows:

15 EXAMINATION

16 BY MR. GREENBERG:

17 Q. Please state your name for the record.

18 A. For the record my name is Creighton J. Nady.

19 Q. Mr. Nady, I'm going to ask you certain questions
20 today. I would request that you please answer all of my
21 questions verbally, not with a motion, nod of the head,
22 anything of that sort.

23 Do you understand?

24 A. I understand. I will try.

25 Q. And if you don't understand a question, please

1 let me know, and I'll do my best to explain the question 11:13:48
2 to you. 11:13:52

3 Do you understand that? 11:13:53

4 A. I understand. 11:13:54

5 Q. Are you under the influence of anything such as 11:13:57
6 medication, drugs, anything else that would impair your 11:14:00
7 memory or your ability to give -- fully answer -- excuse 11:14:04
8 me -- accurate answers to my questions today? 11:14:10

9 A. Not knowingly. 11:14:14

10 Q. Where do you reside, Mr. Nady? 11:14:16

11 A. I reside at my home at 3730 Pama Lane. 11:14:18

12 Q. Do you reside with anyone at that address? 11:14:22

13 A. Yes, I do. 11:14:30

14 Q. Who would that be? 11:14:31

15 A. My first wife. 11:14:32

16 Q. Have you ever given a deposition previously, Mr. 11:14:37
17 Nady? 11:14:41

18 A. I believe I have. 11:14:42

19 Q. Could you tell me when that was? 11:14:45

20 A. I don't recall. 11:14:47

21 Q. Can you tell me what that was in connection with? 11:14:47

22 A. I don't recall that either. 11:14:50

23 Q. Was it in connection with a business matter? 11:14:50

24 A. I would assume, but I don't know. I don't recall 11:15:00
25 I said. 11:15:03

1 Q. Did you ever give testimony in a court
2 proceeding?

3 A. I don't believe so.

4 Q. Have you ever given testimony in an
5 administrative proceeding? By administrative proceeding
6 I mean, testimony before a government agency where you
7 were sworn to tell the truth, but that wouldn't actually
8 be in a courtroom with a courtroom judge or a jury or
9 anything like that?

10 A. Yes.

11 Q. Could you tell me when that was?

12 A. 1970 and 1971. 2000 and 2001.

13 Q. Was that just in one proceeding?

14 A. Yes.

15 Q. And what was that proceeding about?

16 A. Application for the State of Nevada for a taxi
17 cab license.

18 Q. Besides that administrative proceeding you just
19 mentioned, have you ever given testimony in any other
20 administrative proceeding?

21 A. I'm not sure, but I was on the athletic
22 commission, and I gave testimony there in 1986, '87,
23 '88, State of Nevada Athletic Commission.

24 Q. And what was the reason for you giving that
25 testimony?

1 A. I don't recall.

2 Q. Besides those two experiences you've just recited
3 to me, are there any other times where you've given
4 testimony in an administrative proceeding you can
5 recall?

6 MS. RODRIGUEZ: I'm going to object to the
7 line of questioning, Mr. Greenberg, because Mr. Nady is
8 being produced this morning in response to your notice
9 of deposition which has specific categories. And I
10 understand you have to get some background for him, but
11 I don't -- I mean, unless you're addressing one of the
12 categories, I think your line of questioning is
13 improper.

14 MR. GREENBERG: Your objection is noted.
15 Can you please answer the question, Mr. Nady?

16 THE WITNESS: I don't remember any.

17 BY MR. GREENBERG:

18 Q. Did you do anything to prepare for your testimony
19 today, Mr. Nady?

20 A. I had breakfast and I had a bagel.

21 Q. Did you review any documents to prepare for your
22 testimony today?

23 A. No, not one.

24 Q. Did you discuss anything with anyone in
25 preparation for your testimony today?

1 A. Not a soul. I did not discuss it with anybody.

2 Q. Do you understand that you're being produced to
3 give testimony today in respect to certain specific
4 things involving Defendants A Cab Taxi Service, LLC, and
5 A Cab, LLC?

6 A. Are you going to be more specific about what
7 specific things?

8 Q. Well, we will get to that, Mr. Nady. My question
9 is just you understand you have been designated as a
10 person to answer questions on behalf of those two
11 corporations.

12 Do you understand that?

13 A. Yes.

14 Q. And do you believe you've adequately prepared
15 yourself to answer those questions -- excuse me --
16 questions about those things? You obviously don't know
17 what questions are going to be answered, but I take it
18 you do understand the things that you are supposed to
19 give answers about; correct?

20 MS. RODRIGUEZ: Objection. Vague. Calls
21 for speculation.

22 THE WITNESS: Was there a question there?

23 BY MR. GREENBERG:

24 Q. Mr. Nady, do you understand that there are
25 certain subjects that you are supposed to be prepared to

1 give answers to questions about today?

2 A. Are you going to be more specific about the
3 subjects?

4 Q. We will get to the subjects, Mr. Nady. Your
5 attorney was advised what the subjects were and what
6 your attorney advised you of is between you and your
7 attorney. I'm trying to understand whether you believe
8 -- you know what the subjects are that you're going to
9 be questioned about today?

10 A. I think I'm the best person for this deposition
11 as it was noticed.

12 Q. So just to confirm, you are referring to as
13 notice; meaning, you have actually seen the document
14 which contains the notice of deposition and sets forth
15 various --

16 A. I have seen the notice of deposition.

17 Q. And you have reviewed it; correct?

18 A. And I have -- I didn't hear what you said.

19 Q. You have reviewed that document; correct?

20 A. Yes, I reviewed the document. No, I didn't
21 review it. I read it. I don't know if you call that
22 reviewing or not.

23 Q. Thank you.

24 Now, there are two defendants in this case that
25 are LLCs. One is registered with the name A Cab and the

1 other is registered with the name A Cab Taxi Service. 11:20:21

2 Do you understand that? 11:20:27

3 A. There is no such registered company as A Cab, 11:20:29
4 LLC, company. A Cab Taxi Company, LLC. There's no such 11:20:34
5 registration. 11:20:41

6 Q. Is it your testimony then that, best of your 11:20:42
7 understanding, the only LLC in existence today, as we 11:20:44
8 sit here, that is properly registered with the State of 11:20:48
9 Nevada would be A Cab Taxi Service, LLC? 11:20:52

10 A. No. That's the wrong name. 11:20:57

11 Q. Is the correct current registered LLC called A 11:20:59
12 Cab, LLC? 11:21:04

13 A. Yes. 11:21:06

14 Q. Do you have any relationship with A Cab, LLC? 11:21:09

15 A. I am the managing member of A Cab, LLC. 11:21:12

16 Q. And who is the owner of A Cab, LLC? 11:21:20

17 A. I am the sole member of A Cab, LLC. 11:21:25

18 Q. Are you also the sole owner of A Cab, LLC? 11:21:31

19 A. LLCs have members. They don't have owners, as 11:21:35
20 you, I'm sure, know. 11:21:40

21 Q. So is -- withdrawn. 11:21:45

22 Are you currently employed? 11:21:52

23 A. That's a good question. Are owners employed? I 11:22:00
24 think I'm employed as the sole member and the managing 11:22:10
25 member of that company. You could call it that, but I 11:22:16

1 don't think they -- I would say I was employed there, 11:22:20

2 yes. Do I draw a paycheck? No. 11:22:26

3 Q. Do you receive any other compensation? 11:22:30

4 A. Yes. 11:22:34

5 Q. What would that compensation be? 11:22:39

6 A. Profits generated from the company that I choose 11:22:37
7 to withdraw from the company. 11:22:43

8 Q. And what were those profits in 2014? 11:22:47

9 A. I'm not going to tell you that. 11:22:50

10 MS. RODRIGUEZ: And I'm going to object. 11:22:52

11 Mr. Greenberg, I'm trying to be lenient in allowing you, 11:22:58
12 but a lot of questions that are outside the scope of 11:22:59
13 what you've noticed this morning. I'm not sure if 11:23:01
14 you're -- have you started with any of your categories? 11:23:04

15 MR. GREENBERG: The witness's bias is always 11:23:11
16 subject to examination. His financial interests in the 11:23:14
17 subject matter of this litigation is at issue. 11:23:20

18 It is not proper, Mr. Nady, for you to 11:23:24
19 refuse to answer the question given the fact that you 11:23:28
20 have been designated as a witness in this case. 11:23:32

21 I'm just putting a statement on the record 11:23:37
22 to let you know if you refuse to answer the question, 11:23:39
23 you can be subject to sanctions from the court if the 11:23:43
24 court deems your refusal to answer inappropriate. If 11:23:44
25 you wish to have -- your answer to that question or any 11:23:50

1 portion of your testimony in this case sealed; meaning
2 that it would not be subject to public disclosure,
3 without agreement by parties or the court, we can
4 certainly do that.

5 MS. RODRIGUEZ: Mr. Greenberg, your notice
6 -- and I'm assuming the recent notice of August 12,
7 2015, is the same as was previously noticed in June, but
8 out of your 23 categories with subcategories, I don't
9 see anything pertaining to the makeup of A Cab, the
10 profits of A Cab, all of the line of questioning that
11 you've been addressing.

12 So that's why I was asking have you started
13 with one of these categories? Because we've produced
14 him pursuant to your notice, not these other topics.

15 MR. GREENBERG: I'm not here to answer
16 questions under oath. Your witness is. The witness you
17 produced --

18 MS. RODRIGUEZ: Well, you do need to tell me
19 if you're addressing one of your categories because then
20 we can say if he's the right person or not. But what
21 you're asking him is not contained in any of your
22 categories.

23 MR. GREENBERG: What I'm asking him -- I
24 will repeat again -- is raised and germane based upon
25 the defendant's designation of him as a witness to give

1 testimony in this case. Any witness who gives testimony 11:25:08
2 puts their bias and credibility at issue appropriately 11:25:11
3 for examination. 11:25:14

4 Accordingly, his potential bias based upon 11:25:22
5 his financial interest in the defendant's profits is 11:25:26
6 germane to the examination I'm conducting today at least 11:25:30
7 for purposes of discovery. 11:25:33

8 Now if you wish to seal his answer from 11:25:35
9 disclosure, I will consent to that, but he does not have 11:25:39
10 a basis to refuse to answer. 11:25:42

11 MS. RODRIGUEZ: Well, I disagree. I mean, 11:25:44
12 we -- I asked you to start from number one. Number one 11:25:47
13 has to do with computer systems and computer software 11:25:50
14 and computer data files. It has nothing to do with the 11:25:54
15 profits of A Cab, LLC. 11:25:57

16 So all I'm asking you is if you fit that in 11:25:58
17 somewhere in here, but it sounds like you haven't so -- 11:26:02
18 I mean, go ahead and ask your question, but if he -- if 11:26:05
19 -- go ahead. 11:26:08

20 MR. GREENBERG: The question's been asked, 11:26:08
21 Counsel. The witness so far has refused to answer. I 11:26:09
22 want to be clear on the record whether you are invoking 11:26:14
23 any privilege against him answering or whether you are 11:26:17
24 instructing him not to answer? 11:26:19

25 MS. RODRIGUEZ: I'd like to hear your 11:26:22

1 question.

2 MR. GREENBERG: Read back the question,
3 please.

4 (The last question was read back by the
5 reporter as follows: "And what were those
6 profits in 2014?")

7 MS. RODRIGUEZ: And I object that it's
8 outside the scope of your notice of deposition.

9 MR. GREENBERG: Are you instructing the
10 witness not to answer?

11 MS. RODRIGUEZ: No. I'm objecting. And if
12 you continue down that line of questioning, then we will
13 have to get the discovery commissioner on the phone
14 again. But, Mr. Greenberg, I'm giving you the
15 opportunity to tell me where in the notice you noticed
16 this.

17 MR. GREENBERG: Counsel, I've already
18 explained to you twice. I'm not going to explain to you
19 a third time. I want the record clear.

20 BY MR. GREENBERG:

21 Q. Mr. Nady, will you answer the question?

22 A. The question was duplicate, and I'm not sure
23 which part of it you want me to answer.

24 Q. It's the same question. I can have the reporter
25 read it back to you again. Would you like that?

1 A. You can read it back again.

2 (The last question was read back by the
3 reporter as follows: "And what were those
4 profits in 2014?")

5 THE WITNESS: I'm not going to answer. I
6 refuse to answer. Because it wasn't noticed in your
7 deposition notice that I would be asked about profits
8 because -- and thus, I didn't -- I didn't become
9 familiar with it. If I had known that was going to be
10 your question, I may have. But since you didn't notice
11 it, I didn't notice it, and I can't tell you.

12 BY MR. GREENBERG:

13 Q. Mr. Nady, is it your testimony then that you just
14 don't know what the profits of A Cab were in 2014?

15 A. I'm saying I would not -- I would not like to
16 give you an incorrect answer. So I think that's best I
17 don't answer.

18 Q. Well, were those profits more than \$1 million?

19 A. I don't care to answer that question because it's
20 too vague.

21 Q. What is too vague about the sum of more than \$1
22 million?

23 A. I would hate to speculate and answer. So I don't
24 know. Let's just assume that I don't know precisely
25 what it is.

1 Now you're going to try to scope it by 11:29:29
2 perimeters, and I'm going say the same thing. Since I 11:29:32
3 don't know, I'm not going to guess. If you had put that 11:29:36
4 on your notice, I would have looked it up, Counselor, 11:29:38
5 but you didn't do that. You didn't notice that part of 11:29:41
6 the question. And because you didn't notice it, I 11:29:44
7 didn't have time to look it up. 11:29:47

8 Q. So you agree, Mr. Nady, that you don't know if 11:29:48
9 the profits of A Cab were more than \$1 million in 2014; 11:29:51
10 correct? 11:29:55

11 A. You don't hear very well sometimes, Counselor. I 11:29:58
12 said I didn't look it up. So I don't know what -- how 11:30:00
13 to answer that question. If you want to keep asking the 11:30:04
14 same question for the fourth time, I'm going answer it 11:30:07
15 the same way the fourth time, sir. 11:30:10

16 Q. If you had looked it up, you would know the 11:30:12
17 answer to that question; correct? 11:30:14

18 A. Probably. 11:30:16

19 Q. Because you didn't look it up, you can't give me 11:30:19
20 an accurate answer as you sit here right now; correct? 11:30:22

21 A. Precisely. 11:30:25

22 Q. Were the profits of A Cab more than \$100,000 in 11:30:28
23 2014? 11:30:31

24 A. I really don't remember. 11:30:33

25 Q. What are your job responsibilities at A Cab? 11:30:37

1 A. That's a long list. How far do you want me to
2 go?

3 Q. You tell me what you think would be the most
4 accurate description of your job responsibilities.

5 A. I'm the owner. I do what has to be done.

6 Q. And what does that involve, sir?

7 A. The list is too long. I've set up almost every
8 system there. I was at one time the accountant. I was
9 the controller. I was the general manager. I was the
10 bookkeeper. I was the dispatcher. I was the
11 accountant. I was the general manager. And now those
12 positions have been filled, but I still oversee those
13 jobs.

14 So I think I oversee everybody there. Pretty
15 much like you do, Counselor, in your company. You
16 oversee all of your associates. You oversee what they
17 do. And if someone were to ask you what you did, you
18 would say, for the most part, I oversee what they do
19 because I'm the owner.

20 Q. Do you make hiring and firing decisions?

21 A. On occasion.

22 Q. When you say on occasion, can you please explain?

23 A. Sometimes I make hiring and firing decisions.

24 How much more can I explain that statement?

25 Q. Well, what type of hiring and firing decisions do

1 you make?

