

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

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

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

HUTCHISON & STEFFEN, PLLC

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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 NRCP 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 NRCP Rule 23 and Appoint a Special Master Pursuant to NRCP 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 Statue 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 XXI 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:

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Attorneys for Respondents

DATED this 5th day of August, 2020.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC

1 which is a payroll check number. Column D is date, the payroll check transaction
2 date. And he also goes on to explain how he has reproduced this information in
3 the 600-page summary that Your Honor is reviewing. I mean, this is a complete
4 A, B, C, D, E --

5 THE COURT: Where it says at the bottom of page 2, "Those Excel files
6 contain 10 columns that identify on each line of those Excel files the following pieces
7 of information. Column C, which is titled Num, N-u-m, I am advised that this is the
8 payroll check number or a payroll transaction number if no physical check was
9 issued."

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

11 THE COURT: All right. So he's got something that's got a -- he calls it
12 Column C. I don't know, maybe it isn't. Maybe we have to actually look at a printout
13 of just a couple of pages.

14 MR. GREENBERG: Your Honor, if Your Honor would like, we can have an
15 evidentiary hearing. I'll bring Mr. Bass down here. You can have him go on the
16 record and corroborate the summary that was performed, if you feel that's
17 necessary for admissibility purposes. That's what we would do at trial if someone
18 was, you know, introducing a summary of voluminous records. I don't believe that's
19 appropriate, Your Honor, because all of this information was given to defendants.
20 When they say they don't know where it came from, that's not true.

21 THE COURT: All right.

22 MR. GREENBERG: They haven't contested a single issue.

23 THE COURT: That's getting away from where I'm trying to focus in.

24 MR. GREENBERG: Yes, Your Honor.

1 THE COURT: I want to see a printout of what was given. Not the entire
2 thing, a sample printout, a couple of pages of -- when you print out their documents,
3 what do you get? Do you get a Column C which says Num and do you get a
4 Column D which is titled Date? And from there maybe we can look and see whether
5 there is an issue of material fact.

6 Now, while you're doing that, I want Ms. Rodriguez to finish the
7 thought that she had.

8 MS. RODRIGUEZ: Well, the only thing I would go back to, Your Honor,
9 because I think there's nothing else to be said on that. I think that's a good proposal
10 from the Court to look at the raw data versus what Mr. Bass has compiled. And still,
11 we'll need a ruling one way or another as to what is considered expert opinion
12 versus what is not, because I think it's important in terms of failure to comply --

13 THE COURT: Right.

14 MS. RODRIGUEZ: -- with the rules as to expert designation. So again, I'll
15 be moving to strike once we get a ruling one way or another on that.

16 But what I was commenting upon was Mr. Greenberg's indication
17 about Michael Sergeant. The only thing he's attached about Michael Sergeant goes
18 through July of 2014. So again, I would reiterate that he doesn't even have authority
19 to ask for partial summary judgment past that deadline, which is July of 2014.

20 THE COURT: That's if I agree with you that any class representative must
21 have worked for the entire period.

22 MS. RODRIGUEZ: Right. And I cited to the Walmart v. Dukes in my papers
23 that show -- that give authority for that argument --

24 THE COURT: Okay.

1 MS. RODRIGUEZ: -- that they don't have the authority.

2 THE COURT: All right. That's an issue we'll have to revisit before we can
3 resolve this. For right now what I would like to get is a printout of just a couple of
4 pages so that I can see these columns and what they're supposed to represent,
5 or at least what Mr. Bass took them to represent, presumably based upon what
6 he was informed of. So, how long will it take you to get me a printout?

7 MR. GREENBERG: I can show you on the computer screen I believe right
8 here, Your Honor, at least a portion of the original Excel files that Mr. Bass --

9 THE COURT: Here's what I'm thinking. Rather than that --

10 MR. GREENBERG: Yeah, this is one of the ones he references in his
11 declaration. It's loading up on my screen right now.

12 THE COURT: Hold on one second. Are you able to email that to us right
13 now?

14 MR. GREENBERG: It is 14 megabytes. I don't know if it would in fact.
15 Would you -- if Your Honor would like to examine, I do have it on my screen right
16 now. You can actually see --

17 THE COURT: No. More than that, I want something printed out that can be
18 part of the record.

19 MR. GREENBERG: Oh, yes. Actually it is on here already.

20 THE COURT: All right.

21 MR. GREENBERG: Your Honor, I do have it available.

22 (The Court confers with the clerk)

23 THE COURT: Here's what I'm thinking. I'm thinking of getting you to send us
24 that and we'll print out a couple of pages if need be.

1 MR. GREENBERG: I can give it to you right now, Your Honor.

2 THE COURT: All right. Good. Then I need to have that and sit down with
3 you all and look at that, and what he says he used as a basis for it so that I can, for
4 one thing, determine whether or not it constitutes undisputed fact presented by the
5 defendant of the type and quality that would be necessary to be the basis for any
6 kind of partial summary. Basically that's it. And plus the explanation here of what
7 is given so I can determine whether this is a simple calculation that doesn't need an
8 expert or whether it does require an expert. And if it does require an expert, what's
9 the implication of that in terms of granting a partial summary judgment motion.

10 MR. GREENBERG: That's fine, Your Honor. It sounds like Your Honor has
11 other pressing matters that you need to attend to --

12 THE COURT: I do, indeed.

13 MR. GREENBERG: -- so we will be reconvening.

14 THE COURT: Reconvening Thursday afternoon at 1:30.

15 MR. GREENBERG: Okay.

16 THE COURT: Is that a problem?

17 MR. GREENBERG: I did have a deposition scheduled for that day, but I think
18 we can manage that. I want to accommodate the Court.

19 THE COURT: All right. Next Thursday afternoon at 1:30. Now, is there
20 anything else that we need to get prepared for that in order to resolve this issue
21 once and for all?

22 MR. GREENBERG: I don't believe Your Honor --

23 THE COURT: And then that's not even true. It's only -- it's only as a pretrial
24 partial summary judgment.

1 MR. GREENBERG: Your Honor, there are other issues in this case that do,
2 I think, require your attention, but I don't think it would be prudent necessarily for
3 us to take up your time with them now. In respect to this particular motion, you've
4 made a particular request that we --

5 THE COURT: Uh-huh.

6 MR. GREENBERG: -- that you -- that we make something available for the
7 Court, that you examine it.

8 THE COURT: When you say there are other matters, do you mean that are
9 comprised by this motion?

10 MR. GREENBERG: No. Only in a peripheral sense that they're connected
11 to the case, Your Honor --

12 THE COURT: Okay.

13 MR. GREENBERG: -- not that they bear on the disposition of this motion.

14 THE COURT: All right. Well, then we'll take those up next Thursday then.

15 MS. RODRIGUEZ: I just want to double check with my office if I have --

16 THE COURT: Yeah. Yeah.

17 MS. RODRIGUEZ: Thank you.

18 THE COURT: Yeah, do.

19 MS. RODRIGUEZ: Thank you, Your Honor. I'm sorry. I just wanted to
20 double check.

21 THE COURT: Yeah.

22 MS. RODRIGUEZ: I am free that afternoon.

23 THE COURT: You're free. Okay. All right, let's do that. And I assume you
24 have whatever it is that he has, but why don't we -- what do you have there, a USB --

1 MR. GREENBERG: I have the two Exel files.

2 THE COURT: -- thumb drive? But is it on --

3 MR. GREENBERG: Yes. I copied one of them on here very easily to give
4 to your staff.

5 THE COURT: That's a thumb drive?

6 MR. GREENBERG: Yes, it is. I'd like to maintain the thumb drive, but the
7 file -- I can instruct your staff to copy it off of this onto your system.

8 THE COURT: Can we just take that and make a copy?

9 (The Court confers with the clerk)

10 MR. GREENBERG: I can deliver a thumb drive or a CD tomorrow to chambers.

11 THE COURT: All right.

12 MR. GREENBERG: Would that be best?

13 MS. RODRIGUEZ: No.

14 THE COURT: All right. All right, let's do that. That will be easier.

15 MR. GREENBERG: Okay, I will do that.

16 MS. RODRIGUEZ: I don't know what we're delivering.

17 THE COURT: One to us and one to the defense.

18 MR. GREENBERG: Certainly, Your Honor.

19 THE COURT: And does the defense have any other, I don't know, some --
20 any physical item or piece of evidence further that you want to submit to the Court?
21 You can see where I'm going with this. Do I have a basis upon which to find that it
22 is uncontested that for certain hours certain employees were not paid the minimum
23 wage act, either under the \$7.25 or the \$8.25? The \$8.25 is a more complicated
24 issue, but.

1 MS. RODRIGUEZ: I would probably look at what he's going to provide to the
2 Court and then I would envision pulling out a few samples to show where the data
3 is incorrect in Mr. Bass' compilation.

4 THE COURT: Okay. The only things I expect to --

5 MS. RODRIGUEZ: I'm not going to do 14,000 of them, I don't think, but I
6 would pull out a couple to show the Court why the data is not reliable.

7 THE COURT: If the data came from the defendant --

8 MS. RODRIGUEZ: Well, I can --

9 THE COURT: But you would say for another purpose?

10 MS. RODRIGUEZ: Pardon me?

11 THE COURT: You would say it's data collected for another purpose, not for
12 this?

13 MS. RODRIGUEZ: Correct. Oh, yes, absolutely.

14 THE COURT: Hold on.

15 (The Court confers with the clerk)

16 THE COURT: All right. Do this, will you? Not only give -- would you give us
17 not only a CD, but go ahead and print out just a sample couple of pages.

18 MR. GREENBERG: I will submit no more than 20 pages as a sample, okay?
19 Because it would be thousands of pages if it was printed in full, Your Honor.

20 THE COURT: Okay. A couple becomes 20.

21 MR. GREENBERG: But I want to make sure you get a full sort of visual
22 representation, as best as I can do.

23 THE COURT: That's how Xerox got rich.

24 All right. Anything else now before we meet next Thursday?

1 MR. GREENBERG: I think Your Honor has made clear how you want to
2 proceed. I don't think it's prudent for me to take issue with that.

3 THE COURT: Now, here's the other thing you do need to be prepared on.
4 If it turns out that my conclusion is that you can't -- I can't -- well, that what you have
5 produced in these 600 pages requires the testimony of Mr. Bass as an expert, then
6 the question becomes does that mean we need to wait and have the defense
7 designate an expert and, I don't know, have conflicting expert reports just on this
8 calculation? I mean, at some point it just becomes too -- it becomes bogged down
9 to the point that the likelihood is I will deny the motion and say that I can't get there
10 based on the evidentiary state, or I may decide that there is an evidentiary state.
11 I'm just saying.

12 MR. GREENBERG: Well, Your Honor, I'm still waiting to understand what
13 is possibly in dispute here --

14 THE COURT: Okay.

15 MR. GREENBERG: -- as I've explained to the Court repeatedly.

16 THE COURT: All right. Let's just take it -- we'll take it piece by piece then.
17 We'll wait until Thursday and see whether there is -- whether this can be
18 characterized as being a simple calculation.

19 MR. GREENBERG: Your Honor, if it conceivably would be helpful or within
20 the Court's possible -- possible view that the Court would welcome actually hearing
21 from Mr. Bass, I will have him here next week. If the Court clearly does not want
22 to do that, I'm not going to do that.

23 THE COURT: Well, I'm not telling you I clearly don't want to do it. I don't
24 know whether --

1 MR. GREENBERG: Okay. I understand, Your Honor.

2 THE COURT: You know, I've tried to say where I think that there -- some of
3 the issues that I would need to be able to resolve in order to make the determination
4 that would have to be determined for a motion for summary judgment.

5 MR. GREENBERG: Yes, Your Honor. And it's not for me to tell the Court
6 how to do its business. You decide that, Your Honor. I want to comply with what
7 the Court's directing us. We're here to assist the Court in its process.

8 THE COURT: Okay. We'll see you Thursday at 1:30.

9 MR. GREENBERG: Thank you, Your Honor.

10 MS. RODRIGUEZ: Thank you.

11 MR. GREENBERG: Your Honor, you did make a ruling on one of the
12 motions, so I will work on getting an order drafted --

13 THE COURT: Yes. Thank you.

14 MR. GREENBERG: -- and to Ms. Rodriguez on that decision.

15 THE COURT: Did I only rule on one out of all those?

16 MR. GREENBERG: Yes, Your Honor, regarding the statute of limitations
17 issue, the toll. The notice issue. Yes, Your Honor.