2 A. Sometimes I hire people, and sometimes I fire
3 people.

4 Q. Are those decisions limited to certain types of
5 employees?

6 MS. RODRIGUEZ: I'm going to object.
7 Outside the scope of the deposition as noticed.

8 THE WITNESS: What was your question again?

9 MR. GREENBERG: Please read back the
10 question.

11 (The last question was read back by the
12 reporter as follows: "Are those decisions
13 limited to certain types of employees?")

14 THE WITNESS: No.

15 BY MR. GREENBERG:

16 Q. Was there a time previously when you made all the
17 hiring and firing decisions?

18 MS. RODRIGUEZ: Same objection. Outside the
19 scope of the notice of deposition.

20 THE WITNESS: I think I'll skip that answer
21 also because you didn't prepare me for that. I didn't
22 prepare for it.

23 BY MR. GREENBERG:

24 Q. So is your answer then that you don't know if
25 there was a time when you made all the hiring and firing

1 decisions at A Cab?

2 A. I'm saying that because you didn't notice that in
3 your notice of deposition, that I don't recall.

4 Q. If I had noticed it in my deposition {sic}, you
5 would recall?

6 A. I'm sure I would look it up.

7 MS. RODRIGUEZ: Objection. Argumentative.

8 BY MR. GREENBERG:

9 Q. Mr. Nady, I want to be clear with you --

10 A. Thank you.

11 Q. You don't have a basis to object to any question
12 I ask you because you think it's not in the notice or
13 your attorney thinks it's not in the notice. It is
14 possible some of the questions you answer for me your
15 testimony would not be considered by the court in these
16 proceedings, but you do not have a basis to refuse to
17 answer my questions for that reason. And you could be
18 subject to sanction by the court for refusing to do so,
19 but let's continue with the questions, Mr. Nady.

20 A. Was that a threat, Counselor? It sure sounded
21 like one to me. A threat. It was a bear-faced threat,
22 and there was nothing more or less than a threat.

23 So if you had noticed me to look these things up,
24 I would have, Counselor, but it's your incompetence and
25 your failure to direct me what I should review. It

1 keeps me from answering that question accurately. 11:35:04

2 Q. But, Mr. Nady, the purpose of my statement to you 11:35:07
3 is to make clear on the record that you have been 11:35:10
4 advised as to your obligation to answer questions and 11:35:11
5 the possible ramifications of not answering questions. 11:35:11
6 If you assert a privilege, that is a basis for not 11:35:22
7 answering a question, but the scope of privilege, as 11:35:25
8 your lawyer should have explained to you, is very 11:35:27
9 narrow. You have not asserted any privileges with 11:35:30
10 respect to my questions so far, sir. 11:35:33

11 MS. RODRIGUEZ: Well, what is the basis that 11:35:35
12 you're threatening him with sanctions? Because my 11:35:36
13 objection has been that everything you're asking him is 11:35:39
14 outside the scope of your notice, and we worked very 11:35:41
15 hard to comply with your extensive notice. And 11:35:44
16 here you're asking for -- everything you've asked so far 11:35:48
17 has been outside the scope of this notice. 11:35:51

18 So what are you threatening my client with 11:35:51
19 sanctions? On what basis? 11:35:56

20 MR. GREENBERG: Counsel, I'm not threatening 11:35:57
21 your client with sanctions, and you very well know the 11:35:59
22 procedure that guides us here today, which is -- 11:36:02

23 MS. RODRIGUEZ: We have not asserted a 11:36:04
24 privilege. 11:36:08

25 MR. GREENBERG: That is correct. 11:36:09

1 MS. RODRIGUEZ: So I don't know why you keep 11:36:00
2 bringing that up. 11:36:00

3 MR. GREENBERG: And absent an assertion of 11:36:01
4 privilege, the witness has no basis to refuse to answer 11:36:11
5 my questions. Whether the court will find that his 11:36:14
6 refusal to answer my questions merits some action by the 11:36:18
7 court is an issue that the court would consider if the 11:36:21
8 issue is raised with the court. I'm not saying the 11:36:25
9 issue will be raised with the court. I'm just want to 11:36:27
10 be clear on the record that the witness was advised that 11:36:28
11 his failure to answer questions where he is not 11:36:30
12 asserting a basis of privilege for that refusal to 11:36:31
13 answer is improper, and that's been explained to him. 11:36:37
14 You understand the rules, Counsel. 11:36:40

15 MS. RODRIGUEZ: I understand the rules, Mr. 11:36:42
16 Greenberg, but he has not refused to answer any 11:36:47
17 questions. He has answered you that he didn't prepare 11:36:49
18 for the categories you are now addressing, which is an 11:36:52
19 appropriate answer. 11:36:50

20 MR. GREENBERG: The record reflects the 11:36:57
21 witness's answers, Counsel. Let's continue. 11:36:59

22 BY MR. GREENBERG: 11:37:02

23 Q. Mr. Nady, you stated at one time you performed 11:37:03
24 the roll of accounting for A Cab; correct? 11:37:07

25 A. That's correct. 11:37:10

1 Q. You are not --

11:37:11

2 A. I stated that.

11:37:11

3 Q. You are not currently in that role with A Cab;
4 correct?

11:37:11

11:37:11

5 A. Partially I still am.

11:37:21

6 Q. And what do you do in that role at accountant?

11:37:21

7 A. I review the statements. I review daily
8 activities.

11:37:31

11:37:31

9 Q. What sort of activities?

11:37:41

10 A. Everything that I can think of.

11:37:41

11 Q. Tell me what those activities consist of on a --

11:37:41

12 A. How much toilet paper is in the bathroom to what
13 the floors look like to what the drivers look like.
14 Everything that I can think of that a person who owns
15 the company would do, not unlike what you do when you
16 address your employees every day or any other owner in
17 the world does when they come to work.

11:37:51

11:37:51

18 Q. Well, you refer to being an accountant in the
19 company. Do you have any training in accountancy?

11:38:01

11:38:11

20 A. I would say that I have a saying in the company,
21 yes.

11:38:11

11:38:21

22 Q. I said do you -- my question, sir, was do you
23 have any training in accountancy? What I meant by that
24 question was did you take any classes or complete any
25 educational programs involving accountancy?

11:38:21

11:38:21

11:38:31

11:38:31

1 A. I have.

2 Q. And what were those?

3 A. I have a degree in accounting.

4 Q. And what kind of degree is that?

5 A. I have a master's of science with an accounting
6 emphasis. I taught accounting at the University of
7 Nevada for four years. I practiced accounting at a CPA
8 firm in Las Vegas. I was an accountant for the State of
9 Nevada for a couple of years or so. I've done some
10 accounting in my day.

11 Q. Do you believe that you are knowledgeable about
12 how businesses keep properly financial records?

13 A. Rephrase that for me.

14 Q. Yes.

15 (Dana Sniegocki, Esq., entered the
16 proceedings.)

17 BY MR. GREENBERG:

18 Q. Are there certain financial records that
19 businesses are expected or required to keep under
20 professional accounting standards?

21 A. Yes.

22 Q. Do you believe you are familiar with those
23 standards, sir?

24 A. I believe I am.

25 Q. And have you followed those standards at A Cab?

1 A. Most of the time, yes.

2 Q. Well, when you say most of the time, could you
3 please tell me the times that you have not?

4 A. No.

5 Q. And why can't you tell me --

6 A. I don't remember. That wasn't noticed. I mean,
7 if you put it in the notice -- would you please try to
8 tell me how many times you haven't followed the proper
9 accounting procedures -- I probably would have looked
10 that up. But since you didn't notice that, I don't
11 recall if it's ever happened before specifically, but it
12 may have.

13 Q. Well, then let us be clear, Mr. Nady, because
14 your prior question --

15 A. My question?

16 Q. Excuse me. Your prior answer to my question,
17 sir, implied that sitting here today, you could state
18 that there had been instances where proper accounting
19 procedures were not followed. Your most recent answer
20 seems to imply that that was a possibility, but you're
21 not sure.

22 Could you please just make clear on the record
23 which would be the correct answer you can give today?

24 A. I have no reason to believe, as I sit here today,
25 that proper accounting procedures were ever not used in

1 my company, but I don't watch every transaction. 11:41:30

2 So I have no reason to believe they did, but 11:41:34
3 there's certainly a possibility that they did, just like 11:41:38
4 my car may be losing air out of its right front tire 11:41:40
5 right now, but I don't know that. 11:41:46

6 Q. When you refer to your company, you're referring 11:41:54
7 to A Cab, sir; correct? 11:41:57

8 A. That's correct. 11:41:59

9 Q. You mentioned your degree in accounting and your 11:42:00
10 master's. 11:42:06

11 A. Did I mention that? 11:42:09

12 Q. Well, let me correct myself, sir. 11:42:10

13 You mentioned you had a master's degree with -- I 11:42:13
14 think you either said an emphasis -- 11:42:17

15 A. Did I say that? Could you show me where I said 11:42:20
16 that? 11:42:24

17 Q. Could we please search the record. 11:42:24

18 (The requested answer was read back by the 11:42:26
19 reporter as follows: "I have a master's of 11:38:42
20 science with an accounting emphasis. I 11:38:52
21 taught accounting at the University of Nevada 11:39:00
22 for four years. I practiced accounting at a 11:39:02
23 CPA firm in Las Vegas. I was an accountant 11:39:09
24 for the State of Nevada for a couple of years 11:39:14
25 or so. I've done some accounting in my 11:39:16

1 day.")

2 THE WITNESS: Poor choice of words.

3 MS. RODRIGUEZ: What's your question?

4 BY MR. GREENBERG:

5 Q. Well, Mr. Nady, do you --

6 A. I misstated that.

7 Q. I'd like you to please correct that statement
8 then, sir.

9 A. I meant to say a bachelor's of science. I don't
10 think it's a BS. I think it's an MS degree. I don't
11 know what the M stands for, but I don't remember. It's
12 been 40-something years. I did go back to graduate
13 school though for three years.

14 Q. And what did you study in graduate school?

15 A. MBA.

16 Q. Did you get an MBA degree?

17 A. I didn't finish it. I finished the classes. I
18 just didn't go through the ceremonies. I've taken every
19 class for it and applied for graduation.

20 So did I get the degree? I didn't want to pay
21 for it. I was too broke. But I have taken every class
22 and more, and I actually taught there as a graduate
23 fellow for four years thereafter in anticipation of them
24 giving it to me, and they didn't. I didn't ask for it.

25 Q. Besides the studies you undertook to get that

1 bachelor's degree, and you were a licensed CPA; correct?

2 A. Nope. Never took that. I took that exam and
3 failed it. I worked in a CPA firm for a few years.

4 Q. Your bachelor's degree was in accounting or was
5 it in a different field?

6 A. It was in accounting.

7 Q. Besides your bachelor's degree and your graduate
8 studies for an MBA which you did not complete, have you
9 undertaken any other college or graduate-level studies?

10 A. No.

11 Q. As part of your studies, either your studies to
12 get your bachelor's degree or your graduate studies you
13 undertook in the MBA program, did you ever study --

14 A. Sometimes.

15 Q. The question, sir, was did you ever study human
16 resource management?

17 A. What?

18 Q. Did you ever study human resource management?

19 A. I don't recall.

20 Q. Has information about the taxi cabs used by A Cab
21 been entered into any computer system or software by A
22 Cab?

23 A. Would you ask that question again? I didn't hear
24 you.

25 Q. Please repeat the question.

1 (The last question was read back by the 11:46:30
2 reporter as follows: "Has information about 11:46:22
3 the taxi cabs used by A Cab been entered into 11:46:24
4 any computer system or software by A Cab?") 11:46:29

5 MS. RODRIGUEZ: I'm going to object. It's 11:46:33
6 vague. 11:46:35

7 THE WITNESS: That's kind of a loaded 11:47:02
8 question because if I say has the information been 11:47:04
9 loaded, I'm not sure what loaded means. Has it been -- 11:47:08
10 I don't think that's the correct term that you want to 11:47:15
11 use. So knowing -- not being sure what you meant by 11:47:19
12 loaded, maybe you could rephrase that for me. 11:47:27

13 BY MR. GREENBERG: 11:47:29

14 Q. The term loaded, Mr. Nady, would refer to entered 11:47:30
15 or recorded. 11:47:39

16 A. Oh, so loaded here means that the -- you're 11:47:37
17 asking them, if I could paraphrase you, if the 11:47:40
18 information from the taxi cabs -- would you be a little 11:47:43
19 more specific as to which information you're searching 11:47:48
20 for? 11:47:50

21 Q. No, Mr. Nady. My question is: Does A Cab 11:47:52
22 record, enter, keep a record of any information of its 11:47:59
23 taxi cabs in any computer system or software? 11:48:01

24 A. If I answer yes, you're going to say what? And 11:48:08
25 then I'm going to say, well, there's different parts of 11:48:11

1 it.

2 So I'll say yes, and you'll say what is recorded;
3 right?

4 Q. Well, what software or computer systems is that
5 information recorded in?

6 A. There's more than one software system.

7 Q. Please list all of them, sir.

8 A. I don't know all of them by name.

9 Q. Please tell me the ones you do know.

10 A. Okay. We have -- I don't know what Jim Morgan
11 calls his company name. I don't know. I forgot. I
12 think it's -- I've forgotten the name of the accounting
13 -- I take that back -- of the software that Jim Morgan
14 has from his company. You should know that. You
15 deposed him earlier. I don't remember the actual name
16 of it.

17 Q. Besides the software you're identifying as Jim
18 Morgan's software, what other software can you identify?

19 A. From the taxi cabs, I think there's a software
20 deal with VeriFone. I don't know what that's called
21 either. And we have a dispatch system from Jim Morgan's
22 company also. I think that's all. But I don't know
23 every system that's there. And they may be interlaced.
24 They may not be. I'm not certain.

25 MR. GREENBERG: Counsel, the witness to

1 produce today was supposed to have full knowledge of the 11:50:00
2 subject matter. This witness has just testified that 11:50:01
3 they don't. 11:50:02

4 MS. RODRIGUEZ: Are you talking about a 11:50:07
5 category now? Because perhaps we can go through it 11:50:08
6 then. 11:50:11

7 MR. GREENBERG: You can look at item number 11:50:11
8 one on the notice, Counsel. 11:50:11

9 THE WITNESS: Doesn't it say most 11:50:15
10 knowledgeable? I am the most knowledgeable. 11:50:18

11 MR. GREENBERG: Counsel, I'm going to 11:50:21
12 continue the deposition. 11:50:23

13 MS. RODRIGUEZ: Go ahead. 11:50:25

14 MR. GREENBERG: But I just want to be clear 11:50:24
15 on the record that the notice was not complied with in 11:50:26
16 this respect. I'm giving you an opportunity to address 11:50:28
17 it. I don't know what you could possibly do to address 11:50:31
18 it at this point. I just want you to be clear you were 11:50:33
19 advised of my concern here. 11:50:36

20 MS. RODRIGUEZ: What is your concern? 11:50:40

21 MR. GREENBERG: That the witness produced is 11:50:41
22 not in fact knowledgeable. 11:50:43

23 THE WITNESS: I'm most knowledgeable. 11:50:44

24 MS. RODRIGUEZ: I don't know why you're 11:50:46
25 assessing that. I mean, if you're ready to start with 11:50:47

1 your notice of depo at this point, I mean, let's go
2 through the category and ask your questions.

3 Are you addressing category number one now?

4 MR. GREENBERG: Counsel, the witness has
5 just testified they are not aware of all of the software
6 or computer systems in which information from A Cab's
7 taxi cabs is recorded on in the business.

8 THE WITNESS: Nobody is -- in my company is
9 more knowledgeable about the systems than I am. So
10 simply that I don't know the names of them or how they
11 interact does not mean that I'm not most knowledgeable.

12 MR. GREENBERG: And Mr. --

13 THE WITNESS: Nady.

14 MR. GREENBERG: Mr. Nady, are there other
15 individuals that you could have spoken with at A Cab
16 about all of those computer systems that are used to
17 record information about the taxi cabs?

18 THE WITNESS: I could have spoken with
19 anybody. I could have spoken with anybody, but nobody
20 is more knowledgeable. And since you were so broad in
21 which you were putting together here, if you look at the
22 notice there, I was the only one that could possibly be
23 the most knowledgeable in all of these things, in each
24 specific area.

25 BY MR. GREENBERG:

1 Q. But in fact, Mr. Nady, you don't know all the
2 computer systems and software?

3 A. I don't think anybody knows all of the computer
4 systems, no.

5 Q. Who else would know about this besides you?

6 A. Almost everybody there knows a little bit.

7 MS. RODRIGUEZ: Hold on. I'm going to
8 object. Hold on. I'm objecting to your question. Who
9 knows about this? What? What are you referring to?
10 What is this?

11 MR. GREENBERG: The computer systems that
12 record or software that records information about A
13 Cab's taxis.

14 THE WITNESS: Jim Morgan is the guy I go to.

15 MR. GREENBERG: I understand, but Mr. Morgan
16 is not an employee of A Cab.

17 THE WITNESS: Truly.

18 BY MR. GREENBERG:

19 Q. Who works at A Cab who you think has knowledge
20 about this that may exceed your knowledge -- or excuse
21 me let me rephrase that.

22 Who at A Cab, besides yourself, you believe has
23 knowledge about the computer system or software that is
24 used to record information about taxi cabs, which
25 knowledge you don't have?

1 MS. RODRIGUEZ: Objection. Lacks
2 foundation.

3 THE WITNESS: Nobody knows more about it
4 than I do.

5 BY MR. GREENBERG:

6 Q. But your testimony here today is that you don't
7 actually know all of the computer systems and software
8 which A Cab uses to record information about taxis?

9 A. That's correct. And nobody at my company does.
10 Jim Morgan does that for me. We pay people who don't
11 work for me. We pay his people to do that.

12 Q. Prior to testifying today, did you make any
13 inquiries with any other employees at A Cab about --

14 A. No, I did not.

15 Q. About anything that you're giving testimony here
16 on today?

17 A. I did not.

18 Q. And why didn't you?

19 A. I chose not to.

20 Q. And you understood that you were going to be
21 called upon to give answers to what was in the
22 deposition notice today; correct, Mr. Nady?

23 A. Of course I did, and I am the most knowledgeable
24 person.

25 Q. Sir, could you have obtained more knowledge about

1 the computer systems and software that A Cab uses to 11:53:54
 2 record information from taxi cabs before you came here 11:53:57
 3 today to give testimony? 11:53:59

4 A. Of course I could have -- I could have got more 11:54:01
 5 information, but that didn't tell me I had to. It said 11:54:03
 6 most knowledgeable, and I am the most knowledgeable. 11:54:06
 7 But did it say go out and relearn a bunch of stuff? No. 11:54:11
 8 It said who is the most knowledgeable? I am by far the 11:54:16
 9 most knowledgeable. There isn't anybody in second 11:54:20
 10 place. 11:54:23

11 Q. Mr. Nady, did you consult with your attorney 11:54:25
 12 about your need to acquire knowledge about subject 11:54:28
 13 matter for today to give testimony? 11:54:29

14 MS. RODRIGUEZ: Objection. I will assert a 11:54:31
 15 privilege in terms of what he and I talked about. 11:54:33

16 MR. GREENBERG: I'm not asking what you told 11:54:37
 17 him, Counsel. I'm asking whether he made any attempt to 11:54:39
 18 find out whether he had any obligation to obtain 11:54:42
 19 knowledge responsive to the notice of the deposition. 11:54:46

20 THE WITNESS: Same question disguised a 11:54:49
 21 little bit differently, but I will not tell you anything 11:54:52
 22 I discussed with my attorney, and for you to ask me, I 11:54:54
 23 think, is improper. 11:54:56

24 MR. GREENBERG: Counsel, we have testimony 11:55:00
 25 from the witness that he was aware of the notice of 11:55:03

1 deposition of the subject matter, and he made no attempt 11:55:08
2 to gather any information about the subject matter of 11:55:11
3 the notice of deposition. He's testified that he didn't 11:55:17
4 think he had any need to. 11:55:22

5 My question to him is simply whether he made 11:55:24
6 any inquiry about whether he had any need to, not what 11:55:28
7 he was told. I'm not asking what his advice of counsel 11:55:31
8 was. I'm simply trying to ascertain whether this 11:55:36
9 witness made any effort to obtain any knowledge and why 11:55:38
10 he didn't, okay, if he made any effort to obtain what 11:55:41
11 his duty -- excuse me -- if he made any effort to find 11:55:44
12 out what his duty was to obtain knowledge. And it is 11:55:48
13 germane, Counsel, because this witness is not 11:55:51
14 knowledgeable, and I'm going to have to bring this up to 11:55:58
15 the court if we're not able to resolve this at some 11:55:58
16 point further on. So I want the record to be clear 11:56:01
17 about what this witness did to prepare today and what he 11:56:04
18 did in terms of inquiring about his duty to prepare. 11:56:08

19 MS. RODRIGUEZ: Well, you're misstating his 11:56:11
20 answers to your questions. And I'm not even going to 11:56:14
21 get into the details of that because the transcript will 11:56:18
22 reflect how he answered your questions. I think your 11:56:21
23 summary of his answers is completely off. And you're 11:56:23
24 free to ask him the questions. He's told you repeatedly 11:56:27
25 he is the person most knowledgeable as pertains to 11:56:30

1 category number one. So if you want to ask him
2 something, ask it.

3 MR. GREENBERG: Okay.

4 BY MR. GREENBERG:

5 Q. Mr. Nady, did you make any effort to determine
6 what duty you had to obtain information to prepare for
7 your testimony today?

8 A. I read the deposition that you wrote -- or the
9 request for deposition, and I saw nothing in that that
10 said I had to prepare any more than my daily knowledge
11 for -- or my personal knowledge about which person is
12 the most knowledgeable. I work with the system every
13 day. I'm in the system every day. I don't think I need
14 to refresh anything. So I didn't.

15 Q. When you say the system, what are you referring
16 to, sir?

17 A. The computer system.

18 Q. Which computer system?

19 A. The one that Jim Morgan put in for me. The one
20 that Jim Morgan maintains for me.

21 Q. And you're talking about the software that Jim
22 Morgan set up to run on that computer?

23 A. Yes, sir.

24 Q. My question, sir, is: Beyond reading that notice
25 of deposition, did you make any attempt to find out what

1 you needed to do to prepare for this deposition today in 11:57:48
 2 terms of gathering information so you could answer 11:57:51
 3 questions about the subjects that were in that notice of 11:57:57
 4 deposition? 11:58:00

5 MS. RODRIGUEZ: Objection. Asked and 11:58:03
 6 answered. 11:58:07

7 THE WITNESS: Also the same thing. Asked 11:58:09
 8 and answered. I've answered you the same question now, 11:58:09
 9 I think, twice, and if you like, I'll answer it again. 11:58:09
 10 Is that what you'd like me to do? 11:58:12

11 MR. GREENBERG: Please answer the question, 11:58:15
 12 sir. 11:58:18

13 THE WITNESS: So the third time you want me 11:58:19
 14 to tell you I didn't think I needed to prepare anything, 11:58:19
 15 and thus, I did not because of the familiarity with it. 11:58:23

16 MR. GREENBERG: So your correct answer to my 11:58:24
 17 question is: Besides reading the notice of deposition, 11:58:28
 18 you made no attempt to find out -- 11:58:29

19 THE WITNESS: That's the fifth time now. 11:58:30
 20 That's the fifth time you've asked this question. 11:58:33

21 MR. GREENBERG: Sir -- 11:58:35

22 THE WITNESS: I'm not going to answer it for 11:58:38
 23 the fifth time, and any time you ask me any other 11:58:38
 24 questions for the fifth time, I'm not going to answer 11:58:40
 25 it. 11:58:43

1 MR. GREENBERG: Sir.

2 MS. RODRIGUEZ: I want to get my objection
3 on the record that you're mischaracterizing his answers
4 to you, Mr. Greenberg.

5 MR. GREENBERG: Well, that's why we need the
6 transcript, Counsel. He needs to answer the questions
7 if -- your objections are noted. If the question is --
8 cannot be sustained based on your objection, it will be
9 stricken from the record. The witness still has to
10 answer. That is the rule, Counsel. You understand
11 that.

12 MS. RODRIGUEZ: I just objected that you
13 misstated his prior testimony.

14 MR. GREENBERG: Okay. But I want him to
15 answer the question.

16 BY MR. GREENBERG:

17 Q. Mr. Nady, except for reading --

18 A. If you ask me again, you're going to -- this is
19 going to be the sixth time now?

20 Q. Mr. Nady, you have not answered my question. You
21 don't even know what my question is. So why don't you
22 wait for the question?

23 A. This is going to be good.

24 Q. Mr. Nady, you read the notice of deposition
25 before coming to testify here today; correct?

1 A. Correct.

2 Q. Okay. Besides reading that notice of deposition
3 and speaking with your attorney, you made no attempt to
4 find out if you had any obligation to go out and acquire
5 information to answer questions today at this
6 deposition; correct?

7 A. What do you mean by go out?

8 Q. Go talk to other people, go review documents, go
9 do anything?

10 A. Do you have advice on who I would have gone out
11 to see?

12 Q. That's not my question, sir, and I'm not here to
13 answer your questions. You need to answer my question.

14 A. Well, if I understand your question, when you say
15 go out, does that mean outside the building or outside
16 the purview of my company, or does that mean should I
17 have seen Mr. Morgan again or -- I need it a little more
18 specific.

19 Q. Mr. Nady, I have explained to you. The question
20 was whether you had -- by go out -- an obligation to do
21 anything, to go down the hall, to speak with people in
22 your company, to look through documents in your company,
23 to do anything.

24 MS. RODRIGUEZ: Objection. Is that your
25 question? Are you finished with your question?

1 MR. GREENBERG: I'm waiting for the answer
2 to my question.

3 MS. RODRIGUEZ: Oh, well, then I'm objecting
4 that that question is unintelligible and vague. I'm not
5 even sure what you're asking him at this point. Are you
6 asking him if he asked anybody else what he was supposed
7 to do for his deposition?

8 MR. GREENBERG: Counsel, that was not my
9 question. And the last statement I made was not a
10 question. It was a clarification responding to the
11 witness's claim he did not understand the prior
12 question. I'm still waiting for an answer to the
13 original question.

14 MS. RODRIGUEZ: Well, let him ask the
15 question.

16 THE WITNESS: I'm not supposed to answer a
17 clarification, am I?

18 MS. RODRIGUEZ: No.

19 BY MR. GREENBERG:

20 Q. Mr. Nady, I'm asking for an answer to my original
21 question. You had said you didn't know what I meant by
22 the term "go out". I clarified that to you. I would
23 like you to answer my original question.

24 A. Would you reread the question?

25 Q. Could you please read that question back to the

1 witness.

2 (The last question was read back by the
3 reporter as follows: "Besides reading that
4 notice of deposition and speaking with your
5 attorney, you made no attempt to find out if
6 you had any obligation to go out and acquire
7 information to answer questions today at this
8 deposition; correct?")

9 THE WITNESS: Correct. I had no notice that
10 I had such an obligation.

11 BY MR. GREENBERG:

12 Q. Mr. Nady, is information about A Cab's taxi cabs
13 recorded in Excel files?

14 A. Not that I'm aware of.

15 Q. Is there anyone at A Cab that would be aware of
16 an answer to that question?

17 A. Well, we keep -- there are no Excel files for the
18 cabs that I'm aware of, and I don't think there are
19 any -- there may be some in payroll, and that would be
20 in the -- in the payroll, the QuickBooks payroll, but I
21 think those are the only Excel Programs that we have.
22 I'm trying to think if I -- I don't remember ever seeing
23 another Excel. You're asking me a pretty general
24 question.

25 MS. RODRIGUEZ: Leon, we've been going about

1 an hour. Can we take a quick break? I think it's noon
2 now. I need a lady's room break.

3 MR. GREENBERG: I will agree to the break,
4 Counsel, but I want to caution you: You're not to
5 discuss testimony with the witness during the break
6 since you're requesting it.

7 MS. RODRIGUEZ: You're cautioning me not to
8 discuss his testimony?

9 MR. GREENBERG: That is correct.

10 MS. RODRIGUEZ: Under what basis?

11 MR. GREENBERG: You can read the Coyote
12 Springs decision. I believe it would be improper. If
13 you're requesting the break in the deposition, it is not
14 proper for you to discuss the testimony during the
15 break.

16 MS. RODRIGUEZ: Well, there's no question
17 pending; right?

18 MR. GREENBERG: It's not about whether
19 there's a question pending. You're requesting the break
20 in the session.

21 MS. RODRIGUEZ: Yes, I am.

22 MR. GREENBERG: When we reach a point for a
23 mutually agreeable recess or break, that would not
24 apply, Counsel. But you're requesting the break at this
25 point. I'm asking you to respect that.

1 THE WITNESS: It's 12:07. It's a good time
2 to take a break. That's a normal break time for people.

3 MR. GREENBERG: You want a break, Counsel.
4 I'm not objecting to the break. I'm just cautioning you
5 as to the proper confines here.

6 THE WITNESS: Here's a guy that was ten
7 minutes late.

8 MS. RODRIGUEZ: Are we off the record?

9 MR. GREENBERG: I have nothing more. We can
10 go off the record.

11 (A break was taken from 12:05 p.m. through
12 12:15 p.m.)

13 BY MR. GREENBERG:

14 Q. Let's go back on the record.

15 Mr. Nady, did you have any discussions during our
16 break with your counsel about your testimony today?

17 A. What I discuss with my counsel, I won't discuss
18 with you.

19 Q. I wasn't asking about any discussions at all. I
20 was -- excuse me. I wasn't asking about the entirety of
21 discussions you might have had with your counsel. I was
22 asking whether you had any discussions with your counsel
23 during our break about your testimony here today?

24 MS. RODRIGUEZ: I'm objecting. I'm not
25 waiving any privilege. I mean, he can -- to the extent

1 I'm not waiving any privilege. I'm familiar with the
2 decision that you referenced, and I can make the
3 representation, or he can make the representation that
4 his testimony was not discussed. But I'm not going to
5 allow you to ask him some substance of what he and I
6 talked about.

7 MR. GREENBERG: My question only -- again,
8 my question was predicated upon whether there was any
9 discussion between you and the witness regarding his
10 testimony here today, and I'd like an answer on the
11 record.

12 THE WITNESS: What we discussed was: A, I
13 had to take a -- and, B, I was hungry because of the
14 smell, and, C, my wife was getting back. And that was
15 the reason I agreed to take the break was I was worried
16 more about her. Anything else we didn't discuss. That
17 was about the only items we talked about. But I was
18 glad to get out of here so I could find out if my wife
19 was safe.