18 THE COURT: Yeah. One and the countermotion.

19 MR. GREENBERG: The countermotion. Yes. Thank you.

20 THE COURT: Well, then, hold on. Before you leave, what about the
21 defendants' motion for leave to amend the answer and assert a third party
22 complaint?

23 THE CLERK: Chambers calendar.

24 MR. GREENBERG: We did -- you had reserved decision on that, Your Honor.

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THE COURT: Okay. All right. Yeah, yeah, yeah.

MR. GREENBERG: We did discuss that a fair amount, I believe.

THE COURT: Okay. All right, we got them covered. Thank you.

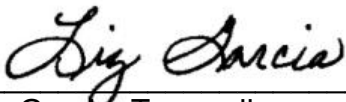
MR. GREENBERG: Thank you, Your Honor.

MS. RODRIGUEZ: Thank you.

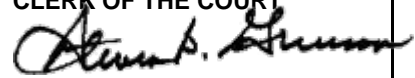
(PROCEEDINGS CONCLUDED AT 12:59 P.M.)

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Liz Garcia, Transcriber
LGM Transcription Service



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DISTRICT COURT
CLARK COUNTY, NEVADA

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

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

SUPPLEMENT TO DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants, by and through their attorneys of record, hereby submit this Supplement to their
Opposition to Plaintiffs' Motion for Partial Summary Judgment. This Opposition is based upon
NRCp 56(a), and the Points and Authorities herein.

POINTS AND AUTHORITIES

Plaintiffs have submitted numerous pleadings, erratas, and supplements in support of their
request for partial summary judgment, each seeking different time periods; covering a variety of
possible scenarios; and presenting an array of monetary options for the Court to pick and chose

1 from. In essence, Plaintiffs have thrown all the pasta against the wall, hoping *something* will stick
2 in the mind of the Court. It is a most unusual way of seeking summary judgment on partial
3 damages (skipping right over the liability part), all relying upon the Court's full acceptance of an
4 expert's analysis and methodology, albeit an expert not designated in compliance with the
5 Scheduling Orders in this case, nor in compliance with NRCP 16.1.

6 In the first hearing of this matter on May 18, 2017, Plaintiffs finally conceded they were
7 seeking partial summary judgment for damages for the time period of **January 1, 2013 through**
8 **December 31, 2015**. Plaintiffs have no representative plaintiff for this time period; and it would be
9 reversible error to grant summary judgment for damages when there is no claimant.

10 **1. Plaintiffs Have No Representative Plaintiff for the Time Period Requested.**

11 Michael Murray ceased working for A Cab on April 6, **2011**. **Exhibit 1**. Michael Reno
12 ceased working for A Cab on September 26, **2012**. **Exhibit 2**. These are the two representative
13 Plaintiffs, neither of whom was employed during the period sought on summary judgment. As part
14 of the order certifying the class submitted to the Court, Plaintiffs' counsel added a third name,
15 Michael Sargeant. Michael Sargeant is not a proper class representative as he was only a
16 probationary employee for two months, May 22, 2014 to July 22, 2014. **Exhibit 3**. Sargeant, in
17 fact, failed to meet expectations during his probationary training period, and was terminated. *Id.*
18 As never being more than a probationary employee, he is not a proper Plaintiff representative for
19 drivers between 2013 and 2015.

20 The Greenberg lawfirm has no representative Plaintiff for the time period being sought in
21 summary judgment. In fact, as this Court is aware a settlement has been reached with the other
22 class representative, Jasminka Dubric who was employed through May 26, **2015**, and her counsel
23 Bourassa Law Group, who purport to represent drivers in this 2015 time period. A motion to
24 certify the class and to approve the settlement was pending before Department 25 of the Eighth
25 Judicial District Court, before this Court enjoined Defendants from participating in the proceedings
26 in the matter of *Dubric v. A Cab, LLC*, District Court Case No. A-15-721063-C.

27 This issue is currently on appeal to the Nevada Supreme Court, as this Court noted in the
28 last hearing. The current Plaintiffs' motion for partial damages is simply a mechanism to muddy

the issues on appeal; and a bad faith attempt to get ahead of the other Plaintiffs and lawfirm. It is ironic that the Greenberg lawfirm fought to enjoin the settlement of the driver Plaintiffs in the other matter; and now seek summary judgment for a lower dollar amount for their alleged clients than what was agreed upon between Defendants and the Bourassa Law Group for the class.

2. Per the Bass' Declarations, His Summaries and Interpretations of the Data are Based upon Instruction from Greenberg as to How to Manipulate the Original Data.

There is no question that the basis of Plaintiffs' motion relies upon expert *summaries* of data, rather than the original data which was kept in the normal course of business activities, namely paystubs and tripsheets. Therefore, one must look to whether the expert's methodology is reliable, trustworthy, helpful to the factfinder, as well as all the other parameters mandated by NRCP 16.1, NRS § 50.275, and *Hallmark v. Eldridge*, 189 P.3d 646, 650 (Nev. 2008) (citing NRS §50.275).

Defendants assert to this Court that Plaintiffs have not offered an expert in compliance with NRCP 16.1, NRS 50.275, nor *Hallmark*. Merely looking at excerpts of Mr. Bass's declarations, they contain numerous references where he concedes that he was merely following instruction of Leon Greenberg in eliminating certain pieces of data, and prioritizing and minimizing the implications of other pieces of data. In other areas of his declarations, he simply indicates, "I am advised..." but doesn't even indicate who is advising him. Examples include:

- **"Pursuant to the instructions of Leon Greenberg**, I also eliminated all lines from the Excel file that became Exhibit '2' providing information on paychecks issued to the following persons." **Exhibit 4**, Bass Declaration, p. 9:28-10:2
- **"I am advised** that when this Column "H" Qty item contains a number and on the same line the Column "G" Payroll Item is identified as 'Minimum Wage Subsidy' the Column 'H' Qty number is the number of hours the employee worked during the period of time covered by the paycheck being issued." **Exhibit 4**, p. 4:17-22.
- "Column 'G' which is titled 'Payroll Item' - **I am advised** this identifies a particular type of payment to the employee or deduction from the employee's pay that was performed or calculated..." **Exhibit 4**, p. 4:5-8

1 This expert's declarations confirm he is simply carrying out the tasks, and preparing summaries as
2 specified by Leon Greenberg. Accordingly, Bass's opinions and summaries would be inadmissible
3 at trial.

4 NRS § 50.275 establishes qualifications for expert witnesses to testify in Nevada. First, the
5 witness must be qualified in an area of "scientific, technical or other specialized knowledge" (the
6 qualification requirement).¹ Second, the witness must be able to "assist the trier of fact" in
7 understanding the evidence at issue (the assistance requirement).² And third, the witness may only
8 testify as to "matters within the scope" of the witness' expertise (the limited scope requirement).³

9 The focus of this analysis is the second prong of NRS § 50.275 — the assistance
10 requirement. Expert testimony will only assist the jury if that testimony is relevant.⁴ The concept
11 of relevancy is basic to the law of evidence as it circumscribes admissibility.⁵ Evidence is relevant
12 if it has "any tendency to make the existence of any fact that is of consequence to the determination
13 of the action more or less probable than it would be without the evidence."⁶ Testimony grounded in
14 guess, surmise, or conjecture — not being regarded as proof of a fact — is irrelevant since it has no
15 tendency to make the existence of a fact more or less probable.⁷ It follows that expert opinions
16 based upon the witness's guess, speculation, or conjecture must also be inadmissible.⁸

17 In sum, Plaintiffs rely upon an inadmissible expert report as the basis for their request for
18

19 ¹ See Hallmark v. Eldridge, 189 P.3d 646, 650 (Nev. 2008) (citing NRS §50.275).

20 ² Id.

21 ³ Id.

22 ⁴ See id. at 651.

23 ⁵ See NRS § 48.025 (only relevant evidence is admissible).

24 ⁶ NRS § 48.015; see also Desert Cab Inc. v. Marino, 108 Nev. 32, 35, 823 P.2d 898, 899-900 (1992).

25 ⁷ See Modelski v. Navistar Intern. Transp. Corp., 707 N.E.2d 239, 245 (Ill. Ct. App. 1999).

26 ⁸ See Gordon, 91 Nev. at 643, 541 P.2d at 534 (trial court committed reversible error by allowing accident
27 reconstructionist to testify based on conjecture).
28

partial summary judgment.

3. There Remain Genuine Issues of Material Fact.

Defendants have already provided the Court with 2 other opinions reached pertaining to any underpayments of minimum wage that contravene Mr. Bass' conclusions. Those were exhibits of the U.S. Department of Labor, as well as the independent CPA Beta Consulting. Further, Bass is clear that he did no review of the actual tripsheets in this matter. This is an important flaw in his methodology, in that his calculations do not take into account that the hours paid often include paid time for breaks. The reality is that A Cab has in the past overpaid its drivers for hours worked. For example, if the driver completes a tripsheet and does not indicate taking the entirety of the break; or overlaps his entry with a ride, the employer "rounds up" giving the time to the driver as paid hours. Specifically, the columns which Mr. Bass references as "H" and "G" "Minimum Wage Subsidy" as being the number of hours employees worked do not account for the fact that the driver was being paid for breaktime the employer was not required to pay. It is only by a review of the actual tripsheets that this determination can be made; and one which Mr. Bass does not reference anywhere in his declarations as having engaged in doing. This is one reason the Department of Labor took approximately 4 years to complete its audit, in that individual tripsheets were found to be the reliable source of hours worked, as opposed to how Mr. Bass attempts to short cut the methodology.

This is but one flaw in his methodology. Summary judgment shall be granted when there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. NRCP 56(a). Trial judges are to exercise great caution in granting summary judgment, which is not to be granted if there is the slightest doubt as to the operative facts. *Posadas v. City of Reno*, 109 Nev. 448, 851 P.2d 438 (1993). The trial judge may not in granting summary judgment pass upon the credibility or weight of the opposing affidavits or evidence; that function is reserved for the trial. *Hidden Wells Ranch, Inc. v. Strip Realty, Inc.*, 83 Nev. 143, 425 P.2d 599 (1967).

...

...

...

II. Conclusion

Based upon the foregoing points and authorities, Defendants respectfully request this Honorable Court to deny this Motion in its entirety.

DATED this 24th day of May, 2017.

RODRIGUEZ LAW OFFICES, P. C.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 24th day of May, 2017, I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

Leon Greenberg, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Counsel for Plaintiff

/s/ Esther C. Rodriguez, Esq.
An Employee of Rodriguez Law Offices, P.C.

EXHIBIT 1

EXHIBIT 1



This is a notice of Termination from A Cab Taxi Service LLC.

Employee Name Michael P. Murray

Employee Number 2018

Date of Notice 4/7/11

Hire Date 9/6/08

Date of Termination 4/7/11

Last Day Worked 4/6/11

Reason(s) for Termination:
Poor performance.
Low book.

Voluntary _____

Involuntary X

Eligible for re-hire? NO

Employee Signature _____

Supervisor _____

Final Check Due 4/11/11

Operations Manager

Bob McCullough

General Manager

Jim Hanger

EXHIBIT 2

EXHIBIT 2



This is a notice of Termination from A Cab Taxi Service LLC.

Employee Name Michael A. Reno

Employee Number 3544

Date of Notice 9/28/12

Hire Date 6/16/12 ~~10~~

Date of Termination 9/26/12

Last Day Worked 9/26/12

Reason(s) for Termination:

Violation of company policy.

Employee handbook: pg13 B 2.

Insubordination. Countermanding or neglecting a supervisor's orders.

Voluntary _____

Involuntary X

Eligible for re-hire? NO

Employee Signature _____

Supervisor _____

Final Check Due 10/1/12

Operations Manager Bol McCullough

General Manager Jim Benge

EXHIBIT 3

EXHIBIT 3

EXHIBIT 4

EXHIBIT 4

1 LEON GREENBERG, ESQ.
2 Nevada Bar No.: 8094
3 DANA SNIEGOCKI, ESQ.
4 Nevada Bar No.: 11715
5 Leon Greenberg Professional Corporation
6 2965 South Jones Boulevard - Suite E-3
7 Las Vegas, Nevada 89146
8 (702) 383-6085
9 (702) 385-1827(fax)
10 leongreenberg@overtimelaw.com
11 dana@overtimelaw.com
12 Attorneys for Plaintiffs

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

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

13 Plaintiffs,

14 vs.

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

Case No.: A-12-669926-C

DEPT.: I

DECLARATION OF CHARLES BASS

18 Charles Bass hereby affirms, under penalty of perjury, that:

19
20 1. I am self-employed as a computer systems and software consultant. I have
21 over 30 years of experience in working with computer spreadsheets and databases
22 including Microsoft Excel software. A curriculum vitae detailing my education and
23 experience is attached to this declaration as Exhibit "1."
24

25 **THE SUMMARIZATION THAT I PERFORMED**
26

27 2. Attorney Leon Greenberg, who I understand represents the plaintiffs in this
28 case, has engaged my services to summarize and compile certain information from

1 two Excel files that he has provided to me. The results of that summarization are set
2 forth to this declaration in Exhibit "2," a "per paycheck" summary of that information
3 and Exhibit "3," a "per person" summary of that information which sets forth the total
4 of the "per paycheck" summary for that person. I was advised by Leon Greenberg
5 that those two files I summarized contain payroll information provided by the
6 defendants from the A-Cab company's Quickbooks records. My specific assignment
7 was to summarize, from the information in those Excel files, the following:
8
9

10 (A) The total amount of "non-tip" earnings those records show were paid
11 to each individual each pay period; and;
12

13 (B) The amount, if any, that those "non-tip" earnings in each pay period
14 were below either \$7.25 an hour or \$8.25 an hour for the hours that those
15 records show each individual worked during the pay period.
16

17 THE INFORMATION THAT I SUMMARIZED

18

19 3. The two Excel files provided to me by Leon Greenberg that I summarized
20 are named "10-10-2012 thru 6-27-2014 ssn.xlsx" which was created on October 03,
21 2016 at 6:25:15 p.m. and modified on that date at 6:25:26 p.m. and is 14,633,039
22 bytes in size and "06-28-2014 thru -5-27-2016 ssn.xlsx" which was created on
23 October 03, 2016 at 5:35:01 p.m. and modified on that date at 5:35:28 p.m. and is
24 18,912,120 bytes in size. Those Excel files contain 10 columns that identify, on each
25 line of those Excel files, the following pieces of information:
26
27

28 Column "C" which is titled "Num" – I am advised that this is the payroll check
2.

1 number or a payroll transaction number if no physical check was issued,
2 as would be the situation if employee payments were made by direct
3 deposit. In this declaration I use the terms "paycheck" and "paycheck
4 number," the latter meaning the number appearing as the "Num" entry at
5 Column "C" of the Excel files, even though no physical paycheck may
6 have been created and that "paycheck number" may be an electronic
7 transaction reference;
8
9

10
11
12 Column "D" which is titled "Date" – I am advised that this is the payroll check
13 or payroll transaction date.
14

15
16 Column "E" which is titled "Name Account #" – I am advised that the number
17 in this column corresponds to an employee's name. Leon Greenberg
18 provided me with an Excel file "Driver contact list.xlsx" with a creation
19 date of July 6, 2016 at 1:08:41 p.m. and a modified date of July 1, 2016
20 at 2:37:35 p.m. which is 162,990 bytes in size. That Excel file contains
21 the names of "Employees" in Column "C" with Column "G" of the same
22 line setting forth an "Account No." I am advised that those names and
23 account numbers correspond to the "Name Account #" of Column "E" in
24 the Excel files I summarized.
25
26
27
28

1 Column "F" which is titled "SSN/Tax ID" – I am advised that this 4 digit
2 number is the last 4 numbers of the employee's social security number.
3

4
5 Column "G" which is titled "Payroll Item" – I am advised this identifies a
6 particular type of payment to the employee or deduction from the
7 employee's pay that was performed or calculated on that line of the Excel
8 file as part of the paycheck identified by the number in Column "C";
9

10
11
12 Column "H" which is titled "Qty" – Except when Column "G" contains the
13 Payroll Item "Minimum Wage Subsidy" this column contains either a
14 zero, a 1, or no entry. When Column "G" contains the Payroll Item
15 "Minimum Wage Subsidy" this column may also contain a number larger
16 than 1 expressed with two decimals. I am advised that when this Column
17 "H" Qty item contains a number and on the same line the Column "G"
18 Payroll Item is identified as "Minimum Wage Subsidy" the Column "H"
19 Qty number is the number of hours the employee worked during the
20 period of time covered by the paycheck being issued;
21
22
23

24
25 Column "I" which is titled "Sales Price" – This column contains either a
26 positive or negative number or a percentage expressed as a positive or
27 negative amount. I did not use the information in this column in creating
28

1 the Exhibit "B" and "C" summaries.

2
3
4 Column "J" which is titled "Amount" – This column contains either a zero, a
5 positive number, or a negative number, which I have been told indicates a
6 payment to the employee, or if a negative number a deduction from the
7 employee's pay, of the type (most often commission or incentive pay or
8 tax deductions) described by the Column "G" "Payroll Item" entry
9 appearing on the same line;
10
11

12
13 Column "K" which is titled "Pay Period Begin Date" – This column contains a
14 date. I am advised that this date is the first day of the 14 day period of
15 work (the payroll period) covered by the paycheck referenced by the
16 Column "C" "Num" entry.
17
18

19
20 Column "L" which is titled "Pay Period End Date" – This column contains a
21 date. I am advised that this date is the last day of the 14 day period of
22 work (the payroll period) covered by the paycheck referenced by the
23 Column "C" "Num" entry. This date also can be, for the final paycheck
24 issued to the employee, a date less than 14 days after the "Pay Period
25 Begin Date" that is associated with that paycheck.
26
27
28

HOW I CREATED THE SUMMARY

4. I combined the two Excel files I discuss in paragraph 3 into a single Excel file and eliminated from that single Excel file all lines where the Column "D" "Date" contained a date prior to January 1, 2013. I also eliminated 126 lines in that Excel file that contained information on paychecks that were "not matching" any particular employee in the "Driver contact list.xlsx" file. The inability to match paychecks, and those lines of information, to any particular employee resulted from (1) The Excel files I was summarizing containing in Column "E" no "Name Account #" entry on the line; or (2) The Excel file contained in Column "E" a "Name Account #" entry on the line that did not match any "Account No." in Column "G" of the "Driver contact list.xlsx" file, something that happened for just one "Name Account #" entry: 100286+. All of those lines I eliminated because there was no "Name Account #" entry to try to match to the "Driver contact list.xlsx" file contained the description "Child Support" or "Rent" or "Tax Levy" or "Wage Garnishment" as the "Payroll Item" in Column "G" of the line. I was able to perform the foregoing deletions of lines from the Excel files by having the Excel software sort the lines of data on the "Date" (Column "D") information and the "Name Account #" (Column "E") information in numeric and chronological order. I also used the Excel lookup function to confirm what "Name Account #" (Column "E") entries could match up with an "Account No." in Column "G" of the "Driver contact list.xlsx" file

1 5. After performing the steps I describe in paragraph 4 the amount of gross
2 wages, meaning non-tip compensation, that was paid each pay period to each
3 employee, was added up. To do that I deleted from the Excel file I was working with
4 all lines where Column "G" which is the "Payroll Item" had on the same line in
5 Column "J" a negative number as an "Amount," meaning that line was detailing a
6 payroll deduction. I also deleted from the Excel file all lines where Column "G"
7 stated that the "Payroll Item" was "Tips Supplemental." I was able to perform the
8 foregoing deletions of lines from the Excel files by having the Excel software sort the
9 lines of data on the "Amount" (Column "C") information and the "Payroll Item"
10 (Column "G") information in numeric and alphabetical order.
11
12
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14
15

16 6. After eliminating all of the lines from the Excel files that contained
17 deductions from the employee paychecks, or that recorded the payment of tips, I
18 determined the total amount of gross wages paid to each employee in each paycheck.
19 Each paycheck number would appear on a line with the "Payroll Item" in Column "G"
20 being listed as "Minimum Wage Subsidy" and every paycheck number would also
21 appear on at least one other line as well. Most of the paychecks would have more than
22 two Excel lines for the paycheck number other than the "Minimum Wage Subsidy"
23 line with each of those other lines showing a different kind of pay being made as part
24 of that paycheck, commonly both "Driver Commission" and "Incentive" pay being
25 listed in the "Payroll Item" in Column "G." I would use the totaling function of the
26
27
28

1 Excel software to create a total amount of all such pay types contained in the paycheck
2 to figure the total gross wages paid by that paycheck. I placed that amount as the
3
4 “Total Wages Paid” in Column “G” of Exhibit “2.” As an example, I attach as Exhibit
5 “D” the payroll items I used to figure the gross wages paid by paycheck number
6 22602 as set forth in the Excel file “06-28-2014 thru -5-27-2016 ssn.xlsx.” The gross
7 wages totaled in my summary of the Exhibit “D” example is \$1,176.26 (consisting of
8 zero in “Minimum Wage Subsidy” pay, \$1,101.15 in “Driver Commission” pay, \$9.00
9 in “Incentive #5” pay, and \$66.11 in “We Did Good Bonus” pay) for the payroll
10 period 10/24/2015 through 11/06/2015. That amount of \$1,176.26 appears as the
11 “Total Wages Paid” at Column “G” of Exhibit “2” at the line for paycheck number
12 22602.
13
14
15

16
17 7. Every paycheck in the Excel file I was summarizing had a “Pay Period
18 Begin Date” and “Pay Period End Date” in Columns “K” and “L” in that Excel file. I
19 placed in Column “C” of Exhibit “2” as the “Pay Period End Date” the date listed in
20 Column “L” of that Excel file. In Exhibit “2” there is a 14 day gap (or two week
21 payroll period) for every “Pay Period End Date” for every individual, except when the
22 paycheck issued was the final one for that person, in which event the payroll period
23 may be shorter than 14 days.
24
25
26

27
28 8. In each line of Exhibit “2,” in addition to specifying the “Total Wages
8.

1 Paid" and "Ending Date" of the 14 day payroll period, as I describe in paragraph 7, I
2 also placed in Column "D" the "Account Number" and in Columns "E" and "F" the
3 "Last Name" and "First Name" to which that line corresponds. That was done by
4 taking the matching employee name and "Name Account #" and "Account No."
5 information in the Excel files I was summarizing and the "Driver contact list.xlsx"
6 file, as such information corresponded to each paycheck used in figuring the "Total
7 Wages Paid" as I describe in paragraph 6. I also placed in Exhibit "2" in Column "A"
8 the "Check Number" which corresponds to the "Num" listed in Column "C" of the
9 Excel files I was summarizing, such "Check Number" appearing on every line of
10 those Excel files that was added together to reach the "Total Wages Paid" amount
11 placed in Column "G" of Exhibit "B." I also placed in Exhibit "2" in Column "B" as
12 the "Payroll Check Date" the "Date" that was present in Column "D" of the Excel
13 files I was summarizing and that corresponded to every line where the check number I
14 placed in Column "A" of Exhibit "2" appeared in those Excel files.

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20 9. In each line of Exhibit "2" I also placed in Column "H" as the "Total
21 Hours Worked" for the 14 day period ending on the Column "C" "Pay Period End
22 Date." That "Total Hours Worked" number comes from the "Qty" amount in Column
23 "H" of the Excel files I was summarizing when that "Qty" amount was on the same
24 line with a Column "G" Payroll Item described as "Minimum Wage Subsidy" for the
25 same pay period including the Column "C" "Pay Period End Date" in Exhibit "2."
26 Pursuant to the instructions of Leon Greenberg, I also eliminated all lines from the
27
28

1 Excel file that became Exhibit "2" providing information on paychecks issued to the
2 following persons: Abraham Ali, Leroy Bradley, Tracy Brimhall, Alfred Catoggio,
3 Leonardo Coizeau, Scott Dorsch, Jasminka Dubric, Steven Essakow, Michael Griffith,
4 James Hunter, Timothy Ivey, David Kingsley, Brian Leacock, Ronald Linn, Ahmed
5 Mahmoud, Luis Antonio Magana, Arleny Nobels, Francis O'Grady, Renee Pearson,
6 Marvin Reid, Anthony Romano, James Rosenthal, George Schwartz, Jephy Smith,
7 Samuel Wood and Lora Woolard.