20 BY MR. GREENBERG:

21 Q. Again, there was no discussion about your
22 testimony today with your counsel during the break;
23 correct?

24 A. No, there was no discussion. Even though I don't
25 think you have the right to ask that, I'll answer it.

1 anyway. We didn't discuss anything that went on in this 12:17:29
2 room. 12:17:29

3 Q. Again, there was no discussion about your 12:17:29
4 testimony today during the break with your counsel? 12:17:30

5 A. That's correct. 12:17:30

6 MS. RODRIGUEZ: I'm going to object. That's 12:17:30
7 been asked and answered. 12:17:30

8 THE WITNESS: Jesus, that's the third time. 12:17:30
9 BY MR. GREENBERG: 12:17:42

10 Q. Mr. Nady, in your prior testimony, you mentioned 12:17:42
11 software from Jim Morgan. You seemed to mention that 12:17:46
12 twice in your prior testimony. 12:17:50

13 Were you referring to two different sets of 12:17:50
14 software that Jim Morgan's has provided to A Cab? 12:17:58

15 A. Yes. 12:17:58

16 Q. Can you tell me the names of each of those sets 12:17:58
17 of software? 12:18:02

18 A. I call one the dispatch system, and I call the 12:18:02
19 other one the taxi system. Actually, I call one the 12:18:06
20 dispatch system and the other one I just call the 12:18:20
21 system. It doesn't really have a name. 12:18:24

22 Q. And those are two different software programs; 12:18:30
23 correct? 12:18:34

24 A. Yes. 12:18:34

25 Q. And can you tell me, please, what the dispatch 12:18:38

1 system is used for?

2 A. Dispatch system has been -- was installed about 12:18:38
3 two years ago, and he -- we work on it to try to improve 12:18:41
4 it. Someone from his company works on it daily. And 12:18:52
5 that system is trying to provide us with something 12:18:53
6 similar to what Uber has been doing for years. We 12:19:01
7 however want to have a system that was slightly -- that 12:19:14
8 is slightly different because it would entail a phone 12:19:21
9 call and a personal contact. And we've put together a 12:19:28
10 bunch of clients name's that we've captured and their 12:19:33
11 record of travel, and we're trying now to put the 12:19:40
12 nearest cab -- the closest available, meaning without a 12:19:48
13 passenger, cab on that request. That's the dispatch 12:19:55
14 system. But it's an evolving system. 12:19:57

15 Q. Are all calls that come to A Cab for taxis 12:20:00
16 handled through that dispatch system? 12:20:08

17 A. They are now. They weren't -- they were not 12:20:16
18 about a month ago. We've had -- we've been gathering 12:20:21
19 names, but that system has been -- has been gathering 12:20:28
20 names, I want to say, for two years. And now it's -- 12:20:35
21 we're actually dispatching using the nearest cab which 12:20:39
22 is now available to us. Well, we're trying to anyway. 12:20:45
23 We're running into some problems. 12:20:48

24 Q. Correct me if I'm wrong, but you're saying if we 12:20:53
25 go back about a month or so, that system was not being 12:20:59

1 used to handle calls for taxi cabs?

2 A. It wasn't being dispatched to the nearest cab.

3 Q. Well, was that system in use six months ago at
4 all?

5 A. We gathered names with that system.

6 Q. Except for gathering names -- and by names you
7 mean names of customers; correct?

8 A. Correct.

9 Q. Was that system in use six months ago?

10 A. Yes. Gathering names six months ago.

11 Q. Well, except for gathering names of people who
12 called for cabs, was that system being used for anything
13 else --

14 A. No.

15 Q. -- six months ago?

16 A. Just gathered names. We're trying to get a
17 database of people.

18 Q. The other software system from Mr. Morgan you
19 referred to as the taxi system or simply the system.
20 I'll call it the taxi system in my questions, sir.

21 Is that system what we've previously referred to
22 in this case as Cab Manager?

23 A. I just had a mental block about that -- that's
24 correct. It's called Cab Manager. Thank you for
25 answering that for me.

1 Q. And what information is stored in Cab Manager? 12:22:23

2 A. Driver number, cab. There's four things 12:22:31
3 generally. Medallion and -- I can't remember what the 12:22:48
4 fourth thing is. Oh, what do they call it? There's a 12:23:04
5 time that goes from the -- what's the time that starts 12:23:11
6 January 1, 1900? What's that time called? It's a 12:23:19
7 computer time. It's called -- you've heard it before, I 12:23:27
8 think. Anyway, it gives us the date. 12:23:35

9 So we have the driver's number. We have the cab 12:23:36
10 number. We have the medallion number, and we have the 12:23:34
11 date. That's what it stores. 12:23:39

12 Q. How is that information entered in the Cab 12:23:48
13 Manager system? 12:23:52

14 A. Partial when the -- when the trip sheets are 12:24:00
15 generated at the beginning of the shift, the cab which 12:24:12
16 is selected for those shifts -- the cabs which are 12:24:21
17 selected for those shifts, and the date. And the date 12:24:28
18 is put in, and data from the previous shift is put on -- 12:24:31
19 is generated and put on to the trip sheets by the 12:24:40
20 computer. That's what it does. 12:24:48

21 Q. To be clear you are explaining to me that the Cab 12:24:53
22 Manager system is used to produce trip sheets that have 12:24:57
23 printed on them certain information, and those trip 12:25:03
24 sheets in turn are used by the drivers when they start 12:25:04
25 their work shifts; correct? 12:25:07

1 A. Correct.

2 Q. My question, sir, was how was information entered
3 into the Cab Manager system?

4 A. As the car comes in to the -- from the previous
5 shift, it is downloaded from that driver, the ending
6 numbers, such as what the meter is. The meter is a
7 continuing number. It has money and it has miles. And
8 as it comes in, it gets an ending number. And as the
9 new ones are generated, it takes the ending numbers, and
10 they now become the starting numbers for the next shift.
11 And that's where they're generated. That's where
12 they're put in.

13 Q. The information you talk about in your last
14 answer comes from a computer that's in the taxi?

15 A. The last driver inputs into the computer his
16 mileage and his meter reading, and that becomes the
17 start mileage and meter reading for the next shift.

18 Q. Where does the driver enter that information?

19 A. In the office.

20 Q. Is any information from the cab itself
21 transported into the Cab Manager system?

22 A. Yes.

23 Q. What information would that be?

24 A. I think it -- it -- I don't remember specifically
25 what it is, but I think it just tells us that the cab

1 has come in, and it's now available to be put back out. 12:27:31

2 Q. So -- 12:27:40

3 A. It has -- it's received and now it can take data 12:27:47
4 from the computer. You can't -- a driver could not 12:27:47
5 start logging in his numbers unless the cab had been 12:27:50
6 identified when it rolled in. 12:27:54

7 Q. Now, the entry of information into the Cab 12:28:00
8 Manager system that you've just described to me, either 12:28:00
9 directly from the taxi or by the driver, is that the way 12:28:14
10 it's always been at A Cab? 12:28:21

11 A. No. Most of the stuff is with those new meters 12:28:23
12 we just got because they actually transfer information 12:28:27
13 now. What they did before -- what I -- I guess I'm 12:28:34
14 referring to what it did before about four months ago 12:28:36
15 when we started getting the new meters. The new meters 12:28:42
16 actually do more, and I can't tell you what they are 12:28:46
17 because I don't remember. But that's not the time 12:28:50
18 period we're going over anyway, but the information that 12:28:58
19 I gave you just now was information as it was up until 12:28:58
20 we got the new meters, the DT5 meters. 12:29:02

21 Q. So it is your testimony that under the DT5 12:29:11
22 meters, the entry of information into Cab Manager is 12:29:19
23 different now that those meters are being used; correct? 12:29:24

24 A. I believe so, yeah. I think there's more data 12:29:27
25 being downloaded into it. 12:29:30

1 Q. You had mentioned drivers entering information at 12:29:32
2 the end of their shifts in the Cab Manager system. 12:29:37

3 Was that done at something called a check-out 12:29:42
4 station? 12:29:48

5 A. Yes. We call it that. That's a good choice of 12:29:48
6 words. 12:29:50

7 Q. Well, is that a term that A Cab uses to describe 12:29:50
8 where drivers go and enter that information? 12:29:54

9 A. I've never heard the term before, but it's a good 12:29:50
10 description. 12:30:00

11 Q. Now, besides the drivers entering information as 12:30:00
12 you've described and certain information coming from the 12:30:00
13 meter that you've described, what other means, if any, 12:30:00
14 does information get entered in the Cab Manager system? 12:30:10

15 A. I don't think any. I don't think anything else 12:30:34
16 gets put into Cab Manager. 12:30:38

17 Q. Well, my question wasn't what else, but is there 12:30:42
18 another way that information gets into the Cab Manager 12:30:47
19 except by the drivers and except from the meters as 12:30:51
20 you've described to me? 12:30:56

21 A. On occasion and more frequently in the past than 12:30:50
22 recently, if a driver didn't input correctly, it was 12:31:00
23 done manually by a review person. I wouldn't imagine it 12:31:00
24 happened more than once a day on the average. Sometimes 12:31:10
25 we do it three times a day because the drivers don't 12:31:20

1 input correctly, and we're -- or it won't take the
2 information or we have a computer glitch. But I would
3 imagine on the average, it's not very common.

4 Q. Well, how would it be determined that the driver
5 hadn't entered information correctly?

6 A. Because their trip sheets are reviewed, and the
7 numbers don't balance.

8 Q. When you say the numbers don't balance, they
9 don't balance between what?

10 A. Starting mileage minus actual mileage or plus
11 actual mileage it should be the total mileage. And
12 sometimes it doesn't balance. Beginning meter for the
13 money taken in plus the new moneys should equal the
14 amount on the meter when it ends, or if you take the --
15 you put vice versa, you put the ending meter and then
16 subtract the beginning meter, you should have how much
17 money was on the meter. Sometimes the drivers will look
18 right at the number and input the wrong one. And it
19 doesn't balance, and we get an over or short. And with
20 the over and short, we have to go figure out what it is.

21 Q. Well, when that review is conducted that you just
22 described, is it done driver by driver?

23 A. Yes.

24 Q. So someone will go --

25 A. I interrupted you. I'm sorry. Go ahead.

1 Q. So someone will go and check the shift trip sheet 12:33:18
2 for the driver against the information in Cab Manager 12:33:21
3 for that shift and be sure that they are balanced as you 12:33:28
4 say? 12:33:32

5 A. Cab Manager will give us a total and break it 12:33:32
6 down by cab. And then normally they balance. But 12:33:38
7 probably once a day they don't balance. We have to go 12:33:43
8 down and find which particular car or which particular 12:33:47
9 cars. And if the whole thing was done for a period of 12:33:50
10 time, which it does happen, sometimes through electrical 12:33:54
11 failures or the computer overloaded, which a couple of 12:33:58
12 years ago it did with great frequency, we have to go 12:34:03
13 back in and actually input the same numbers again. So 12:34:07
14 that's when they would be put back in. 12:34:14

15 Q. Well, you were referring to Cab Manager giving 12:34:18
16 information, which I will call a report, showing the 12:34:22
17 balance for an entire shift for all drivers who worked 12:34:28
18 on the shift? 12:34:32

19 A. Right. 12:34:32

20 Q. And when you look at that report, how would you 12:34:38
21 know -- or would you know that there was a problem with 12:34:42
22 the balance as you were saying? 12:34:44

23 A. Because it has different numbers on the bottom. 12:34:48
24 This number should equal this number should equal that 12:34:53
25 number. We just look at it and see. 12:34:58

1 Q. Well, where do those numbers come from that 12:35:01
2 should be equal to each other? 12:35:04

3 A. As I said earlier, they come from the beginning 12:35:05
4 and ending of the meter numbers, and then we know how 12:35:08
5 much money they brought in and how many miles they 12:35:11
6 traveled. 12:35:15

7 Q. Well, is the out-of-balance determination made 12:35:18
8 because the report itself will show this is what the 12:35:22
9 meters tell us and this is what the money turned in 12:35:26
10 tells us, or is the out of balance determined from some 12:35:30
11 other fashion? 12:35:36

12 A. The driver is pretty much responsible for 12:35:38
13 determining how much money he has to turn in. It's not 12:35:40
14 uncommon for the drivers to turn in less than what they 12:35:43
15 are supposed to. And we have an over and short product 12:35:48
16 there. They don't tell us. They just turn it in, and 12:35:52
17 they walk out the door. With that we don't arrest them. 12:35:55
18 We simply have to make an adjustment, and we tell 12:36:01
19 them -- we make an adjustment either on their paycheck, 12:36:05
20 we'll talk to them about it, or we'll show them the trip 12:36:10
21 sheet that said this was your beginning, this was your 12:36:15
22 end, the difference is this many miles. And that's what 12:36:17
23 the computer put there. And when you did this, and you 12:36:20
24 were supposed to do that, it isn't right and you didn't 12:36:25
25 drop this much money. Or they may claim that there was 12:36:29

1 a meter jump, which means the meter just for no reason 12:36:31
2 went from 987 to 1087, and it happens. Most of them are 12:36:38
3 quite obvious because they're big jumps. Some of them 12:36:46
4 jump backwards. Meters jumps are not so much anymore, 12:36:49
5 but up until the new meters we just started getting, 12:36:54
6 they were pretty common. 12:36:59

7 Q. Well -- 12:37:00

8 A. And those things screw up the input. 12:37:02

9 Q. The report I had discussed with you from Cab 12:37:08
10 Manager, does it tell you both the amount that the 12:37:09
11 meters show were earned and the amount actually turned 12:37:11
12 in by the drivers for the shift? 12:37:16

13 A. It shows how much they should have turned in. 12:37:21

14 Q. And how do you find out how much was turned in? 12:37:24

15 A. The safe counts the money, and they get a receipt 12:37:30
16 for it. They take that receipt and put it on the back 12:37:38
17 of the trip sheet. 12:37:39

18 Q. And how does A Cab -- well, withdraw. 12:37:39

19 When you get that report from Cab Manager saying 12:37:41
20 what should have been turned in, somebody has to compare 12:37:46
21 that number to what was turned in; correct? 12:37:49

22 A. Correct. 12:37:52

23 Q. How does that person find out what was turned in? 12:37:53

24 A. They take a look at the receipt on the back of 12:37:57
25 the trip sheet which is scotch taped to it, and they 12:38:01

1 look at the receipt that is scotch taped right beside 12:38:00
2 it. And it says this is the amount of money we turned 12:38:01
3 in. This is the number of ones. This is the number of 12:38:11
4 fives. This is the number of tens, number of twenties, 12:38:16
5 etc. And it's a total of how much money was turned in. 12:38:19
6 Right beside it is how much money should have been 12:38:21
7 turned in. We probably have six or seven every day that 12:38:29
8 turn in something different than what they're supposed 12:38:32
9 to. Maybe ten a day. 12:38:39

10 Q. So is it your testimony then that A Cab 12:38:31
11 determines whether the correct amount was turned in by 12:38:41
12 the drivers by reviewing those paper receipts you've 12:38:44
13 just described? 12:38:49

14 A. Yes, it is. 12:38:50

15 Q. And who does that? 12:38:52

16 A. Nancy. 12:38:54

17 Q. Who is Nancy? 12:38:54

18 A. Nancy is the person who checks the receipts every 12:38:56
19 day. 12:38:59

20 Q. And how long has Nancy had that job? 12:38:59

21 A. A couple years. 12:39:01

22 Q. Did someone have that job before Nancy? 12:39:04

23 A. I would imagine they did. 12:39:08

24 Q. And who was it? 12:39:09

25 A. I don't recall. 12:39:16

1 Q. Would A Cab have a record of who that was?

2 A. I would imagine A Cab has a record of that, but I
3 don't recall as we sit here today.

4 Q. Do you know if that person still works for A Cab?

5 A. I don't know who it was, so I certainly wouldn't
6 know that. I don't remember who it was.

7 Q. Do you know all the people who currently work at
8 A Cab?

9 A. Do I know what?

10 Q. Do you know -- withdrawn.

11 Do you know all of the people who work at A Cab
12 who are not taxi cab drivers currently?

13 A. As of this moment?

14 Q. Yes.

15 A. I think I know.

16 Q. And in the past have you always known everybody
17 who works at A Cab who is not a taxi driver?

18 A. I don't know. Because in the past I don't
19 remember. I wouldn't know if I didn't know, would I?

20 Q. You mention that the Cab Manager produces trip
21 sheets that are used by the drivers.

22 Is Cab Manager used for anything else?

23 A. It stores those numbers. I believe it stores
24 those numbers. I think that's the main database for it.

25 Q. What numbers are you referring to?

1 A. The ones we discussed earlier, the meters -- 12:40:52
2 again, from the meters. 12:40:56

3 Q. Well, what is A Cab {sic} used for besides 12:41:04
4 storing those numbers as you've described it and 12:41:08
5 producing those trip sheets, if it's used for anything? 12:41:16

6 MS. RODRIGUEZ: I'm going to object. 12:41:19

7 THE WITNESS: It must be used for something 12:41:17
8 because we pay a lot of money for it. 12:41:19

9 MR. GREENBERG: Well, you've told me two 12:41:23
10 things it's used for. It's used for storing certain 12:41:24
11 numbers, and it's used to produce trip sheets. Is it 12:41:26
12 used for anything else? Well, actually we've discussed 12:41:29
13 three things. It's also used to give a report which 12:41:31
14 tells you what the total fares should have been 12:41:31
15 deposited; correct? 12:41:33

16 THE WITNESS: I've said that it keeps track 12:41:41
17 of the production by driver by using his number, his 12:41:41
18 hack number we call it. It keeps track of production by 12:41:51
19 drivers, and it keeps track of production by car. Just 12:42:00
20 keeps production numbers. That's what it's for. 12:42:11

21 BY MR. GREENBERG: 12:42:20

22 Q. Well, what do you mean by production numbers? 12:42:29

23 A. How much money was earned. I mean, how much 12:42:27
24 money was collected, not earned, but collected. It 12:42:28
25 doesn't do anything towards how much money they earned. 12:42:36

1 It does keep track of how much money was taken in by
2 that driver on that shift, by that car and that driver
3 on that shift. It just keeps track of the money that
4 comes in and the money that should have come in the
5 meter.