10 10. Exhibit "2" shows the amounts, if any, that the "Total Wages Paid" in
11 Column "G" were, for the "Total Hours Worked" in Column "H," below a \$7.25 or
12 \$8.25 an hour minimum wage for the 14 day pay period (or in when the paycheck is
13 the last one for the employee a payroll period that may be shorter than 14 days).
14 Using Excel formulas I placed in every line an amount in Column "I" that is the
15 "Amount Owed at \$7.25 an Hour Minimum Wage," which is determined by
16 multiplying the "Total Hours Worked" in Column "H" by \$7.25 and then subtracting
17 the "Total Wages Paid" in Column "G." If that calculation yields a positive number,
18 such positive number is the amount of unpaid minimum wages owed for the pay
19 period at \$7.25 an hour and is set forth as an amount owed, in Column "I." If that
20 calculation yields a negative number, or a zero, nothing is owed for that pay period
21 under that calculation and a \$0.00 is recorded in Column "I." The same calculation is
22 performed in Exhibit "2" Column "J" except that \$8.25 is multiplied by the "Total
23 Hours Worked" in Column "H," that process resulting in the amount owed, if any, in
24
25
26
27
28

1 unpaid minimum wages at \$8.25 an hour.

2 11. In Column "K" of Exhibit "2" the calculations discussed in paragraph 10
3 are performed but at an \$8.25 an hour rate for "new hires" for 90 days or 60 days and
4 then after such period at a \$7.25 an hour rate. A "new hire" is an employee whose
5 first paycheck is dated after March 4, 2013. If their first paycheck is issued before
6 May 2, 2014 the "new hire" is calculated to be owed minimum wages at \$8.25 an hour
7 for their first 90 days of employment, meaning their first six paychecks issued 14 days
8 apart (covering six pay periods of 14 days each), and minimum wages at \$7.25 an
9 hour for all later 14 day pay periods. If their first paycheck is issued after May 2,
10 2014 the "new hire" is calculated to be owed minimum wages at \$8.25 an hour for
11 their first 60 days of employment, meaning their first four paychecks issued 14 days
12 apart (covering four pay periods of 14 days each), and minimum wages at \$7.25 an
13 hour for all later 14 day pay periods.

14 12. Exhibit "3" is a "per person" summary that compiles, using the Excel
15 software and from the Exhibit "2" Excel file I created, the total amount, if any, in
16 unpaid minimum wages owed to each employee listed in Exhibit "3" as calculated on
17 each line of Exhibit "2" that corresponds to such employee and under each of the three
18 assumptions performed in Exhibit "2." The result is that Exhibit "3" sets forth for
19 each employee the total owed at Column "J" at a \$7.25 an hour minimum wage for all
20 hours; at Column "K" at a \$8.25 an hour minimum wage for all hours; and at Column
21 "L" at an \$8.25 an hour minimum wage for 60 or 90 days for new hires and afterwards

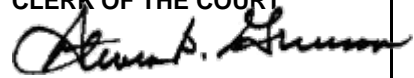
1 at \$7.25 an hour. In the event that the amount so compiled from the Exhibit "2"
2 Excel file is less than \$10.00 under any one of those three assumptions the entry in
3 Column "J," "K," or "L" of Exhibit "3" has the amount \$0.00 listed. Under the \$7.25
4 an hour minimum wage for all hours worked assumption (Exhibit "3" Column "J")
5 there are 321 employees, of the total of 650 employees listed in Exhibit "3," who are
6 owed \$10.00 or more in unpaid minimum wages. The average amount owed to those
7 321 employees under that assumption is \$543.44 with the largest single amount owed
8 under that assumption being \$3,176.83.
9
10
11

12 13. I have no personal relationships with plaintiffs' attorneys nor any of the
13 parties to this case and no personal interest in the outcome of this case. I have been
14 paid my normal hourly consulting rate for the services I have rendered in preparing
15 the Exhibit "2" and "3" summaries and assisting plaintiffs' counsel in this matter.
16 That normal hourly rate is \$50.00 an hour and I have been paid, to date, by plaintiffs'
17 counsel a total amount of \$4,975.00 for my services in this case.
18
19
20

21 I have read the foregoing and affirm under penalty of perjury that the same is
22 true and correct.
23

24 Affirmed this 11 day of January, 2017

25
26 
27 Charles M. Bass
28



STO
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Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

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

Hearing Date: June 5, 2017
CHAMBERS

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

Defendants, by and through their attorneys of record, and pursuant to Order of the Court hereby submit this 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.

At the hearing of this matter on May 18, 2017, the Court indicated its inclination to deny Plaintiffs' motion to bifurcate. **Exhibit A**, *Transcript of Hearing of May 18, 2017*, p. 57:6-9.

1 Following the Court's indication to the parties to deny Plaintiffs' request to bifurcate the trial of this
2 matter, the discussion then turned to one which has been previously visited on several occasions
3 before the Discovery Commissioner: that of Plaintiffs' request to obtain the personal income tax
4 forms of Defendant Nady. The Court indicated it would allow Defendant additional time to provide
5 the relevant procedural history before the Discovery Commissioner pertaining to this tax form issue
6 in a supplement.¹

7 Mr. Nady's personal income tax statements have been addressed at multiple hearings before
8 the Commissioner who is extremely familiar with the discovery issues in this case. And as
9 conceded in Plaintiffs' Motion, the Discovery Commissioner has agreed with Defendant's position
10 as to the income items that were to be produced; as well as those she deemed improper and not
11 subject to discovery. *Plaintiffs' Motion*, 6:14-17. Items determined to be post-judgment debtor
12 discovery included the personal income tax forms now sought again herein by Plaintiffs.

13 At the most recent hearing, the Commissioner was quite firm in pinning Plaintiffs' counsel
14 down to what discovery he needed to prove his case. Following a thorough discussion, the
15 Discovery Commissioner ordered certain portions of Defendant Nady and Defendant A Cab's
16 financial information to be produced, but she did not allow the income tax forms that Plaintiffs now
17 request with the Court. Plaintiffs' request contained in this motion is that of Nady's personal
18 income tax returns.

19 Plaintiffs were overly broad in their discovery to Mr. Nady seeking intrusive items not
20 relevant to their claims. Despite a meet and confer, Plaintiffs were unrelenting in their improper
21 discovery. Therefore, Defendants were forced to file a *Motion for Protective Order*, and to seek
22 relief from the Discovery Commissioner. At the hearing of October 2016, the Commissioner
23 correctly identified such materials sought from Plaintiffs as **post-judgment debtor discovery**.

24 **Exhibit B**, *Transcript of October 12, 2016 Proceedings*, p. 12:13-20:25.

25
26 ¹ Defense counsel apologizes to the Court for submitting this supplement late, but
27 additional issues arose last week which required priority, including the supplemental briefing on
28 Plaintiffs' motion for partial summary judgment heard on May 25, 2017; and required service of
any discovery items due May 26, 2017 in order to comply with the discovery deadline.

1 Plaintiff did not object to this finding, but merely raised the issue yet again at the next
2 hearing before the Commissioner. When this issue was addressed yet again, she informed
3 Plaintiffs' counsel that if he did not agree with her recommendation, he could object to the Court.
4 **Exhibit C. Transcript of December 9, 2016 Proceedings**, p. 50:23-24. He admittedly failed to do
5 so, and is now seeking another means for his failure to timely object on this issue. **Exhibit C**, 51:6-
6 8.

7 The Discovery Commissioner ordered production of the income documents she felt were
8 appropriate; and these were in fact produced to the Plaintiffs prior to the scheduled deposition of
9 Defendant Nady. Without explanation, Plaintiffs voluntarily abandoned that deposition.

10 The Discovery Commissioner further advised Plaintiffs that if they were dissatisfied with
11 her recommendation, and the Court had already approved her recommendation, they could also file
12 a Motion for Reconsideration with the Court, as she had already revisited the same issue on several
13 occasions. **Exhibit C**, 51:18-22. Plaintiffs disregarded this recommendation as well, and did not
14 file a Motion to Reconsider on the issue either.

15 Attached is the relevant DCRR wherein the Discovery Commissioner addressed this issue as
16 early as October 12, 2016, granting Defendants' Motion for Protective Order in part:

17 "7. As pertains to "Defendants' Motion for Protective Order or, in the
18 Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness;
19 Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective
20 Order from Plaintiffs' Written Discovery on Order Shortening Time", **the Discovery**
21 **Commissioner finds that Plaintiffs' written discovery is post-judgment debtor**
22 **discovery, and accordingly prohibits the discovery of corporate and individual**
23 **tax returns as requested."** **Exhibit D, DCRR of October 12, 2016**, 7:9-14.

24 Plaintiffs did not file an objection to this DCRR.

25 This issue was again addressed in the next month's DCRR of November 18, 2016, when the
26 Supreme Court provided guidance on a two-year statute of limitation. The Discovery
27 Commissioner modified her prior recommendation on the financial disclosures limiting them to two
28 years prior to the filing of the Complaint:

1 “WHEREAS IT WAS PREVIOUSLY RECOMMENDED that alternative relief be
2 provided to Plaintiffs in that Defendant will provide supporting documentation and
3 identification of distributions, salary, payment to Mr. Nady and family for
4 2007-2015, this RECOMMENDATION is modified to encompass the years
5 2010-2015.

6 WHEREAS IT WAS PREVIOUSLY RECOMMENDED that A Cab Taxi Service
7 will provide its profit and loss statements for 2007-2015, this
8 RECOMMENDATION is modified to encompass the years 2010-2015.” **Exhibit E**,
9 *DCRR of November 18, 2016 Hearing*.

10 Again, no objection was filed by Plaintiffs to this tax issue.

11 In compliance with the two DCRR’s, Nady turned over the income documents from himself
12 and immediate family members. As indicated in Defendants’ *Opposition*, these documents were
13 produced to Plaintiffs under protective order of the Discovery Commissioner, deemed confidential
14 and therefore not attached to the Court filing. In their Reply, Plaintiffs simply again hurled mud
15 indicating, “that assertion is false²,” all they while knowing they were in receipt of the financials as
16 ordered by the Commissioner. To disprove Plaintiffs’ attack upon Defendants’ statement, attached
17 hereto is the supplement that was served upon Plaintiffs containing the confidential income
18 information for the Nady family. **Exhibit F**, *Supplemental Answers to Plaintiffs’ Fifth Set of*
19 *Interrogatories to Defendants*. This version has been redacted as this is a public filing, but
20 Plaintiffs received an unredacted version on November 25, 2016.

21 In an attempt to circumvent the Discovery Commissioner’s Orders indicating that Plaintiffs
22 were not entitled to the tax forms, instead Plaintiffs served 66 Requests for Admissions to get at the
23 same information the Commissioner had already denied. **Exhibit G**, *Responses to Plaintiffs’ Third*
24 *Request for Admissions to Defendants*. Plaintiffs propounded a set of 66 requests for admissions
25 each guessing at a different level of compensation for Mr. Nady and his income tax statement. *Id*.

26 Now, Plaintiffs seek another way to circumvent the DCRR by sneaking in this request in a
27

28 ² *Plaintiffs’ Reply*, 3:8.

1 Motion to Bifurcate. The Court has already determined that it makes no sense at this stage to
2 bifurcate the trial of these issues, but Plaintiffs have snuck in this same issue of tax forms which
3 have nothing to do with a Motion to Bifurcate.

4 The fact is that A Cab, LLC is a Nevada series LLC; and there is no basis for Plaintiffs
5 attempting to pierce the corporate structure at this stage. Their claims are for minimum wage
6 violations; and those issues are what should be presented to the jury - namely, was there a minimum
7 wage underpayment or not? Plaintiffs' attempts to acquire Mr. Nady's personal tax returns are
8 merely to harass and not for purposes of any evidence likely to be admissible. All W-2's and
9 Schedule K information has been provided as ordered by the Court; and demonstrated at **Exhibit F**.

10 **II. Conclusion**

11 Based upon the foregoing points and authorities, Defendants respectfully request this
12 Honorable Court to deny this Motion in its entirety.