6 Q. Well, so does A Cab run reports from Cab Manager
7 giving it that production or productivity information
8 you've been describing?

9 A. Yeah, it does.

10 Q. What sort of reports are those?

11 A. Just like you described in your question.

12 Q. Well, are there reports run every week, every
13 month, every day, by cab, by driver? I mean, can you
14 tell me what sort of reports you have looked at run from
15 Cab Manager showing production or productivity?

16 A. It's pretty simple, Counselor. We run a
17 production by driver. We run it by day. We run them
18 by -- we can break out the cab by -- we can rate them by
19 how much money they earn. We can rate them by how many
20 shifts per week they run. We can rate them by how their
21 money produced is by average. We can -- we get a lot of
22 management detail out of that. It's basically
23 calculating how much money and what cabs were used.
24 That's what Cab Manager does.

25 Can we eat lunch now? It's a quarter till.

1 MR. GREENBERG: We did agree to take a break 12:44:21
2 at this time. Off the record. Thank you. 12:44:26

3 (A break was taken from 12:44 p.m. through 12:44:28
4 1:31 p.m.) 01:31:26

5 MR. GREENBERG: We're back on the record. 01:31:28

6 BY MR. GREENBERG: 01:31:29

7 Q. Mr. Nady, have you any specific training in 01:31:30
8 computers? 01:31:33

9 A. Some, yes. Where'd I get it? At the University 01:31:38
10 of Nevada remembering that that was when they were still 01:31:40
11 using punch cards and on-the-job training. 01:31:44

12 Q. When you say on-the-job training, what does that 01:31:48
13 consist of? 01:31:50

14 A. Picking up stuff here and there like everybody 01:31:50
15 else. 01:31:56

16 Q. What kind of stuff are you referring to? 01:31:56

17 A. Computer usage, abilities and QuickBooks and Word 01:31:58
18 Perfect and Excel and just other small database systems 01:32:01
19 picked up. 01:32:22

20 Q. You mentioned certain software in your last 01:32:23
21 answer. 01:32:28

22 Are you able to perform any computer programming 01:32:29
23 besides using those softwares you mentioned? 01:32:33

24 A. No. 01:32:36

25 Q. You mentioned that the Cab Manager system stores 01:32:40

1 certain information.

2 Do you know all the information it stores?

3 A. You've already asked me this, and I've answered
4 it. If you want me to answer it again, I won't. You
5 can ask her to repeat my answer for you.

6 Q. No. Mr. Nady, you need to answer my question
7 as --

8 A. No, I don't if you've asked it already.

9 Q. No, you do need to answer --

10 A. No, I don't.

11 Q. -- my question.

12 A. No, I don't if you've asked it already.

13 Q. Mr. Nady --

14 A. Sir.

15 Q. You need to --

16 A. The answer is, no, I won't because you've already
17 asked and answered it.

18 Q. That's not an -- that's not --

19 MR. GREENBERG: Counsel, will you please
20 instruct the witness that's not a basis for him to
21 refuse to answer?

22 THE WITNESS: How many times do we have to
23 answer the same question?

24 MR. GREENBERG: Mr. Nady, your --

25 MS. RODRIGUEZ: I think he's just referring

1 to what he's referring to is his prior answer.

2 MR. GREENBERG: I don't believe he's
3 answered the question, and I would like an answer to the
4 question.

5 THE WITNESS: Let's read back the question,
6 and we'll see how it goes. Can I ask for that? Yes, I
7 can.

8 MR. GREENBERG: No, you can't.

9 THE WITNESS: Yes, I can.

10 BY MR. GREENBERG:

11 Q. Mr. Nady, I'm asking the questions. If there's
12 an objection raised because the question is duplicative,
13 that objection is sustained, Mr. Nady, the testimony
14 will be stricken and will not be usable in these
15 proceedings, but you still have to answer my question.
16 You can't refuse to answer it. And your lawyer can
17 instruct you --

18 A. Don't tell me what I can't do.

19 Q. Mr. Nady, I'm telling you what the rules are. If
20 you choose not to follow the rules, then you can be
21 subject to whatever actions the court believes are
22 appropriate in response to that.

23 A. You're telling me what I can't do is what you
24 just said. You can't do that you said. So, in fact,
25 you told me what I can't do, and that was plain English.

1 Q. Mr. Nady --

01:34:28

2 A. You want to change what you said?

01:34:29

3 Q. No.

01:34:31

4 A. So don't tell me what I can't do.

01:34:33

5 Q. If you wish to follow the rules that govern this
6 proceeding, the only basis for you to refuse to answer a
7 question is because it involves something that is
8 privileged.

01:34:35

01:34:38

01:34:42

01:34:44

9 A. Well, I just -- I discount that because if you
10 ask me the same question numerous times, I think you're
11 badgering me. And if you're badgering me, I'm not going
12 to answer.

01:34:45

01:34:50

01:34:53

01:34:56

13 Q. Mr. Nady --

01:34:58

14 A. You're trying to get my goat. You're trying too
15 get me upset. It's not going to work, Counselor. I'm
16 just so happy.

01:34:59

01:35:00

01:35:04

17 Q. Mr. Nady, I will ask the reporter to read back my
18 question one more time. If you continue to refuse to
19 answer, we will simply mark it as a refusal, we were
20 move on, and I will take up the fact that you are
21 refusing to answer it with the court at an appropriate
22 time.

01:35:05

01:35:08

01:35:11

01:35:14

01:35:17

01:35:20

23 MS. RODRIGUEZ: If you're going to have her
24 read back at this time, then I would ask her to go ahead
25 and find that question where you previously asked it,

01:35:21

01:35:23

01:35:24

1 and she can read that as well as Mr. Nady's response. 01:35:27

2 MR. GREENBERG: No, Counsel. I don't 01:35:31
3 believe the question was asked. I'm not going to have 01:35:34
4 the reporter search through the record to satisfy your 01:35:36
5 client's assertion that it was asked. The last time he 01:35:40
6 made an assertion about his testimony, he was wrong when 01:35:43
7 we had the record searched. This isn't the purpose of 01:35:45
8 the deposition. 01:35:48

9 MS. RODRIGUEZ: He's referring to his prior 01:35:49
10 answer. So I think he wants his prior answer read back. 01:35:52
11 I would like his prior answer read back. If he's saying 01:35:56
12 see my prior answer, I think we need to see if it's the 01:35:59
13 same question and the same answer. 01:36:02

14 MR. GREENBERG: Counsel, I want the answer. 01:36:04
15 This is what we're going to do. It's my examination, 01:36:07
16 Counsel. If you believe my approach is improper, it 01:36:09
17 will be taken up with the court. I want my last 01:36:12
18 question read back to him. If he refuses to answer it 01:36:14
19 again, it will be appropriately on the record, and we'll 01:36:17
20 move forward. I just want to give him another 01:36:20
21 opportunity to answer the question on the record before 01:36:22
22 we move on to something else. The implications of his 01:36:24
23 conduct in that respect will be dealt with in the 01:36:26
24 future, and you can raise your view to the court that 01:36:29
25 something else should have been done. 01:36:34

1 MS. RODRIGUEZ: That's fine. All I was
2 saying is if you're asking the court reporter to read
3 back your question, she can read the same question that
4 was previously asked and Mr. Nady's response.

5 MR. GREENBERG: But she's not --

6 MS. RODRIGUEZ: I mean, you've asked her to
7 do searches already during this.

8 MR. GREENBERG: Yes, but I'm the one who's
9 asking the questions here. Okay? If you want -- if I'm
10 concluded with my deposition, you want to put the
11 witness under oath and ask questions, you can do so.
12 I'm not agreeing to your question.

13 MS. RODRIGUEZ: Okay.

14 MR. GREENBERG: Please read back the last
15 question I asked the witness.

16 (The last question was read back by the
17 reporter as follows: "You mentioned that the
18 Cab Manager system stores certain
19 information.

20 Do you know all the information it stores?")

21 MR. GREENBERG: We're waiting for your
22 answer, Mr. Nady.

23 THE WITNESS: I didn't hear your question.
24 I heard her read it, but I didn't hear your question.

25 MR. GREENBERG: Please read the question

1 back again then.

2 THE WITNESS: So you're going to have her
3 ask the question to me, and I'm going to answer her?
4 Okay. I do understand that.

5 (The last question was read back by the
6 reporter as follows: "You mentioned that the
7 Cab Manager system stores certain
8 information.

9 Do you know all the information it stores?")

10 THE WITNESS: Do I know -- what did you say?

11 BY MR. GREENBERG:

12 Q. The question, Mr. Nady, to clarify again is you
13 have testified as to certain types of information the
14 Cab Manager stores.

15 The question to you is: Are you aware of all of
16 the types of information the Cab Manager stores?

17 A. I'm pretty sure I am.

18 Q. And why do you think you're pretty sure that you
19 are?

20 A. Because that's all that I pay for.

21 Q. What do you mean that's all that I pay for?

22 A. I pay for the same information that I told you
23 about before the break, and I don't get charged for
24 anything else. I imagine if it did anything else, I
25 would be charged for it. I'm not. It's all I needed,

1 and it's all I've asked for. That's all I get. 01:39:44

2 Q. To clarify, Mr. Nady, my question concerns 01:39:51

3 information that is recorded or stored in the Cab 01:39:58

4 Manager system. You have given testimony as to certain 01:40:00

5 kinds of information that the Cab Manager system stores 01:40:07

6 or records. You remember that; correct? 01:40:09

7 A. I remember that; correct. 01:40:10

8 Q. My question to you again is: Sitting here today, 01:40:14

9 are you confident that you know all of the types of 01:40:17

10 information that the Cab Manager system records or 01:40:21

11 stores? 01:40:25

12 A. I know that the information that I utilize from 01:40:29

13 the computer I've already told you, and as far as I 01:40:32

14 know, that's all of the information that Cab Manager 01:40:36

15 produces or keeps, and that's all that I pay for. 01:40:42

16 Q. Well, what is the basis of your statement that 01:40:47

17 you just made that to your knowledge the information you 01:40:51

18 told me about already is the only information that Cab 01:40:55

19 Manager stores or keeps? 01:41:00

20 A. Explain to me what you mean by what's the basis 01:41:02

21 of my answer? The basis would be pretty simple. I 01:41:06

22 don't know of any other information it keeps. 01:41:11

23 Q. You don't personally know of any other 01:41:14

24 information that is stored or kept in the Cab Manager 01:41:18

25 system besides what you have already testified to; 01:41:19

1 correct?

2 A. Not only do I not know if it does, if it did,
3 I've never seen it. I've never been billed for it.
4 It's never been discussed. I have no reason to believe
5 it's there. I only get what I pay for.

6 Q. Have you made any attempt to find out if the Cab
7 Manager system stores or records any information besides
8 the types of information you mentioned in your earlier
9 testimony?

10 A. None has been offered to me nor have I asked for
11 any nor do I have any reason to believe that anything
12 other than what I was offered is available.

13 Q. When you say what you were offered, what do you
14 mean?

15 A. Whatever I'm paying for. I'm paying for the data
16 that I told you about earlier.

17 Q. And did anybody ever tell you that that's the
18 only data that is in the Cab Manager system, the data
19 that you're paying for that you refer to it by?

20 A. It would only seem normal -- a normal person of
21 average intelligence would assume that if he had more to
22 sell, he'd try to sell it. If he had an aspect of this
23 program that made it more available, he would try to
24 sell it. He has never done that, and I don't know of
25 anybody else in the industry who has a better product

1 than I do.

2 Q. Move to strike as nonresponsive.

3 Mr. Nady, my question to you was whether you have
4 ever been told that there is no data stored in the Cab
5 Manager system beyond --

6 A. I've never been told that there was no data
7 stored.

8 Q. You have not allowed me to finish my question,
9 sir.

10 A. Oh.

11 Q. The question again, Mr. Nady, is: Has anybody
12 ever told you there is no data stored or recorded in the
13 Cab Manager system except for the types of data you
14 previously mentioned in your testimony?

15 A. No. Never been asked, and I have no reason to
16 believe it would because a normal person of normal
17 intelligence, as I said before, would try to sell any
18 product that was -- that would enhance his product. He
19 hasn't offered it to anybody in the industry that I'm
20 aware of, and he hasn't offered it to me. So I get what
21 I paid for. And I haven't -- I haven't asked for
22 anything more. He hasn't offered anything more. I'm a
23 good customer. I would imagine that as a client of his,
24 he would offer me something more if he has something
25 more to offer, and he has not.