13 DATED this 31st day of May, 2017.

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

15 /s/ Esther C. Rodriguez, Esq.
16 Esther C. Rodriguez, Esq.
17 Nevada State Bar No. 006473
18 10161 Park Run Drive, Suite 150
19 Las Vegas, Nevada 89145
20 *Attorneys for Defendants*
21
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 31st day of May, 2017, I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

Leon Greenberg, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Counsel for Plaintiff

/s/ Esther C. Rodriguez, Esq.
An Employee of Rodriguez Law Offices, P.C.

EXHIBIT A

EXHIBIT A

Case Number: A-12-669926-C

1 MR. GREENBERG: As I said, Your Honor, there are no firm guideposts
2 here --

3 THE COURT: Okay.

4 MR. GREENBERG: -- that the Court needs to follow. It is within your
5 discretion. I presented my thoughts to Your Honor.

6 THE COURT: Well, my discretion to this point would be to deny this motion.
7 I would do so without prejudice to re-raising it at least as to the trial situation. If it
8 seems that there is a need ultimately to bifurcate the trial, then I would reconsider it.
9 But at this point, at least, I would deny this motion without --

10 MR. GREENBERG: Your Honor.

11 THE COURT: Yeah?

12 MR. GREENBERG: I understand Your Honor is not inclined to proceed in
13 a bifurcated fashion at this time, but the issue still remains as to the disclosure of
14 the financial gain that Mr. Nady received from the business. In respect to Ms.
15 Rodriguez' representations to the Court that this was ruled on by the Discovery
16 Commissioner, she is correct, there were rulings made. However, we did file an
17 objection to her second ruling on this -- I believe it was her second ruling -- because
18 it was not in compliance with -- the initial ruling was give information on distributions
19 from the company to Mr. Nady. There are no -- there is no record of distributions
20 because there's no K-1 issue because it's an LLC. It doesn't file an entity-level
21 K-1. I explained this to Commissioner Bulla. For whatever reason, she did not
22 understand it in respect to the need to get that information from the Schedule C
23 and the Schedule E, as I've explained to Your Honor.

24 Your Honor entered -- did sign with a note that there was no opposition

1 the Discovery Commissioner's subsequent Report and Recommendation which
2 was filed on March 9th, with a note that there was no objections, but in fact we did
3 file objections to this.

4 THE COURT: You did? All right.

5 MR. GREENBERG: On -- I have it right here on my computer, on January
6 30th. So for some reason that bypassed Your Honor --

7 THE COURT: Well, then I would --

8 MR. GREENBERG: -- and presumably Your Honor didn't -- I mean, if there's
9 no objections Your Honor would sign it.

10 THE COURT: It's very possible -- it's very possible we made a mistake,
11 in which event that would be a good subject for a motion for reconsideration.

12 MR. GREENBERG: Well, if Your Honor thinks it's more sensible for me
13 to bring this back before the Court on a motion for reconsideration, I will do so.

14 THE COURT: Well, the thing is, you know, I don't know that I'm prepared
15 to even respond to this at this point, unless you've got something that shows --

16 (Speaking to the clerk) Do you show an objection having been filed?

17 On what date did you say?

18 MR. GREENBERG: I can -- I have this right here. It was electronically filed
19 on January 27.

20 THE COURT: January 27.

21 MR. GREENBERG: I mean, I have it. This is on my screen here.

22 THE COURT: Objection to the Commissioner's ruling.

23 THE CLERK: Plaintiffs' partial objections?

24 THE COURT: Partial objection? Was that what it was labeled?

1 MR. GREENBERG: Yes, it was, Your Honor.

2 THE COURT: All right. And we never issued a ruling on that objection?

3 MR. GREENBERG: Your confirmation of the Report and Recommendation,
4 which I have a copy here on paper --

5 THE COURT: Oh, because it says there was no objection filed.

6 MR. GREENBERG: Right. That box is checked. But in fact there was an
7 objection filed, Your Honor.

8 THE COURT: All right. Well, then that's our error and I will have to take
9 another look at that then and deal with the objection that was filed.

10 MR. GREENBERG: Thank you, Your Honor.

11 MS. RODRIGUEZ: And can I ask which Report and Recommendation are
12 we talking about? Because she issued several on this issue.

13 MS. SNIEGOCKI: It's the Report and Recommendation signed by the
14 Discovery Commissioner on January 13th.

15 MS. RODRIGUEZ: Okay.

16 MS. SNIEGOCKI: Objections were filed January 27th and the Court entered
17 the order on the 9th of March.

18 MS. RODRIGUEZ: Thank you.

19 THE COURT: So apparently the Discovery Commissioner checked the box
20 that says there had been no objection filed, so that's how that happened. So, if
21 there was one filed we will -- we'll deal with it, we'll look at it.

22 MS. RODRIGUEZ: Oh. I think -- Mr. Wall has just reminded me, I think that
23 was, if I'm not wrong, we did go back to the Discovery Commissioner following this
24 and Mr. Greenberg withdrew that objection, because that's the one that she kind of

1 reprimanded both of us for filing objections and not raising the issue to her, and
2 he withdrew it.

3 THE COURT: Imagine that. Imagine that, saying that --

4 MS. RODRIGUEZ: She said bring it up to me rather than wasting the Court's
5 time.

6 THE COURT: Well, so what's the upshot? You're saying that any objection
7 was waived?

8 MS. RODRIGUEZ: I wasn't aware of an objection. That's why I made the
9 representation. I --

10 THE COURT: Well, maybe what needs to happen then, since we're really
11 talking about whether something happened in front of the Discovery Commissioner,
12 is that resort to the Discovery Commissioner should be made.

13 MR. GREENBERG: Well, Your Honor, when I filed the objections on January
14 27th, I noted that this issue was raised to Your Honor in the motion to bifurcate that
15 was filed on January 11th.

16 THE COURT: Okay.

17 MR. GREENBERG: I raised this issue in both contexts. So I understand the
18 Court wants to proceed in an orderly fashion here --

19 THE COURT: Yeah.

20 MR. GREENBERG: -- with proper procedure, but what I'm trying to impress
21 upon the Court is that we raised this issue in a timely fashion after it was before the
22 Discovery Commissioner --

23 THE COURT: Uh-huh.

24 MR. GREENBERG: -- to bring it to Your Honor's attention. We did not

1 withdraw these objections. In fact, we sort of added them in tandem with the motion
2 to bifurcate. They were filed two weeks later because of the course of events here.

3 THE COURT: Okay. Well, I have two different factual contentions, one
4 that they were withdrawn and one that they were not. If what you're saying is
5 notwithstanding, even if they were withdrawn that it's appropriate for the Court to
6 deal with the bifurcation because it was raised in a motion filed -- January 11th,
7 you said?

8 MR. GREENBERG: That's correct. Well, it's not the -- it's the question of
9 this disclosure, Your Honor, we're talking about, the financial information disclosure.
10 It was raised as part of the motion to bifurcate. And this was explained in the
11 objections filed on January 27th. We did not withdraw these objections, Your
12 Honor. There's just some confusion on this point, okay.

13 THE COURT: Uh-huh.

14 MR. GREENBERG: It is unfortunate that there's been confusion here, Your
15 Honor.

16 THE COURT: Yeah.

17 MR. GREENBERG: But I would impress upon Your Honor we have acted
18 diligently. We have tried to --

19 THE COURT: Yeah.

20 MR. GREENBERG: I mean, obviously a party needs to invoke their rights.
21 They have to follow the procedures and time frames given by the Court. We
22 understand that. We have done so in this case, is what I'm trying to impress upon
23 the Court.

24 THE COURT: Yeah.

1 MR. GREENBERG: And to deny this disclosure and allow Mr. Nady to come
2 before the Court at trial and raise these defenses without a disclosure as to his
3 financial gain is inequitable, to say the least, Your Honor.

4 THE COURT: Okay. Well, to the extent that that is raised that the question
5 of what shall be the discovery on this issue, to the extent that that has been raised in
6 a motion filed January 11th to bifurcate, then I think it's fair for the Court to consider
7 it, regardless of whatever happened in front of the Discovery Commissioner.

8 MR. GREENBERG: Yes, Your Honor.

9 THE COURT: So I will consider whatever is in the motion. Whether that
10 reaches the extent of what you want to do discovery-wise, I don't know. But I guess
11 what we're saying is the Court needs to rule in the ruling on your motion to bifurcate.

12 MR. GREENBERG: That is --

13 THE COURT: The Court would have to consider the question of whether
14 further discovery would be allowed. Is that a fair statement?

15 MR. GREENBERG: That is correct, Your Honor. It's not -- well, again, it's
16 just this question, this narrow issue of the financial --

17 THE COURT: Understood.

18 MR. GREENBERG: I actually have the financial disclosures that were given
19 and we could discuss them in detail. They are confidential. I don't know if the Court
20 wants to get into any of that at this hearing.

21 THE COURT: No, I don't.

22 MR. GREENBERG: Thank you.

23 MS. RODRIGUEZ: Well, I would request the Court's permission then,
24 because to me they're two separate issues entirely and I oppose orally and in my

1 briefing the issue on the bifurcation. I think that's what we are here to talk about.

2 THE COURT: Yeah.

3 MS. RODRIGUEZ: If we're going to go back and talk about the financial
4 disclosures, I would like an opportunity to get -- I have the transcript, I believe,
5 back in my office, to see if this is the one that the objections were withdrawn and
6 it was a done issue, because I think we already went back before the Discovery
7 Commissioner, but I would just like an opportunity to look at that and supplement
8 if there is something, because I think it's improper the way that he kind of put that
9 in the middle of this motion to bifurcate.

10 THE COURT: So you want to make further response to the motion to
11 bifurcate, is that what you're saying?

12 MS. RODRIGUEZ: I do, Your Honor. I do, if necessary.

13 THE COURT: All right. How long do you need to file what you want to file?

14 MS. RODRIGUEZ: If I could have a week, that would be great.

15 THE COURT: All right, a week. And then you'll probably want to reply.

16 MR. GREENBERG: If I had an opportunity, Your Honor.

17 THE COURT: This is all done in the context of the motion to bifurcate.

18 Obviously I will vacate the oral ruling I made a few minutes ago that it was denied
19 without prejudice. I will review this, even with the context of the discovery. I'm not --
20 folks, let's get this clear. There is a great need to have rules of discovery and not
21 to have matters left until the end if they can be done expeditiously throughout.
22 Notwithstanding that, it's my view that the issues of the case, if you are correct that
23 it was squarely drawn or brought up, if that turns out to be the case, and we're just
24 now dealing with the motion to bifurcate, then, you know, and that can't be attributed

1 to either side. It was -- the case went to a different department, it came back. It
2 was stayed for mediation. I'm not going to have the so-called merits of the case
3 resolved by issues of whether or not somebody gets to do one certain thing in
4 discovery if we've got this long until the trial. I would not be inclined to close the
5 door on that unless I find that it really wasn't, it simply wasn't even brought up, in
6 which event I would probably fall back to the interpretation of the rules of discovery
7 and see whether or not it was objected to or not or what happened there.

8 So I'm going to look at it, but I will receive in a week more from the
9 defense. And then -- how long did you say, a week after?

10 MR. GREENBERG: One week would be fine, Your Honor --

11 THE COURT: Okay.

12 MR. GREENBERG: -- if that's allowable.

13 THE COURT: So let's get our dates. One week for the defense.

14 THE CLERK: May 24th.

15 THE COURT: And then a week for the plaintiff.

16 THE CLERK: May 31st.

17 THE COURT: And then I don't propose we'll argue this again. We'll simply
18 submit it. It will stand submitted and the Court will put it on the next available
19 chambers calendar. Is that that same one we just said?

20 THE CLERK: Uh-huh.

21 THE COURT: All right, let's do that at the same time.

22 THE CLERK: June 5th.

23 THE COURT: June 5th.

24 MS. RODRIGUEZ: Thank you.

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THE COURT: Okay. All right. Yeah, yeah, yeah.

MR. GREENBERG: We did discuss that a fair amount, I believe.

THE COURT: Okay. All right, we got them covered. Thank you.

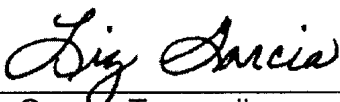
MR. GREENBERG: Thank you, Your Honor.