1 Q. When you say he, who are you referring to? 01:44:23

2 A. Jim Morgan I'm talking about. 01:44:25

3 Q. Have you ever inquired with Mr. Morgan as to 01:44:28
4 whether the Cab Manager system stores any information -- 01:44:31
5 any types of information, excuse me, in addition to the 01:44:34
6 types of information you mentioned previously? 01:44:38

7 A. No. 01:44:41

8 Q. So it's correct then that you have never asked 01:44:47
9 Mr. Morgan whether Cab Manager records times that 01:44:50
10 certain activities took place in? 01:44:53

11 MS. RODRIGUEZ: Objection. Vague. 01:44:55

12 THE WITNESS: I have never asked him if it 01:45:03
13 keeps the time or any times in Cab Manager, but you 01:45:07
14 have. I was there. And he said no 17 times by the way. 01:45:12
15 17 times he told you no. 01:45:19

16 I read that from his deposition. You asked him 01:45:37
17 17 times if it was kept, and he said, no, it wasn't. And 01:45:41
18 then you asked him in some other way, and you asked him, 01:45:45
19 I think -- he answered you three more times. I'm still 01:45:49
20 answering your question. I'm still answering your 01:45:52
21 question. 01:45:53

22 MR. GREENBERG: Mr. Nady, there's no 01:45:53
23 questions posed to you. 01:45:54

24 THE WITNESS: Yes, there was. 01:45:56

25 MR. GREENBERG: No, there isn't. 01:45:59

1 THE WITNESS: Oh, I'm still continuing with
2 the last question.

3 MR. GREENBERG: Off the record. Counsel, if
4 you're not going to --

5 MS. RODRIGUEZ: I don't agree to go off the
6 record because he's -- he needs to --

7 MR. GREENBERG: He answered -- Counsel, he
8 answered the question. Now he's giving a speech. I'm
9 not going to allow that.

10 THE WITNESS: I'm answering your question,
11 Counselor.

12 MR. GREENBERG: Mr. Nady, the question was a
13 yes or --

14 THE WITNESS: You don't like the answer. So
15 now you're trying to cut me off.

16 MR. GREENBERG: No.

17 THE WITNESS: That's the truth. You don't
18 like the answer because you --

19 MR. GREENBERG: Off the record.

20 THE WITNESS: No, you can't go off the
21 record.

22 MS. RODRIGUEZ: I'm not agreeing to go off
23 the record, Mr. Greenberg.

24 MR. GREENBERG: We're going off the record.
25 I'm ordering it off the record.

1 THE WITNESS: Oh, you're ordering it off the
2 record? I don't know if you can do that.

3 MR. GREENBERG: It's my deposition.

4 THE WITNESS: You spoiled little brat.

5 MS. SNIEGOCKI: Did you get that on the
6 record?

7 MR. GREENBERG: Counsel --

8 THE WITNESS: Are we on the record?

9 MR. GREENBERG: No, we don't need any of
10 this on the record. I want it off the record.

11 Look, Counsel. It's a yes-or-no question.
12 The answer is yes or no.

13 MS. RODRIGUEZ: Are we still on the record?
14 I didn't agree to go off the record.

15 THE WITNESS: And I'm not going to answer
16 until you -- we aren't going to discuss anything off the
17 record.

18 There's no purpose to be off the record. I
19 want a record of all this.

20 MS. RODRIGUEZ: He has a right to finish his
21 response to your question. That's all that we're here
22 arguing about is you asked a question; he wants to
23 finish his response.

24 MR. GREENBERG: Counsel, I'm going to --

25 MS. RODRIGUEZ: And then we'll go off the

1 record.

2 MR. GREENBERG: No. I'll tell you what.
3 We'll leave everything on the record. Okay?

4 THE WITNESS: Perfect.

5 MR. GREENBERG: Okay.

6 BY MR. GREENBERG:

7 Q. Mr. Nady, I want to make clear to you that if
8 you -- a question is yes-or-no answer, you give a
9 yes-or-no answer. That is sufficient. Okay? I've
10 given you a great deal of leeway to give expansive
11 answers beyond that, which is fine. And, Counsel, I
12 have, but we need to move forward, and that's why I was
13 objecting. So let's move forward.

14 MS. RODRIGUEZ: Well, he has a right to give
15 you a complete response. You cannot instruct him to
16 only answer a yes or no in the manner in which you
17 prefer.

18 So ask your questions, but he's entitled to
19 give you a full response.

20 MR. GREENBERG: No, Counsel, once he answers
21 the question yes or no, the answer is complete. He gave
22 a no answer to my question. The answer was complete.
23 He has no right to testify beyond that.

24 THE WITNESS: I disagree with that.

25 BY MR. GREENBERG:

1 Q. Mr. Nady, the information that is recorded and
2 stored in Cab Manager, where is that kept?

3 A. In Cab Manager.

4 Q. Yes. But there are computer files that
5 information is stored in.

6 Do you understand that?

7 A. Yes.

8 Q. And where are those computer files kept?

9 A. In my office.

10 Q. And are those computer files kept anywhere else?

11 A. I don't think so.

12 Q. Are copies of those files made to preserve them?

13 A. Nope.

14 Q. And why not?

15 A. I don't want to.

16 Q. So is it correct that those files are kept on a
17 single computer hard drive?

18 A. Yes.

19 Q. And if something happened to that computer, there
20 was a fire, computer was destroyed, the hard drive was
21 destroyed in that computer, all of that recorded
22 information in Cab Manager would be lost?

23 A. We're in a fireproof room.

24 Q. Mr. Nady, if that hard drive was destroyed on the
25 computer you were just referring to, would all of that

1 Cab Manager information be lost, or is there another
2 back-up copy kept?

3 A. We have a back up, like, a mirror image on it so
4 that it's backed up in case this computer takes a dump,
5 the one right on top of it -- so actually we have two of
6 them. So it's not just on one computer. All the data
7 is kept on two so in case one takes a dump, which it has
8 and we had to start over, we still had the data on the
9 other one.

10 Q. So the back-up copy of all of the Cab Manager
11 stored information is kept; correct, Mr. Nady?

12 A. The back up Cab Manager is kept right on the --
13 on another computer directly above the Cab Manager
14 computer, and it is almost like a mirror -- we call it a
15 mirror.

16 Q. So there are two hard drives that the Cab Manager
17 system data --

18 A. Exactly.

19 Q. -- is kept on?

20 A. Uh-huh.

21 Q. Besides those two hard drives, are any other
22 copies of the Cab Manager data kept?

23 A. No.

24 Q. Is any historic copy of the Cab Manager system
25 data ever made and taken out of your office and put to a

1 different location?

2 A. It better not have been because I don't know
3 about it, nor did I authorize it.

4 Q. Is there any back up of the Cab Manager data
5 which is conducted through the cloud? By the cloud I
6 mean electronically to someplace outside of your office
7 through the internet.

8 A. I don't think so.

9 Q. Is there anyone in your office who is responsible
10 for managing the preservation of the Cab Manager data?

11 A. Yes.

12 Q. Who is that?

13 A. Me.

14 Q. So is it correct that you're familiar with all of
15 the steps that are taken to preserve and guard that
16 data; correct?

17 A. Pretty much so. When you say all, that's a big
18 number. I would imagine I don't remember all of the
19 them off the top of my head because if you ask me all of
20 them, I couldn't tell you. But I think I got advice
21 from people who are smarter and more familiar with it we
22 I did this and when I do this. So I think that pretty
23 much I'm familiar with most of them. But it's generally
24 pretty simple. We keep it in a solid room where it is
25 completely independent of the -- it has a battery

1 system, a battery back-up system. It has a heat shield.
 2 It has fireproof walls. It has a back up right above
 3 it, and it's all right there.

4 Q. You said you consulted with people who were more
 5 knowledgeable than yourself in terms of making a
 6 decision about how to preserve the Cab Manager data.

7 Who were these people?

8 A. Jim Morgan.

9 Q. Anyone else?

10 A. No.

11 Q. And what did Jim Morgan tell you about preserving
 12 the Cab Manager data?

13 A. To do what I did.

14 Q. Did he tell you anything else?

15 A. He's told me a lot of things.

16 Q. Well, about preserving the Cab Manager data, did
 17 he suggest any other alternatives than what you've
 18 described?

19 A. I don't think so.

20 Q. Are you aware of any data that's missing from the
 21 Cab Manager system that was in the system at one time
 22 but now has been lost?

23 A. Yes.

24 Q. What would that be?

25 A. Almost every day. We only have a certain size

1 database. And as that database increases, the oldest
2 stuff gets -- goes away to make room on both the
3 computers.

4 Q. You say almost every day --

5 A. Every day when new data is entered, the oldest
6 data is deleted for preservation. We didn't do that
7 before. And right in the middle of our workweek, our
8 computer died, and we lost all of it. So we had to --
9 we started over again. When that was, I don't remember.
10 But I think it was before the -- before now -- I mean,
11 before yours.

12 So we are very good about not letting our
13 computer get overburdened which is why we went to the
14 mirror image, but we lost it all at one time.

15 So now when it gets to a certain point, it just
16 gets deleted automatically.

17 Q. The information that gets deleted, is it copied
18 and stored somewhere else?

19 A. No. It just goes away.

20 Q. And has that been happening since --

21 A. It happens every day, and it has happened every
22 day since 2009, I think.

23 Q. So it's correct that since this lawsuit started
24 in 2012, A Cab has not preserved all of the information
25 in Cab Manager that existed when this lawsuit started?

1 A. Probably that's true. It just gets deleted. 01:55:17

2 Q. Do you know how far back the information in Cab 01:55:21
3 Manager goes right now? 01:55:29

4 A. No. 01:55:29

5 Q. Who do you think would know that? 01:55:29

6 A. Jim Morgan. 01:55:29

7 Q. Did you make any attempt prior to today to find 01:55:29
8 out the answer to that question? 01:55:33

9 A. No. 01:55:34

10 Q. Any reason you didn't? 01:55:38

11 A. Pardon? 01:55:38

12 Q. Any reason you didn't make any attempt to find 01:55:38
13 out how far back the information in Cab Manager was 01:55:41
14 stored for prior to coming here today? 01:55:44

15 A. There is such a large amount of data that the 01:55:46
16 computer -- we just can't afford a database to continue 01:55:48
17 to put unlimited amounts of data into it, and we can't 01:55:51
18 let it slow down or drop or crash like it did last time. 01:56:02

19 So in an effort to preserve what we have, we just 01:56:06
20 eliminate data every day. 01:56:10

21 Q. Did you ever speak with anyone about rather than 01:56:11
22 eliminating data, simply taking that data off of the Cab 01:56:22
23 Manager system which would eliminate it from the Cab 01:56:28
24 Manager system, but also copying that data and 01:56:31
25 preserving it somewhere else? 01:56:33

1 A. Didn't think that was an option. 01:56:30

2 Q. Why didn't you think that was an option? 01:56:38

3 A. Why did I not think? That's a good question. 01:56:41

4 Because it wasn't suggested, I would imagine, and I 01:56:44
5 didn't think of it. 01:56:50

6 Q. So since you didn't think about it, you never 01:56:53
7 asked anybody about it; correct? 01:56:54

8 A. If I didn't think about it, I didn't ask anybody 01:56:58
9 about it. 01:56:59

10 Q. You mentioned that it would cost an amount that 01:57:09
11 would be excessive to continue to maintain all of the 01:57:09
12 Cab Manager data in the Cab Manager system. 01:57:11

13 Do you recall saying that? 01:57:19

14 A. Sure. 01:57:16

15 Q. And how much would it cost to do that? 01:57:17

16 A. I don't know. 01:57:18

17 Q. Then why do you think it would be an excessive 01:57:21
18 cost to do so? 01:57:24

19 A. Because it would cost more than I wanted to pay, 01:57:28
20 I'm certain. I think that one time I got an estimate to 01:57:30
21 get a larger computer, and when Jim Morgan put that new 01:57:30
22 Cab Manager 5 version on there, it was supposed to have 01:57:41
23 a bigger database or a bigger storage facility. And so 01:57:49
24 that kind of eliminated two birds with one stone. 01:57:58

25 Q. Well, you just mentioned Cab Manager 5. What do 01:58:09

1 you -- are you referring to in terms of when that
2 happened?

3 A. It's still in the process of going on -- going
4 in.

5 Q. So in respect not to Cab Manager 5, which you are
6 testifying is in the process of being implemented, just
7 so I -- your testimony is clear, you had said you had
8 gotten an estimate for a new computer and the cost for
9 that, and that is the basis for your understanding that
10 the cost of having preserved the Cab Manager database
11 information that we've been discussing would be
12 excessive?

13 A. You're picking out the parts of my answers that
14 you like, Counselor. I said that I could eliminate the
15 problem because Cab Manager 5 eliminated my requirement
16 to store -- it was going to store more data any way. So
17 that's why I did it.

18 Q. Right. But --

19 A. So don't -- don't -- don't try to change what I
20 said. I gave you an answer that said it killed two
21 birds with one stone. You just want the one bird. But
22 the reason when you get a solution that would have more
23 data, less being put out, less being deleted, it seemed
24 like the right answer. So it was a business decision
25 too.

1 Q. When did you make the decision to upgrade to the 01:59:48
2 version five you've been discussing? 01:59:48

3 A. The version five was -- I don't know -- maybe 01:59:52
4 last October or something like that. They're still 01:59:58
5 installing it. They're still trying to -- 02:00:02

6 Q. Prior -- 02:00:05

7 A. It's much bigger. 02:00:07

8 Q. Prior to making that decision last year in 2014 02:00:08
9 to move to the version five, did you ever find out what 02:00:12
10 it would cost to expand the storage capacity of the 02:00:15
11 existing Cab Manager system so you wouldn't have to 02:00:20
12 eliminate information in the database as you described? 02:00:23

13 A. You mean right after it dumped, and we lost a 02:00:27
14 good portion of all of our data when it overloaded? Is 02:00:31
15 that when you're talking about? 02:00:36

16 Q. I mean at any time, Mr. Nady. 02:00:38

17 A. Oh, good. Because remember that sometime -- this 02:00:40
18 happened twice. Once I think was in '9 where we lost 02:00:44
19 everything, and we had to -- we started off -- it just 02:00:50
20 went totally out of service. And that was in Cab 02:00:57
21 Manager 1. And then I think it started again with Cab 02:01:00
22 Manager 2. It's been a long time. Cab Manager 2, and 02:01:03
23 that went along. And that was made so that it wouldn't 02:01:08
24 happen again. It wouldn't delete all of our files 02:01:12
25 again. And then we went through '10, '11, and '12, and 02:01:16

1 then sometime after '12, we had another catastrophe 02:01:29
2 where it failed. And after that we put the mirror on 02:01:32
3 top of it so that in case the bottom one, which has the 02:01:35
4 data went away, it wouldn't blow this one. And then we 02:01:38
5 went to Cab Manager 3. And then that one happened. And 02:01:41
6 then we went to Cab Manager 4. And we wasn't even 02:01:52
7 through putting 4 in when he got 5. 02:01:55

8 So we've made pretty good efforts in trying to 02:01:58
9 preserve this. But if you don't -- we kept expanding 02:02:02
10 our memory in an effort to save as much as we could, but 02:02:05
11 it's going to delete stuff all the time. 02:02:12

12 Q. And -- 02:02:15

13 A. So do I know what it would cost? Well, it was a 02:02:17
14 six digit number. I know that. 02:02:23

15 Q. Six digit number for what, Mr. Nady? 02:02:25

16 A. For the new computer system, for a bigger 02:02:26
17 computer system. 02:02:29

18 Q. And why was it a six digit number? 02:02:29

19 A. Because it cost more than \$100,000. That's what 02:02:32
20 six digits means. 02:02:36

21 Q. Are you referring to the cost of the hardware or 02:02:37
22 the software? 02:02:40

23 A. Both. 02:02:43

24 Q. What would be the -- 02:02:43

25 A. I don't know. 02:02:43

1 Q. Just the hardware --

2 A. I don't know. I don't know. Because this was
3 years ago I don't remember, but it was enough that I
4 remember I couldn't afford it.

5 Q. Mr. Nady, did you ever investigate the
6 possibility of moving the software to a new hardware
7 system, a new physical computer, that would allow the
8 Cab Manager system to function and not have to have data
9 eliminated from it?

10 A. Thank you for your advice, Counselor. I'm sure
11 that you know how to run my business better than I do.
12 However, I think I did the most prudent thing. And did
13 I ever think about it? No, I just didn't think about
14 it, but I'm trying to preserve as much -- to preserve
15 the data as best as I can -- you want to interrupt me?
16 I'll stop talking, and I won't answer any more.

17 Q. Please, Mr. Nady, you said you didn't think about
18 it. That's your answer.

19 A. But that's only half my answer.

20 Q. That is --

21 A. No, that's half my answer. You want me to
22 continue or not?

23 Q. No. You've answered the question.

24 A. Oh, good. Thank you. That's nice of you.

25 Q. Thank you for answering the question.

1 A. You want the full answer or you want the half
2 answer?

3 Q. Mr. Nady, did you --

4 A. Mr. -- Mr. Greenberg, do you want me to answer
5 the question completely or not or half answer?

6 Q. You've --

7 A. Mr. Greenberg,

8 Q. You've answered the question.

9 A. You've answered --

10 Q. You said you didn't think about it.

11 A. Mr. Greenberg, you're making me frustrated.

12 Q. Mr. Nady, did you speak with anyone about getting
13 new hardware with greater capacity for the existing Cab
14 Manager software so the Cab Manager system could
15 function without the need to eliminate data?

16 A. I think I answered that question before, but I'll
17 restate what I said before so that you will ask it maybe
18 a third or fourth time just to remind you that you do
19 that with some regularity. And that is I spoke with Jim
20 Morgan about getting a larger computer system to store
21 all of our data and a new computer and a new system, and
22 the numbers were six digits. And that means it was over
23 \$100,000, and that kind of scared me because I didn't
24 have \$100,000. I didn't have half of that.

25 Q. Mr. Nady, the computer system you referred to

1 included software. My question was strictly limited to
2 hardware. You did not answer my question.

3 A. I don't remember if it was software and hardware
4 individually or not. I don't recall that. I can tell
5 you that the solution that was presented was \$100,000.
6 That's three times now. The solution that was selected
7 from the person who I trusted and asked for was
8 \$100,000. So that was my answer.

9 So now did I know if it was part this and part
10 that? I don't recall.

11 Q. And, again, you don't know if you ever discussed
12 just getting new hardware for the existing software;
13 correct?

14 A. Asked and answered.

15 MS. RODRIGUEZ: I think he -- I am
16 objecting. Mr. Greenberg, I think you're badgering him
17 at this point. You've asked him the same question
18 several times.

19 MR. GREENBERG: Counsel, the witness says he
20 asked and answered it. That's fine. It's on the
21 record. I just want to be clear that his prior answer
22 did address that. Indeed it did, but he discussed a lot
23 of other things so I wanted to be sure. Thank you,
24 Counsel. Thank you, Mr. Nady.

25 THE WITNESS: You're welcome, Mr. Greenberg.

1 MS. RODRIGUEZ: Can we take another quick
2 break?

3 MR. GREENBERG: Yes.

4 (A break was taken from 2:06 p.m. through
5 2:12 p.m.)

6 BY MR. GREENBERG:

7 Q. Mr. Nady, you discussed certain reports that the
8 Cab Manager system produces that are used by A Cab.

9 Are you aware of all of the different kinds of
10 reports that the cab manager system can produce?

11 A. I'm aware of all the reports that I ask it of --
12 ask of it.

13 Q. Are you aware whether it can produce other kinds
14 of reports?

15 A. The only ones that I'm aware of are the ones that
16 I get every day or with some regularity I should say.

17 Q. Are you aware of any interface -- by interface I
18 mean a computer screen or series of options or commands
19 -- that someone using the Cab Manager system can enter
20 to create a report?

21 A. Yeah.

22 Q. Have you ever used that interface?

23 A. Yes.

24 Q. Does that interface allow you to modify reports?
25 By modify I mean select certain kinds of information or

1 different sorts of information from the report.

2 A. Can we ask -- let me figure out if this is what
3 you're asking. Are you asking if I go into a great big
4 database and ask specifically for a certain segment of
5 that or a certain type of that or what are you asking?

6 Q. Well, Mr. Nady, you testified you were familiar
7 with QuickBooks.

8 A. QuickBooks and Cab Manager are not related.

9 Q. I understand.

10 A. Okay. So which one are we talking about?

11 Q. I didn't finish my question, Mr. Nady.

12 Are you familiar in QuickBooks that there are
13 functions, interfaces, that allow users of QuickBooks to
14 customize reports?

15 A. I think so.

16 Q. Is there any similar function in Cab Manager --

17 A. No.

18 Q. Is there --

19 A. Well, I shouldn't so no so quickly. There may
20 be. Can I describe any right now? No. But there are
21 some I would imagine. We can -- we can -- we have a
22 certain set of documents that we get regarding the miles
23 and the meters and the meter readings, and with that we
24 know which driver did what, and we analyze the drivers'
25 production by day. And can we break that down into

1 smaller other stuff? I don't know.

2 Q. Have you ever seen any report from Cab Manager
3 that includes the times that a medallion or taxi was put
4 into service and taken out of service?

5 A. Cab Manager doesn't keep track of times. The
6 answer to your question is no. And I'll tell you why it
7 doesn't because it's against the law. And Cab Manager
8 was specifically told by the taxi cab authority that it
9 could not be used for time, and that was the same thing
10 Jim Morgan told you during his deposition. And I'm
11 aware of that all the time.

12 Q. So it is your testimony that none of the reports
13 you have ever seen from Cab Manager contain times of the
14 activities --

15 A. That's correct.

16 Q. -- of any medallion or taxi cab?

17 A. I have never seen a time generated from time
18 manager -- from Cab Manager that included a time. And
19 as far as I know, there are no times generated on Cab
20 Manager.

21 Q. Mr. Nady, if someone told me that there was a
22 report that was accessible in the Cab Manager system
23 used by A Cab that would allow someone to review the
24 start shift time and end shift time of a particular
25 driver for one shift or a series of shifts, that person

1 would be lying to me?

2 MS. RODRIGUEZ: Objection. Calls for
3 speculation. Lacks foundation.

4 THE WITNESS: They may not be lying. They
5 may have an ulterior motive to be saying that, but as
6 far as I know, and I think I know more about it than
7 most, it ain't possible. And if anyone told you that,
8 they're a damn liar.

9 BY MR. GREENBERG:

10 Q. You mentioned the use of QuickBooks, Mr. Nady.

11 Is that the system that A Cab uses to process its
12 payroll for its taxi drivers?

13 A. Yes, it is.

14 Q. How long has it used that system for?

15 A. Since 2001.

16 Q. And where are the data files for the QuickBooks
17 kept?

18 A. In my office.

19 Q. Is any copy made of those files?

20 A. No.

21 Q. Are those files maintained on a single computer
22 hard drive or on more than one computer hard drive?

23 A. On a single computer hard drive.

24 Q. Is any back up made of those files?

25 A. No.

1 Q. How far do those files go back that are currently
2 in the possession of A Cab?

3 A. I would imagine they go back less than three
4 years.

5 Q. And why do you imagine that?

6 A. Because that's all I'm required to keep. And if
7 you keep too much data on there, it gets so slow.

8 Q. When this litigation was commenced in 2012, did
9 you make any attempt to preserve QuickBooks files that
10 existed in 2012 and not delete them?

11 A. We rarely delete according to the federal
12 requirements and the state requirements which are two
13 years.

14 Q. Well, you say you delete. You mean that you
15 believe that those requirements require you destroy that
16 information?

17 A. I would imagine -- the answer to your question is
18 two part. They want us -- the federal government and
19 the state department of labor require us to keep
20 information for two years. We keep it for two years and
21 a half or sometimes even three years.

22 Q. Once this lawsuit was initiated in 2012, did A
23 Cab make any effort to preserve information for either a
24 two- or three-year period prior to the initiation of
25 this lawsuit?

1 A. Well, you remember we have every trip sheet, and
2 that's what we generated. That's the source documents.
3 Kept those.

4 Q. How far back do trip sheets exist that A Cab has
5 maintained?

6 A. I don't know. But those get deleted too. I
7 mean -- we probably have -- we started keeping those on
8 microfilm. I don't remember when that was, but I
9 imagine it was '11 or '12, something like that.

10 Q. When this case was commenced in 2012, it is
11 correct that A Cab would have had QuickBooks information
12 going back at least two years to 2010 at that time;
13 correct?

14 A. Yes.

15 Q. Today in 2015 does A Cab still have QuickBooks
16 information going back to 2010?

17 A. I don't know.

18 Q. Did A Cab make any effort to be sure it preserved
19 all of the QuickBooks information it had when this case
20 was started in 2012 once A Cab was advised about this
21 case existing?

22 A. We preserved all the pay stubs, and that might be
23 adequate.

24 Q. When you say --

25 A. In my opinion.

1 Q. When you say pay stubs, what do you mean, sir? 02:21:00

2 A. Do you know what a pay stub is? I know what a 02:21:10
3 pay stub is. We know what a pay stub is. So we 02:21:15
4 provided all the pay stubs. 02:21:18

5 Q. When you say pay stubs, are those paper 02:21:20
6 documents, Mr. Nady? 02:21:25

7 A. Yes. 02:21:28

8 Q. And where do those pay stubs come from? By come 02:21:30
9 from, I mean, there's information that comes from those 02:21:35
10 pay stubs. Where does that information come from? 02:21:38

11 A. Trip sheets. We kept the trip sheets too. 02:21:38

12 Q. So you're telling me that information on the pay 02:21:38
13 stubs comes from the trip sheets? 02:21:45

14 A. I'm telling you the information from the pay 02:21:48
15 stubs come from the trip sheets. 02:21:50

16 Q. The pay stubs contain what, sir? 02:21:50

17 A. Wages. 02:21:55

18 Q. And do they contain a date? 02:21:55

19 A. Yep. 02:21:58

20 Q. Do they contain the name of a taxi cab driver? 02:21:58

21 A. Just like any other pay stub you ever saw. 02:22:00

22 Q. And you're telling me that the pay stubs -- that 02:22:00
23 information the name of the driver, the wages, and the 02:22:05
24 date comes from a trip sheet? 02:22:10

25 A. No. It comes from 14 of them or less. 02:22:15

1 Q. And how are those pay stubs prepared?

2 A. Off of QuickBooks.

3 Q. So the information from QuickBooks is printed on
4 to the pay stub; correct?

5 A. Yep.

6 Q. And your testimony is that you -- please correct
7 me if I'm wrong -- that A Cab has preserved the paper
8 pay stubs --

9 A. That's correct.

10 Q. -- from 2010?

11 A. Yes, sir, we have.

12 Q. But you don't know if A Cab has produced the
13 QuickBooks files that those pay stubs were printed from
14 going back to the same period of 2010?

15 A. I don't think we have to, and I don't think we
16 did. Why would I keep those, that data?

17 Q. Well, could you tell me why the pay stubs, the
18 paper pay stubs, would be preserved but not the
19 QuickBooks data files?

20 A. Data files are deleted automatically, and we kept
21 the pay stubs because somebody sued us.

22 Q. Well, when you --

23 A. Actually, we kept them in that particular time
24 period because we got a notice from the DOL. And then
25 after we got the DOL notice, we got your lovely letter.

1 And when we got them back from the DOL, some of them may
2 have been missing because the DOL is not good about
3 preserving them.

4 Q. Are you telling me that the DOL had pay stubs
5 from you?

6 A. I'm saying the DOL had a truck load of boxes full
7 of pay stubs and trip sheets.

8 Q. I'm not asking --

9 A. A truck load, a big-ass truck load.

10 Q. Mr. Nady, I'm not asking about trip sheets.

11 A. Okay. They had a big-ass truck load of pay
12 stubs. How's that?

13 Q. When A Cab became aware of the Department of
14 Labor's investigation and of this lawsuit, it preserved
15 those paper pay stubs; correct?

16 A. We didn't have them for almost three years.

17 Q. Well, when this lawsuit was started and A Cab
18 became aware of it, it made it a point not to destroy
19 those paper pay stubs that it had at that time?

20 A. That's exactly right. We gave them to the DOL.
21 They told us to deliver them, and we did. We took them
22 down there in a great big truck. They wanted the pay
23 stubs, and they wanted the trip sheets. And we gave
24 them to them, and they kept them for almost three years.
25 And then when they brought them back, there were a lot

1 less.

2 Q. Mr. Nady, you testified that the QuickBooks data
3 files from which those pay stubs were printed were
4 automatically deleted.

5 Do you recall saying that?

6 MS. RODRIGUEZ: Objection. Misstates prior
7 testimony.

8 THE WITNESS: I said may have been deleted.
9 Do you want to read that back?

10 BY MR. GREENBERG:

11 Q. Do you know if they were deleted?

12 A. Nope, but I would imagine they were.

13 Q. Why would you imagine that?

14 A. Excess data would slow down the computer, and we
15 have no reason to keep them.

16 Q. But you kept the pay stubs?

17 A. Kept the pay stubs.

18 Q. And you're aware that it is very difficult for
19 someone to review pay stubs and mass; whereas, it's much
20 easier to review a computer data file for many records?

21 MS. RODRIGUEZ: Objection. Lacks
22 foundation.

23 THE WITNESS: How much -- how much time
24 would it do -- would it be for -- to do that for two
25 people? Not that much. Didn't take us long to do it.

1 And we have all of that data for you. We kept for two
2 people for sure.

3 MR. GREENBERG: Move to strike as
4 nonresponsive.

5 BY MR. GREENBERG:

6 Q. Mr. Nady, my question to you is: Do you
7 understand that if I want to review payroll information
8 for 400 people, it is much easier for me to review and
9 analyze payroll information for 400 people if it is in a
10 computer data file such as kept in QuickBooks rather
11 than to look through paper pay stubs for each pay period
12 for those 400 people?

13 Do you understand that?

14 MS. RODRIGUEZ: I'm going to object to the
15 form of the question. And it lacks foundation and it
16 calls for speculation and it's an incomplete
17 hypothetical.

18 MR. GREENBERG: Fine.

19 Mr. Nady, please answer the question.

20 THE WITNESS: I would agree with you.

21 BY MR. GREENBERG:

22 Q. And when this lawsuit was started, were you --

23 A. It may. Your question was it may. And I said I
24 would agree with you; it may.

25 Q. Is there any reason you think it wouldn't be?

1 A. That's how we did it.

2 Q. That's how you did what, sir?

3 A. We -- we made their paychecks. That's how we did
4 it. We used the trip sheets, and we generated the
5 paychecks. And we kept the source documents for those
6 paychecks.

7 Q. Well, the paychecks were generated from
8 QuickBooks; correct?

9 A. Yes. But QuickBooks was generated from the trip
10 sheets. So in case somebody wanted to review them, I
11 would imagine they'd want to review -- trying to help
12 you here now -- they would want to review the trip
13 sheets and the pay stubs to see what we got there.

14 Q. Now, you -- the point, Mr. Nady, is that to
15 produce the pay stubs, the information had to go into
16 QuickBooks first; correct?

17 A. That's correct.

18 Q. And even though -- let me ask you a question, Mr.
19 Nady.

20 When this lawsuit was filed in 2012, were you
21 aware that the purpose of this lawsuit was seeking to
22 collect wages allegedly owed not just to two people but
23 to all of A Cab's taxi drivers?

24 A. But we were only sued from two people. So why
25 would I presume the such?

1 Q. Mr. Nady --

2 A. I answered your question.

3 Q. Let me explain, Mr. Nady. There is a claim made
4 in this case that A Cab should be required by the court
5 to pay certain unpaid minimum wages to all of its taxi
6 drivers for a certain time period.