MS. RODRIGUEZ: Thank you.

(PROCEEDINGS CONCLUDED AT 12:59 P.M.)

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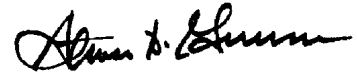
ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Liz Garcia, Transcriber
LGM Transcription Service

EXHIBIT B

EXHIBIT B



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

MICHAEL MURRAY,

Plaintiff,

vs.

A CAB TAXI SERVICE LLC,

Defendant.

AND OTHER PARTIES

CASE NO. A-12-669926-C
DEPT NO. I

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE BONNIE BULLA, DISCOVERY COMMISSIONER

**RE: MOTIONS
STATUS CHECK: COMPLIANCE
STATUS CHECK: PRODUCTION**

WEDNESDAY, OCTOBER 12, 2016

APPEARANCES:

FOR THE PLAINTIFFS:

LEON GREENBERG, ESQ.
DANA SNIEGOCKI, ESQ.

FOR THE DEFENDANTS:

ESTHER C. RODRIGUEZ, ESQ.

RECORDED BY: FRANCESCA HAAK, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

AA004067

1 that I shouldn't be allowed to get these specifically answered
2 at a 30(b)(6) deposition, and I can discuss them. A lot of
3 them have to do with issues like, tell us on average how long
4 were these drivers working. What were the policies regarding
5 their break times, when they had to show up, when they could
6 leave work. None of --

7 THE DISCOVERY COMMISSIONER: I think that's --

8 MS. RODRIGUEZ: I don't have an issue with that.

9 MR. GREENBERG: Okay.

10 THE DISCOVERY COMMISSIONER: Right. I think that's
11 perfectly fine.

12 MR. GREENBERG: Okay, Your Honor.

13 THE DISCOVERY COMMISSIONER: Let me tell you the only
14 thing I do have an issue with is the written discovery because
15 to me this is postjudgment debtor discovery. It is not
16 appropriate discovery at this point. I'm not saying you won't
17 get it eventually, but you're going to have to get a judgment
18 first. I understand -- you talk about the interrelationship
19 between Mr. Nady and his company.

20 I think you can ask him about that at deposition, but
21 I'm not really willing at this point to turn over his
22 individual tax returns and all of the other information you've
23 asked for in written discovery, not right now because we're not
24 collecting a debt.

25 MR. GREENBERG: Well, Your Honor, I understand your

1 view on that, and what I would point out and request is that
2 the basis for Mr. Nady's liability in this case is two tiered.
3 I first have to establish that the employer, the corporation,
4 actually owes the class some money, okay. Assuming the
5 corporation owes the class money, if they satisfy that, then I
6 don't -- we have no issue with Mr. Nady presumably. On the
7 other hand, if they don't, well, then we might, which is this
8 issue of the debtor-type discovery you're talking about.

9 But the problem is that in terms of proof at trial
10 Mr. Nady is not stipulating that he's going to be liable here
11 if the corporation is liable. I mean, he presumably can come
12 to court and has a legal right to say, well, I'm an
13 independent, separate legal person from the corporation. Just
14 because the corporation's liable, it doesn't make me liable.
15 So there's issues of fact regarding did he control the
16 corporation, et cetera, and so forth. I don't think that's
17 really in dispute. I mean, he's in charge clearly.

18 But the liability against him requires establishing
19 that he benefited in some capacity from the corporation's
20 misdeeds. If he never benefited, okay, if he received no
21 economic benefit from the corporation's violations of the law,
22 he has no liability. It's not enough that he simply gave the
23 orders here. Do you understand, Your Honor?

24 THE DISCOVERY COMMISSIONER: I do, but I don't
25 understand how production of tax returns and taxable income

1 because money's fungible, so I don't know how that would
2 necessarily support your position. If he is paid a salary, you
3 can find that out at deposition. You can find out how much
4 he's paid.

5 I'd like you to get some foundation before I go
6 ordering some of this information. I know we're running out of
7 time here. I understand that, but to me going into his tax
8 returns, preparation of all the documents for his tax returns,
9 his amount of taxable income, the annual income that he earned
10 versus the income of the entities and the current net worth of
11 each of the defendants, that -- a lot of that information if it
12 deals with punitive damages won't be turned over until 30 days
13 prior to trial, but some of -- to make sure that the punitive
14 claim still exists, but if it's to find out his relationship
15 and his benefit, I'm not sure he can argue he doesn't benefit
16 if he gets a salary.

17 MR. GREENBERG: I understand, Your Honor, and his
18 individual net worth, his income from other sources is not
19 within the scope of what should be disclosed here. If the
20 wording includes that, then that's too broad; I agree, Your
21 Honor. That's not the purpose of the inquiry here.

22 The other thing I was going to get to about this is I
23 think this really is an issue that's addressed to bifurcation
24 possibly with Judge Cory as the trial Judge. I mean, if Judge
25 Cory intends for all the issues, all of the liability issues in

1 this case to go in front of a single jury for one trial, then
2 that jury is going to have to hear evidence on whether there
3 was benefit to Mr. Nady from his relationship with the
4 corporation.

5 And I don't know how this sort of evidence dealing
6 with his financial gain from the corporation's activity cannot
7 come in to that review of factual information that the jury's
8 going to have to weigh. Now, Judge Cory might prefer to
9 bifurcate that. That's quite possible. I understand that, but
10 at the moment I have no bifurcation order from him. Defendants
11 have not requested bifurcation. So --

12 THE DISCOVERY COMMISSIONER: So what do we really
13 need? See, that's where I'm struggling. What do we really
14 need to show? I mean you can ask him what his salary is.

15 MS. RODRIGUEZ: He has.

16 THE DISCOVERY COMMISSIONER: Okay.

17 MS. RODRIGUEZ: Because if I'm recalling correctly,
18 that was a bone of contention between us --

19 MR. GREENBERG: Yeah --

20 MS. RODRIGUEZ: -- is that in that last 30(b)(6), the
21 very first one, he started off asking him whether he received a
22 salary, did he take a draw, all of those.

23 THE DISCOVERY COMMISSIONER: Okay. Well --

24 MS. RODRIGUEZ: Those questions have been answered.

25 MR. GREENBERG: No, they -- Your Honor, he didn't

1 answer them. He said he didn't know.

2 THE DISCOVERY COMMISSIONER: Okay. So again my
3 vision for this final deposition of Mr. Nady would be the one
4 day, seven hours. I would request that you stick with your
5 deposition topics on the 30(b)(6) that he has not addressed.
6 You can go back and look at the first deposition. If he did
7 not answer questions, you can reask them until we get some
8 answers.

9 But from a document perspective, how can we narrow
10 this so it gives you what you need without opening the full
11 financial picture? Because I don't think you're entitled to
12 that right now. If he says I got a salary, do you need a proof
13 of a -- I don't know if he gets a 1099 or a W -- I don't know
14 how he is paid out of the corporation. You need to find that
15 out.

16 If there's supporting documentation that shows how
17 he's paid, I'd probably be willing to give you that and whether
18 it -- you know, properly redacted so income from other sources
19 are not disclosed, but whether it's a W-2, a 1099 from the
20 corporation, how is he paid? I suspect --

21 MR. GREENBERG: Your Honor, because it's an LLC --

22 THE DISCOVERY COMMISSIONER: How would it be paid?

23 MR. GREENBERG: Well, it's not just a question of a
24 salary. I mean, he may get a draw. He may get distributions.

25 THE DISCOVERY COMMISSIONER: Right.

1 MR. GREENBERG: Earnings may be retained within the
2 corporation as well, increasing the value of the corporate
3 assets. He's the sole shareholder. So if the corporation's
4 making a profit, and that profit is retained by the
5 corporation, that's essentially property that he's increased
6 the value as a result of the corporation's activities, as a
7 result of the corporation's allegedly illegal activities. So
8 he's benefited to that extent.

9 So, Your Honor, he could simply answer detailed
10 interrogatories, and we could do that as a first step. Tell
11 us -- you know, answer, tell us what was the value -- net value
12 of the corporation's assets at the beginning, at the end of
13 each of these years' time period. What did you receive in
14 terms of property distributions, you and your family members?
15 What did you receive in the form of salary during the time
16 period?

17 THE DISCOVERY COMMISSIONER: Why would the family
18 members be relevant?

19 MR. GREENBERG: Well --

20 THE DISCOVERY COMMISSIONER: Because if you have to
21 show that he benefited, I'm not really willing to go into the
22 family members' financial. They're not parties to this
23 litigation.

24 MR. GREENBERG: Your Honor, I'm not interested in
25 their financial status, but if they're receiving distributions

1 from the corporation, then if it's -- not, you know, if it's
2 his cousin or something, I'm not going to -- you know, three
3 times removed, I'm not going to get into that, but if it's his
4 spouse, if it's his child, Your Honor, it is germane here
5 because I mean it should be -- it could be and should be
6 imputed to him, or at least that's an issue for somebody to
7 weigh at trial, Your Honor.

8 He can answer detailed interrogatories as to these
9 issues. We can see what he has to say. If further
10 documentation of the financials themselves would be justified,
11 we can visit that at that point. I'm willing to go through
12 stages here, but he should at least have to place -- and it's
13 going to be confidential, Your Honor. It'll all be under seal.
14 It won't go anywhere, but he should at least have to come in at
15 some stage at this point to demonstrate what financial benefit,
16 if any. For all we know, the corporation has made no money, or
17 maybe it's been very nominal. So that would provide him with a
18 significant defense.

19 Again, Your Honor, if these claims are not
20 bifurcated, I need to be able to come at trial and provide
21 documentation as to the benefit to Mr. Nady. If Mr. Nady's
22 total benefit for over the five-year period is only a hundred
23 thousand dollars, then arguably that's the limit of his
24 liability as well. So this goes to his defense. If Mr. Nady
25 simply wants to stipulate that he's going to be liable if the

1 corporation doesn't pay, then I don't need to do any of this,
2 but he's not going to agree to that, and he has a right to make
3 his defense. I understand that, Your Honor.

4 THE DISCOVERY COMMISSIONER: So here's what I'm
5 concerned about. I think that -- again I go back to what do
6 you really need right now, and I think what you need to find
7 out is the relationship between Mr. Nady and the corporation,
8 how he was paid, and he'll need to answer those questions, what
9 distributions were made.

10 And I think you can talk about distributions to
11 family members generally. I don't know if the amount -- again,
12 you know, you're walking a very narrow path here because you do
13 not want to invade the privacy of nonparties. I know they're
14 family members. I think you can ask: Do any of your family
15 members receive distribution of funds from the corporation?
16 But I think the amount, I'm not really willing to require him
17 to answer at least at deposition. I'll have to think about
18 that further because I don't know -- then he'd have to be
19 liable for those distributions.

20 I think you're entitled to know the total amount of
21 distributions made for the year to him or to others. That
22 might be something you could ask. I think you are probably
23 entitled to know the amount of his distributions and how he did
24 that. Was it a draw? I think you're certainly entitled to
25 know whether the corporation made a profit in the years at

1 issue, and how much did they make? So I think these types of
2 questions can be asked of him and answered.

3 Now, in terms of the supporting documentation, I
4 think we need to get those answers first. I think -- I don't
5 know how the distribution is made, but I think he needs to be
6 able to show documentation to support the money that he
7 received from the corporation.

8 MR. GREENBERG: Yes.

9 THE DISCOVERY COMMISSIONER: I think he also needs to
10 show the net -- you know, what the profit was.

11 MR. GREENBERG: Your Honor, given that we have a
12 number of topics to get into in the deposition, I understand
13 you believe it's more appropriate for Mr. Nady to answer
14 questions about these issues as you've outlined.

15 THE DISCOVERY COMMISSIONER: Or interrogatories.

16 MR. GREENBERG: Yes, I would prefer to do it
17 through --

18 THE DISCOVERY COMMISSIONER: Yeah, you can do either
19 way, and maybe that's what we do, is we protect -- right now I
20 protect the discovery as served, but I allow you to go back and
21 send detailed interrogatories on the financial information you
22 need and the request to produce for specific supporting
23 documentation.

24 I don't know why you need -- see I'm just -- do we
25 need the taxi cab? What tax returns, if any, have been

1 if we need to.

2 MR. GREENBERG: Yes, Your Honor.

3 THE DISCOVERY COMMISSIONER: All right. Good luck
4 with everything.

5 MS. RODRIGUEZ: Thank you.

6 MR. GREENBERG: Thank you.

7 MS. SNIEGOCKI: Thank you.

8 THE DISCOVERY COMMISSIONER: Take good care.

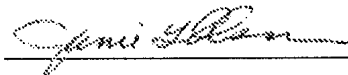
9 (Proceedings concluded 11:42 a.m.)

10 -oOo-

11 ATTEST: I do hereby certify that I have truly and correctly
12 transcribed the audio/video proceedings in the above-entitled
13 case.

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Janie L. Olsen
Transcriber

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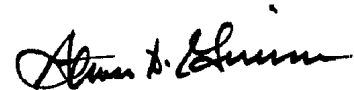
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EXHIBIT C

EXHIBIT C



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

MICHAEL MURRAY, et al.,	.	CASE NO. A-12-669926-C
	.	
Plaintiffs,	.	DEPT. NO. I
	.	
vs.	.	
	.	
A CAB SERVICE, LLC, et al.,	.	TRANSCRIPT OF
	.	PROCEEDINGS
	.	
Defendants.	.	
.	

BEFORE THE HONORABLE BONNIE BULLA, DISCOVERY COMMISSIONER

MOTION TO COMPEL INTERROGATORY RESPONSES
STATUS CHECK: COMPLIANCE - REPORT AND RECOMMENDATION

FRIDAY, DECEMBER 9, 2016

APPEARANCES:

FOR THE PLAINTIFFS:	LEON GREENBERG, ESQ.
FOR THE DEFENDANTS:	ESTHER C. RODRIGUEZ, ESQ.
	MICHAEL K. WALL, ESQ.

COURT RECORDER:

FRANCESCA HAAK
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

AA004079

1 arguments before. We spent an hour --

2 DISCOVERY COMMISSIONER: I know.

3 MS. RODRIGUEZ: -- arguing about this and Your Honor
4 said we didn't have to turn over the full tax --

5 DISCOVERY COMMISSIONER: I did.

6 MS. RODRIGUEZ: -- documents. We turned over the
7 Profit and Loss Statements as you ordered. We turned over all
8 of the tax information, the W-2s I believe, W-2s --

9 MR. GREENBERG: There is no W-2, Your Honor.

10 MS. RODRIGUEZ: -- for Nady. What did she receive?
11 1099's. I'm sorry. I was -- I was thinking of the wrong tax
12 form.

13 DISCOVERY COMMISSIONER: All right.

14 MS. RODRIGUEZ: 1099s for Nady and family as
15 ordered.

16 DISCOVERY COMMISSIONER: Okay. Mr. Greenberg --

17 MS. RODRIGUEZ: I told Mr. Greenberg --

18 MR. GREENBERG: Yes, Your Honor?

19 MS. RODRIGUEZ: -- anything else, he needs to ask
20 Mr. Nady at the deposition. If he's interested in -- in the
21 interplay between the company and what Nady profits from, he's
22 got the tax documents in front of him. He can thoroughly ask
23 him all of that at a deposition. I don't know why he chose to
24 abandon that deposition.

25 DISCOVERY COMMISSIONER: Well, I think he probably

1 wants the other information on the health insurance which you
2 are working on providing him.

3 MS. RODRIGUEZ: That has nothing to -- that was the
4 PMK. That was the 30(b)(6). Or he -- probably he's going to
5 notice another 30(b)(6) on the health insurance.

6 DISCOVERY COMMISSIONER: You know what; I'm going to
7 rely on you all to prepare your case for trial. You know it
8 much better than I do, and I know it better than I would like
9 to know it. So you all need to get busy, get your discovery
10 exchanged.

11 Mr. Greenberg, I would go ahead and take his
12 deposition. If you want to wait for the health insurance so
13 you can take the PMK and his individual deposition at one
14 time, take it. Ask the financial questions that you feel you
15 need to ask. You're either going to draw an objection and an
16 instruction not to answer, and then I will have to deal with
17 it by a separate motion.

18 But I can't do anymore right now. This is what I
19 can do. If you're not satisfied, you're welcome to talk to
20 the District Court Judge.

21 MR. GREENBERG: Yes, Your Honor.

22 DISCOVERY COMMISSIONER: But you have the Profit and
23 Loss. You have his 1099 forms.

24 MS. RODRIGUEZ: All Income Statements as well.

25 DISCOVERY COMMISSIONER: All Income Statements.

1 MR. GREENBERG: I -- I --

2 DISCOVERY COMMISSIONER: Move forward.

3 MS. RODRIGUEZ: And there will not be an instruction
4 not to answer. That's what I told Mr. Greenberg; he's ready
5 to answer these questions.

6 MR. GREENBERG: Your Honor, again, some of these
7 issues involve evidentiary determinations and how the case
8 would proceed at trial or --

9 DISCOVERY COMMISSIONER: I understand.

10 MR. GREENBERG: -- potential judgment. And perhaps
11 I should address them to the District Court. If Your Honor is
12 not going to order the production of Schedule C and the
13 Schedule E of the 1040, then you're not. I understand.

14 DISCOVERY COMMISSIONER: I'm not. And I --

15 MR. GREENBERG: And I don't want to belabor the
16 point.

17 DISCOVERY COMMISSIONER: We've already addressed
18 that issue.

19 MR. GREENBERG: Okay.

20 DISCOVERY COMMISSIONER: I've already ordered the
21 financial documents.

22 MR. GREENBERG: Then --

23 DISCOVERY COMMISSIONER: If -- if you think that my
24 recommendation was not appropriate, then you should object.

25 MS. RODRIGUEZ: I think he did object. Didn't --

1 MR. GREENBERG: Well --

2 MS. RODRIGUEZ: -- you object already?

3 DISCOVERY COMMISSIONER: And what did the --

4 MR. GREENBERG: -- Your Honor --

5 DISCOVERY COMMISSIONER: -- Judge say?

6 MR. GREENBERG: -- I couldn't really object to the
7 financial disclosures because I didn't have them until about a
8 week ago or 10 days ago.

9 What I'd ask Your Honor to do, is if we could have a
10 Report and Recommendation just confirming you're not ordering
11 disclosure of the Schedule C and the Schedule E of Mr. Nady,
12 and the 1040s, I'll have it in the record. And that way, if I
13 want to object to that ruling by Your Honor, I'll take it --

14 DISCOVERY COMMISSIONER: But I've already --

15 MR. GREENBERG: -- to District Judge.

16 DISCOVERY COMMISSIONER: -- made that decision.

17 MR. GREENBERG: Well, you -- you --

18 DISCOVERY COMMISSIONER: You do a Motion to
19 Reconsider to the District Court Judge. You sign the order.
20 If you signed it, do a Motion to Reconsider to him. I don't
21 want to -- I don't want to revisit that issue because I've
22 already made a recommendation on it.

23 MR. GREENBERG: Well --

24 DISCOVERY COMMISSIONER: If the Judge has signed it,
25 then do a Motion to Reconsider to the Judge.

1 MR. GREENBERG: Okay.

2 MS. RODRIGUEZ: Right.

3 MR. GREENBERG: Then -- then that's -- then that's
4 how we need to proceed --

5 DISCOVERY COMMISSIONER: Okay.

6 MR. GREENBERG: -- if -- if necessary, Your Honor.

7 There are at least three or four other issues that
8 are outstanding. I don't know if the Court wants to take the
9 time to address them.

10 DISCOVERY COMMISSIONER: Well, we could --

11 MR. GREENBERG: It's up to Your Honor.

12 DISCOVERY COMMISSIONER: Well, we could take a vote
13 of the audience. I think the answer is going to be "no". But
14 actually everyone seems to be enjoying the argument now, so
15 I'm getting, you know, encouragement here.

16 What else do we have to address, Mr. Greenberg? Can
17 you just give me a list?

18 MR. GREENBERG: Your Honor, this is in -- primarily
19 in the second supplement I submitted to Your Honor. There
20 were disclosures at Mr. Nady's recent deposition regarding
21 materials that have not been produced or that are otherwise
22 germane and can be produced.

23 DISCOVERY COMMISSIONER: Can you just give me a
24 list?

25 MR. GREENBERG: Okay. There are Excels of the daily

1 before, Happy Holidays.

2 MS. RODRIGUEZ: Thank you, Your Honor. You too.

3 MR. WALL: Thank you, Your Honor.

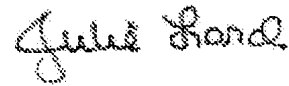
4 (Proceeding concluded at 11:12 a.m.)

5 * * * * *

6 CERTIFICATE

7 ATTEST: I hereby certify that I have truly and correctly
8 transcribed the audio/visual proceedings in the above-entitled
9 case to the best of my ability.

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JULIE LORD, INDEPENDENT TRANSCRIBER

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EXHIBIT D

EXHIBIT D

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Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS

Hearing Date: 10/12/16
Hearing Time: 9:00 a.m.

Attorney for Plaintiffs: Leon Greenberg, Esq., and Dana Sniegocki, Esq.,
Leon Greenberg Professional Corporation.

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

Defendants' co-counsel, Michael K. Wall, Esq., did not attend the hearing.

I.

FINDINGS

1. This matter came before the Discovery Commissioner on “*Defendants’ Motion for Protective Order or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs’ Written Discovery on Order Shortening Time*”; and Status Check for Compliance and Production.

2. As a result of the hearing of September 7, 2016, a Discovery Commissioner Report and Recommendations (“DCR&R”) was prepared and submitted by Plaintiffs without the signature of Defendants. A telephonic status check was held by the Discovery Commissioner on October 7, 2016, to address compliance. As a result, Plaintiffs brought the aforementioned DCR&R to the hearing of October 12, 2016, which was signed by Defendants, and submitted to the Discovery Commissioner for approval and entry.

3. Contained within the aforementioned DCR&R were the Recommendations which were scheduled for status check for compliance and production on October 12, 2016.

4. The first Recommendation contained within the DCR&R was “that defendants’ re-run the QuickBooks data extract previously produced so that they produce to plaintiffs the QuickBooks information, in a CSV or Excel or other file format agreed upon by the parties.” During the October 12, 2016 hearing, the parties agreed that Defendants had complied in producing this re-run data as ordered. The Discovery Commissioner finds that compliance and production is satisfied pertaining to this first Recommendation.

5. The second Recommendation was “that defendants provide supplemental responses to Requests Nos. 1-3 in Plaintiffs’ Seventh Request for the Production of Documents pertaining to defendants’ providing of health insurance benefits to the class members and Interrogatories Nos. 3-5 pertaining to the same”; “or provide a detailed sworn affidavit showing their efforts to provide informed responses to the same.” The Discovery Commissioner finds that Defendants did comply in providing this sworn affidavit with employee health summary plans that were available in a timely fashion to Plaintiffs. Plaintiffs have subsequently requested that a list of annual cost to the

1 employer now be produced; and Defendants have agreed to attempt to gather this information and to
2 provide it to Plaintiffs.

3 6. The third Recommendation stemming from the DCR&R recommended "that defendants
4 provide a copy of the Excel spreadsheet they provided to the U.S. Department of Labor as testified
5 to by Creighton J. Nady"; or if defendants are unable to provide such file, "provide a detailed sworn
6 affidavit showing efforts to provide the same." The Discovery Commissioner finds that Defendants
7 did provide the sworn affidavit as ordered; however, Plaintiffs have requested additional items to be
8 inserted into the affidavit which Defendants have agreed to incorporate.

9 7. As pertains to "*Defendants' Motion for Protective Order or, in the Alternative, Motion to*
10 *Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton*
11 *J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on Order Shortening*
12 *Time*", the Discovery Commissioner finds that Plaintiffs' written discovery is post-judgment debtor
13 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
14 requested.

15 8. The Discovery Commissioner finds that production of Defendant Nady's compensation from
16 Defendant A Cab, LLC will be allowed including any written proof of distribution for the time
17 period of 2007 - 2015. Further, the corporate profit and loss statements for Defendant A Cab, LLC
18 should be produced for those same years. Defendants are protected from the remainder of
19 Plaintiffs' written requests.