7 Do you understand that?

8 A. No. I don't recall it being all of the people.
9 I saw two people sued me, and I kept theirs.

10 Q. So you have no understanding that the purpose of
11 this lawsuit as claimed -- I'm not telling you the court
12 is going to do that, but the claim in this lawsuit is
13 asserted not on behalf of just two individuals, but it's
14 a request of the court to require A Cab to make these
15 payments for minimum wages for all of A Cab's taxi
16 drivers?

17 A. I don't remember the claim being for anybody
18 except these two.

19 Q. Do you understand what the term class action
20 means?

21 A. Yeah.

22 Q. Tell me what you understand it means.

23 A. It means everybody that works for me in that
24 particular class.

25 Q. Excuse me, sir?

1 A. In that particular class. I'm not a lawyer. So 02:29:09
2 maybe you should explain it to me. Would you please? 02:29:11

3 Q. Well, Mr. Nady, the claim in this case was 02:29:19
4 asserted, when it was filed in 2012, not on behalf of 02:29:17
5 the two people named in the case, but it alleged that A 02:29:23
6 Cab owed unpaid minimum wages to all of the taxi cab 02:29:28
7 drivers who were working for A Cab. 02:29:33

8 I just said that to you now. So you understand 02:29:39
9 that now obviously as the claim being made in this case; 02:29:39
10 correct? 02:29:46

11 A. The DOL had pretty much the same claim. 02:29:43

12 Q. Mr. Nady, you understand what I just told you; 02:29:44
13 correct? 02:29:49

14 A. No. Say it again. 02:29:49

15 Q. Mr. Nady, the claim -- 02:29:53

16 A. Mr. Greenberg. 02:29:54

17 Q. The claim made in this case is asserted on behalf 02:29:56
18 of all of A Cab's cab drivers for unpaid minimum wages 02:30:02
19 as a class action. That means when this case was filed, 02:30:08
20 the request was being made to the court to require A Cab 02:30:12
21 to pay whatever unpaid minimum wages it owed to all of 02:30:17
22 its taxi drivers. 02:30:22

23 Do you understand that? 02:30:23

24 A. Yes. 02:30:24

25 Q. Prior to me just telling you this today right 02:30:29

1 now, did you understand that?

2 A. Pretty much, but I realized that only two people
3 were suing me. And then there was a hope and a prayer
4 by a very good looking young attorney that he could make
5 it into a class-action suit -- or she could, I mean.

6 Q. Well, you said that you pretty much understood
7 what I just told you at some earlier point in time;
8 correct?

9 A. I understood that there was going to be an
10 attempt to make this suit a class action. I understood
11 that.

12 Q. And when did you first achieve that
13 understanding?

14 A. I don't know. I don't know.

15 Q. Was it when you were --

16 A. I don't know.

17 Q. Was it --

18 A. I don't know.

19 Q. Was it more than six months prior to today?

20 A. I don't know.

21 Q. Was it --

22 A. I don't know.

23 Q. Mr. Nady, was it more than a year ago?

24 A. I don't know.

25 Q. Was it more than two years ago?

1 A. I don't know.

2 Q. Was it yesterday?

3 A. I don't know. Might have been just now.

4 Q. Mr. Nady, we discussed --

5 A. Mr. Greenberg.

6 Q. -- the QuickBooks data that is used to produce
7 the pay stubs at A Cab.

8 Is there any reason that data as it currently
9 exists at A Cab cannot be copied and produced?

10 A. Please request -- please ask that question again.
11 As it's used today?

12 Q. You've testified that there is a certain amount
13 of data kept in the QuickBooks system going back for
14 some period of time; that data was used to produce pay
15 stubs prior to today; correct?

16 A. We keep all of the data that's required by the
17 state or federal government.

18 Q. Well, Mr. Nady, correct me if I'm wrong. I
19 believe you testified there is at least two years' worth
20 of payroll data kept in the QuickBooks system; correct?

21 A. I believe so. I hope so.

22 Q. So in 2015, right now, there exists electronic
23 QuickBooks data files containing the information that
24 was used to print the payroll for a portion of -- the
25 payroll stubs, that is, we were talking about -- for a

1 portion of 2013, for 2014, and for 2015; correct, sir?

2 A. I'm going to try to find out where this stuff is
3 important, the stuff that happened in 2010 or '11.

4 Q. Let the record reflect the witness is consulting
5 the notice of deposition.

6 A. Thanks. Can you help me with this, or do you
7 want me to re-read the whole thing?

8 Q. I don't want you to read any of it. I want you
9 to answer my question.

10 A. I want to see where I was supposed to get this on
11 here. Can you refer this for me on here?

12 Q. Mr. Nady, I'm not going to refer anything to you
13 on the deposition notice. You're under the obligation
14 to answer the question. If you're not going to answer
15 it, we'll put your refusal on the record.

16 Counsel, could you please instruct your witness
17 that his conduct is not appropriate. He does not have
18 the right --

19 MS. RODRIGUEZ: He's just asking for your
20 assistance. I'm giving you an opportunity to answer it
21 as well. I'm not putting the objection that it's
22 outside the scope, but his concern is a legitimate one.

23 Are you still within the scope of your
24 deposition here?

25 MR. GREENBERG: Counsel, if you want to make

1 an objection, you can make an objection. An objection
2 that I'm outside the scope of the notice isn't
3 appropriate, but you can put --

4 MS. RODRIGUEZ: It is not appropriate?

5 MR. GREENBERG: It is not appropriate as far
6 as I'm concerned.

7 MS. RODRIGUEZ: This is a notice of
8 30(b)(6). You didn't notice this as the deposition of
9 J. Nady.

10 MR. GREENBERG: Counsel, I will stipulate on
11 the record right now if any question is outside the
12 scope of the notice of deposition, it's not admissible
13 under 30(b)(6) for 30(b)(6) purposes. But you can put
14 any objection --

15 MS. RODRIGUEZ: But you're just trying to
16 ask everything under the sun?

17 MR. GREENBERG: Counsel, there is a specific
18 question pending. The witness is not answering it. You
19 have not interposed an objection. It's fine for you to
20 make an objection.

21 MS. RODRIGUEZ: Do you have a problem with
22 him looking at the notice?

23 MR. GREENBERG: I do, Counsel, because he's
24 delaying the progress of this deposition. He has no
25 right to refuse to answer the question based on his

1 reading of the notice one way or the other. 02:35:11

2 THE WITNESS: I'm going to read the notice 02:35:14
3 whether you like it or not because I think I want to 02:35:18
4 refresh what I was reading yesterday. So I'm going to 02:35:22
5 go back to here where we're talking about QuickBooks. 02:35:26

6 MR. GREENBERG: Could you note the time? 02:35:30

7 THE COURT REPORTER: We can put time stamps 02:35:42
8 on the transcript if you want to. 02:35:46

9 MR. GREENBERG: Please do so. I want to 02:35:49
10 move this deposition forward. The witness is delaying, 02:35:53
11 and his conduct is improper. I am patiently waiting for 02:35:57
12 an answer, but he does have to answer. 02:35:59

13 MS. RODRIGUEZ: Well, I disagree with your 02:36:00
14 analysis here. He hasn't even taken 30 seconds to look 02:36:03
15 at a -- 02:36:06

16 THE WITNESS: It's 2:35 on my cell phone 02:36:09
17 here. 02:36:13

18 MS. RODRIGUEZ: -- 12-page notice of 02:36:16
19 deposition, which as I've mentioned to you, 23 02:36:19
20 categories with subcategories. So you're free to help 02:36:23
21 this process along by pointing out what category you're 02:36:26
22 asking about so he doesn't have to go through the whole 02:36:29
23 thing. 02:36:32

24 MR. GREENBERG: Counsel, he doesn't have a 02:36:35
25 right to go through it. He needs to answer the 02:36:38

1 question.

2 THE WITNESS: I have a right to go through
3 it. I think I do. So I'm going to do it.

4 The payroll Bates Murray two, do we have a copy
5 of those? Are they on the back of this somewhere?
6 Ester --

7 MS. RODRIGUEZ: It's not on the back of
8 this, but I will find you a copy.

9 MR. GREENBERG: Counsel, I'm not asking the
10 witness any questions about any particular document. My
11 question remains pending. He needs to answer it.

12 MS. RODRIGUEZ: Well, Mr. Greenberg, I can
13 tell you, as I did earlier today, we worked very hard to
14 make sure that all of your categories and subcategories
15 were covered, and I also have tried to extend the
16 professional courtesy to allow you to stray quite far
17 from the scope, but you make it difficult when your
18 questions are out in left field, for lack of a better
19 term. And so we're just looking for a little guidance
20 from your notice to see where this stuff is falling
21 within...

22 MR. GREENBERG: Counsel, again if the
23 questions -- again, if the questions I ask are outside
24 the scope, put your objection on the -- you don't know
25 need to object. I will stipulate that any question I

1 ask the witness that is outside the scope is not usable
2 in these proceedings under NRCP -- under rule 30(b)(6).
3 That's fine.

4 MS. RODRIGUEZ: Yes. But I prepared my
5 witness for the categories as noticed. And so when
6 you're asking him questions that are outside the notice,
7 I understand what you're saying; that you're not going
8 to use them in court, but this witness hasn't been
9 prepared for questions that are outside the scope of
10 your notice.

11 MR. GREENBERG: Then he can say he doesn't
12 know. He needs to give an answer, Counsel. We're not
13 going to get through this deposition today at this
14 point, but I'm just going to wait for the answer.

15 THE WITNESS: What was your question? Now
16 it's three minutes by the way. What was your question?

17 MR. GREENBERG: Read back the question to
18 the witness, please.

19 MS. RODRIGUEZ: Ms. Sniegocki, I would ask
20 that you refrain from the various noises that I'm
21 hearing from your side. I think Mr. Greenberg has
22 refrained and just -- I know you're impatient with this
23 deposition, but...

24 MS. SNIEGOCKI: Various noises meaning what?

25 MS. RODRIGUEZ: Your huffing and puffing and

1 throwing of the pen and etc. I mean, I think we're all 02:39:20
2 trying to cooperate here. 02:39:24

3 (The last question was read back by the 02:40:42
4 reporter as follows: "So in 2015, right now, 02:32:47
5 there exists electronic QuickBooks data files 02:32:53
6 containing the information that was used to 02:32:58
7 print the payroll for a portion of -- the 02:33:00
8 payroll stubs, that is, we were talking about 02:33:03
9 -- for a portion of 2013, for 2014, and for 02:33:08
10 2015; correct, sir?") 02:33:10

11 THE WITNESS: Is that what you want me to 02:40:44
12 answer? 02:40:46

13 MR. GREENBERG: Yes. 02:40:47

14 THE WITNESS: I believe so. But I answer 02:40:48
15 that under protest because it has no bearing on this 02:40:49
16 case at this time. 02:40:52

17 BY MR. GREENBERG: 02:40:53

18 Q. Mr. Nady, is there any reason -- 02:40:53

19 A. Mr. Greenberg. 02:40:55

20 Q. -- the QuickBooks data files for the two-year 02:40:56
21 period that I just described in my question to you 02:40:59
22 cannot be produced? 02:41:02

23 MS. RODRIGUEZ: I'm sorry. I didn't hear 02:41:07
24 your question. Could you please either repeat it, or 02:41:08
25 I'll have her read it back. 02:41:11

1 MR. GREENBERG: Could you read the question
2 back?

3 (The last question was read back by the
4 reporter.)

5 THE WITNESS: I didn't say that.

6 BY MR. GREENBERG:

7 Q. Let's rephrase the question.

8 Mr. Nady --

9 A. Mr. Greenberg.

10 Q. -- the QuickBooks data that you believe currently
11 exists that has been used to produce pay stubs for a
12 period going back two years, can those data files be
13 copied and produced?

14 A. Didn't I just answer that a minute ago?

15 Q. Is there any reason those files can't be copied?

16 A. I have no reason to copy them just yet.

17 Q. I understand, Mr. Nady. My question is: Is
18 there any physical reason, to your knowledge, that
19 someone could not go to the computer where those files
20 are stored --

21 A. They would have a hard time getting by our
22 security system.

23 Q. Mr. Nady, someone who was authorized to do so.

24 Is there any reason that they could not copy
25 those QuickBooks files and put them on a thumb drive or

1 some other media --

2 A. Somebody that I authorized?

3 Q. Yes.

4 A. If I authorized them, I think they could do it,
5 yes.

6 Q. And is there any reason that the Cab Manager data
7 files which are stored also in your office cannot be
8 copied on to another hard drive and given to someone
9 else if you authorized it?

10 A. You're changing the subject here all of a sudden.
11 I'm not as familiar with Cab Manager. I think that
12 you'd have to ask Mr. Morgan that question because I
13 don't know the answer. And I think that you did ask Mr.
14 Morgan the answer 17 times. I think -- and then you
15 asked him the same question three more times after he
16 said no. Or he couldn't do it, or there was much more
17 to it than you think. And I remember that so...

18 Q. So your answer, Mr. Nady, is you don't know;
19 correct?

20 MS. RODRIGUEZ: Objection. Misstates his
21 testimony.

22 THE WITNESS: Is there a question?

23 BY MR. GREENBERG:

24 Q. Your answer as to whether the Cab Manager data
25 files can be produced off of -- a copy can be made from

1 the hard drive stored at A Cab's office is you don't
2 know?

3 A. I'm saying that Mr. Morgan specifically --

4 Q. I'm not -- Mr. Nady, I'm not asking you about
5 what Mr. Morgan testified.

6 A. But he told me.

7 Q. I'm asking you what you understand, not what
8 anybody else said or testified to. What is your
9 understanding, yes or no or you don't know, Mr. Nady?

10 A. I don't get to answer questions yes or no if I
11 don't want to.

12 Q. Mr. Nady --

13 A. No, I don't. No, no, no, no, no, no, no.

14 Q. Mr. Nady, either you know or you don't know.

15 A. Not going to do it. I'm not going to answer my
16 question the way you tell me to answer it. It's not
17 fair. That's just not fair. I don't think it's legal.
18 I don't think it's right.

19 Q. Mr. Nady --

20 A. Mr. Greenberg.

21 Q. -- you can answer the question.

22 A. I can answer the question in my own words, not in
23 yours.

24 Q. Mr. Nady --

25 A. Mr. Greenberg.

1	Q. -- you stated that you don't know if the Cab	02:44:4
2	Manager data files in your office, as you've described	02:44:4
3	where they are stored, can be copied on to another hard	02:44:5
4	drive and brought outside of your office; correct?	02:44:5
5	MS. RODRIGUEZ: Objection. Misstates his	02:44:5
6	testimony.	02:44:5
7	MR. GREENBERG: Is that correct, Mr. Nady?	02:45:0
8	THE WITNESS: I don't remember what your --	02:45:0
9	I'm sorry. I was interrupted in my train of thought	02:45:0
10	trying to catch the whole sentence. I was interrupted,	02:45:1
11	and I'm sorry for that.	02:45:1
12	MR. GREENBERG: Okay.	02:45:1
13	BY MR. GREENBERG:	02:45:1
14	Q. Mr. Nady --	02:45:2
15	A. Mr. Greenberg.	02:45:2
16	Q. -- the taxi meters in the A Cab cabs, you	02:45:2
17	mentioned the DT5 meters. Those are recent meters that	02:45:2
18	were installed. There was a prior form of meter that	02:45:3
19	was used by A Cab; correct?	02:45:3
20	A. Mr. Greenberg, that's correct.	02:45:3
21	Q. And how long was that prior form of meter used	02:45:3
22	for?	02:45:4
23	A. Almost entire life of the company.	02:45:4
24	Q. So before 2008?	02:45:4
25	A. Yes.	02:45:5