20 9. The Discovery Commissioner further finds that the deposition of the NRCP 30(b)(6) witness
21 for A Cab, LLC will be limited to one day of 7 hours to answer the questions not addressed in the
22 prior deposition.

23 10. To the extent the individual deposition of Defendant Nady is necessary, this deposition will
24 be limited to 3 hours.

25 11. The Discovery Commissioner finds that in lieu of the categories contained within the notice
26 of the NRCP 30(b)(6) deposition, the parties may either stipulate to any of the topics contained
27 within the notice; or Plaintiff may address these topics by interrogatory. As such, the Discovery
28 Commissioner finds that an additional 40 interrogatories may be lodged by Plaintiffs to address

1 topics within the 30(b)(6) notice. The interrogatory and deposition topics will not be duplicative.

2 12. The Discovery Commissioner previously advised counsel to prepare a stipulation pursuant
3 to EDCR 2.35, or a separate submission to the Discovery Commissioner after the parties attempt to
4 resolve the scheduling issues between themselves. As such, Plaintiffs circulated the following dates
5 which were agreed upon by Defendants with the following deadlines:

6	Close of Discovery:	February 28, 2017;
7	Deadline to file motions to amend pleadings/add parties:	November 29, 2016;
8	Final dates for initial expert disclosures:	November 29, 2016;
9	Final date for rebuttal expert disclosures:	December 29, 2016;
10	Final date to file dispositive motions:	March 23, 2017.

11 13. At the hearing of October 12, 2016, Plaintiffs requested additional time for their initial
12 expert disclosures. As such, the Discovery Commissioner recommends the following additional
13 extensions to the above schedule:

14	Final dates for initial expert disclosures:	December 23, 2016;
15	Final date for rebuttal expert disclosures:	January 23, 2017;
16	All other dates will remain as proposed.	

17 II.

18 RECOMMENDATIONS

19 IT IS HEREBY RECOMMENDED that "*Defendants' Motion for Protective Order or, in*
20 *the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit*
21 *the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written*
22 *Discovery on Order Shortening Time*" is GRANTED in part, and DENIED in part.

23 IT IS RECOMMENDED that Defendants' motion for protective order is granted with
24 respect to the written discovery that was served, that includes both interrogatories and request to
25 produce that are identified in the motion;

26 IT IS RECOMMENDED that alternative relief be provided to Plaintiffs in that Defendant
27 will provide supporting documentation and identification of distributions, salary, payment to Mr.
28 Nady for 2007-2015.

1 IT IS RECOMMENDED that A Cab Taxi Service will provide its profit and loss statements
2 for 2007-2015.

3 IT IS RECOMMENDED that the remainder of the financial information requested is
4 protected at this time.

5 IT IS RECOMMENDED that the deposition of the NRCP Rule 30(b)(6) witness of A Cab,
6 LLC will be limited to one day, seven hours. The parties may agree to eliminate topics by
7 stipulation; or by interrogatory but the categories will not duplicate. As such, Plaintiffs are allowed
8 40 additional interrogatories to address topics contained within the notice by interrogatory, rather
9 than by deposition.

10 IT IS RECOMMENDED that the deposition of Defendant Creighton J. Nady will be limited
11 to three hours.

12 THE DISCOVERY COMMISSIONER FURTHER RECOMMENDS:

- 13 1. The Discovery Cutoff is extended to February 28, 2017;
- 14 2. Deadline to file motions to amend pleadings/add parties is extended to November 29,
15 2016;
- 16 3. Initial Expert Disclosures are extended to December 23, 2016;
- 17 4. Rebuttal Expert Disclosures are extended to January 23, 2017.
- 18 5. The deadline for filing of dispositive motions is March 23, 2017.

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

22 DATED this 3 day of November, 2016.

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25 _____
26 DISCOVERY COMMISSIONER
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Case Name: Murray v. A Cab, LLC, et al.
Case No.: A-12-669926-C

Submitted by:
RODRIGUEZ LAW OFFICES, P.C.

Approved as to form and content:
LEON GREENBERG PROFESSIONAL CORPORATION


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Attorneys for Plaintiffs

Case Name: Murray v. A Cab, LLC, et al.
Case No.: A-12-669926-C

NOTICE

Pursuant to NRCP 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.

The Commissioner's Report is deemed received three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of court deposits a copy of the Report in a folder of a party's lawyer in the Clerk's office. E.D.C.R. 2.34(f).

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

_____ Mailed to Plaintiff/Defendant at the following
address on the ____ day of _____, 2016:

_____ Placed in the folder of counsel in the Clerk's
office on the ____ day of _____, 2016:

✓ _____ Electronically served counsel on NOV 7, 2016,
Pursuant to N.E.F.C.R. Rule 9.

By *Atitiki Peharman*
Commissioner Designee

Case Name: Murray v. A Cab, LLC, et al.
Case No.: A-12-669926-C

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),
- _____ Having received the objections thereto and the written arguments in support of said
objections, and good cause appearing,

* * *

AND

- _____ 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
attached hereto.
- _____ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report
and Recommendations is set for _____, 2016, at ____:____ a.m.

Dated this _____ day of _____, 2016.

DISTRICT COURT JUDGE

EXHIBIT E

EXHIBIT E

DCRR

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Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS

Hearing Date: 11/18/16
Hearing Time: 9:00 a.m.

Attorney for Plaintiffs: Leon Greenberg, Esq., and Dana Sniegocki, Esq.,
Leon Greenberg Professional Corporation.

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

Michael K. Wall, Esq.
Hutchinson & Steffen, LLC

I.

FINDINGS

1. This matter came before the Discovery Commissioner as a Status Check for continued compliance and production following "*Defendants' Motion for Protective Order or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness; Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from Plaintiffs' Written Discovery on Order Shortening Time*," heard on October 12, 2016; as well as "*Plaintiffs' Motion to Compel the Production of Documents and Interrogatory Responses*" heard on June 13, 2016.

2. Following the most recent discovery hearing and status check of October 12, 2016, addressing the above referenced motions, the Nevada Supreme Court issued several decisions directly affecting the issues and discovery ordered in this matter, and thus necessitating a further discussion on compliance, production, and scope of discovery.

3. Firstly, following the Nevada Supreme Court decision of *Perry v. Terrible Herbst, Inc.*, 132 Nev. Adv. Op. No. 75 (Oct. 27, 2016), the Discovery Commissioner finds that the applicable statute of limitations and discovery period has been further defined and delineated by the Court. Accordingly, in this matter, such period is limited to a two-year time period prior to the filing of Plaintiffs' Complaint as held by the Nevada Supreme Court: "When a right of action does not have an express limitations period, we apply the most closely analogous limitations period. The MWA does not expressly indicate which limitations period applies and the most closely analogous statute to the MWA is NRS 608.260, as both permit an employee to sue his employer for failure to pay the minimum wage. Moreover, applying the NRS 608.260 limitations period is consistent with Nevada minimum wage law." *Id.* at pp. 10-11.

4. The Discovery Commissioner finds that Plaintiffs' Complaint was filed October 8, 2012, and thus the applicable period for discovery commences October 8, 2010. Plaintiffs disagreed with this finding, arguing for an equitable tolling period. The Discovery Commissioner finds that any argument by Plaintiffs for deviating from the Supreme Court decision will have to be further briefed, and brought by motion.

5. The Discovery Commissioner also finds that further guidance has been provided by the

1 Nevada Supreme Court pertaining to health care benefits and the discovery disputes surrounding
2 this issue. Following the decision of *MDC Rests. v. Eighth Jud. Dist. Ct.*, 132 Nev Adv. Op. No. 76
3 (October 27, 2016), the Supreme Court has indicated "with regard to whether employers must
4 'offer' or 'enroll' employees in health benefit plans to pay the lower-tier wage, our holding is
5 consistent with the Labor Commissioner's promulgations, see NAC 608.102 (2007) (providing that
6 an employer must 'offer' health benefits), and the language of the MWA is plain: employers need
7 only offer health benefits to pay the lower-tier wage." *Id.* at p. 12.

8 6. The Discovery Commissioner finds that the following discovery pertaining to health
9 insurance is appropriate: costs of health insurance for the five years at issue (2010-2015) for all
10 ~~employees at all~~ ^{paid for the employees or} levels (individual plan and family plan); the criteria to access or to participate in the plan; and the
11 waiting period for access to the plan.

12 7. In accordance with the parameters outlined by the Discovery Commissioner's order on
13 *Defendants' Motion for Protective Order*, the continued deposition of Defendant's NRCP 30(b)
14 witness was scheduled on November 22, 2016. The Discovery Commissioner further addressed the
15 difficulties presented at the prior deposition by both parties, and indicates that she will be available
16 to the parties should problems arise. In the event that the deposition is discontinued pursuant to
17 Rule 30(d), and the Commissioner hears the Motion for Protective Order, the losing party will pay
18 fees and costs.

19 8. In further discussion pertaining to Defendants' tax information (including that of non-
20 parties) to be produced to Plaintiffs, the Discovery Commissioner finds that such records should
21 remain confidential pursuant to NRCP 26(c) within the confines of litigation until otherwise ordered
22 by the District Court Judge.

23 9. In further discussion regarding the prior extended discovery dates arising from the hearing of
24 October 12, 2016, Defendants lodged an objection with the District Court asserting they would be
25 prejudiced with the new initial expert deadline falling on December 23, 2016, and rebuttal expert
26 deadline of January 23, 2017, and thus requested through February 3, 2017 to account for the
27 holidays. The Discovery Commissioner finds the following new dates are appropriate, and finds
28 that any *Objection to the DCR&R* will be withdrawn:

1 Close of Discovery: April 28, 2017;
2 Deadline to file motions to amend pleadings/add parties: January 27, 2017;
3 Final dates for initial expert disclosures: January 27, 2017;
4 Final date for rebuttal expert disclosures: February 28, 2017;
5 Final date to file dispositive motions: May 31, 2017;
6 Case Ready for Trial: July 10, 2017.

7 II.

8 RECOMMENDATIONS

9 IT IS HEREBY RECOMMENDED that following the decisions recently issued by the
10 Nevada Supreme Court, the following revisions be made to the prior Discovery Commissioner
11 Report and Recommendation of October 12, 2016 pertaining to "*Defendants' Motion for Protective*
12 *Order or, in the Alternative, Motion to Terminate Deposition of a Cab, LLC 30(b)(6) Witness;*
13 *Motion to Limit the Deposition of Creighton J. Nady; and Motion for Protective Order from*
14 *Plaintiffs' Written Discovery on Order Shortening Time*":

15 WHEREAS IT WAS PREVIOUSLY RECOMMENDED that alternative relief be provided
16 to Plaintiffs in that Defendant will provide supporting documentation and identification of
17 distributions, salary, payment to Mr. Nady and family for 2007-2015, this RECOMMENDATION is
18 modified to encompass the years 2010-2015.

19 WHEREAS IT WAS PREVIOUSLY RECOMMENDED that A Cab Taxi Service will
20 provide its profit and loss statements for 2007-2015, this RECOMMENDATION is modified to

21 encompass the years 2010-2015. *Further, the discovery regarding health*
22 *insurance information will be produce in accordance with paragraph*

23 IT IS FURTHER RECOMMENDED that Defendants' tax information (including that of
24 non-parties) produced to Plaintiffs should remain confidential pursuant to NRCP 26(c) within the
25 confines of litigation until otherwise ordered by the District Court Judge. *Findings*
Section 30

26 THE DISCOVERY COMMISSIONER FURTHER RECOMMENDS that the Objection to
27 the Discovery Commissioner Report and Recommendation of October 12, 2016 be WITHDRAWN
28 and the following dates be implemented:

1. The Discovery Cutoff is extended to April 28, 2017;

Case Name: Murray v. A Cab, LLC, et al.
Case No.: A-12-669926-C

2. Deadline to file motions to amend pleadings/add parties is extended to January 27, 2017;
3. Initial Expert Disclosures are extended to January 27, 2017;
4. Rebuttal Expert Disclosures are extended to February 28, 2017;
5. The deadline for filing of dispositive motions is May 31, 2017;
6. The case will be ready for trial July 10, 2017.

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.

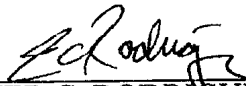
DATED this 9 day of December, 2016.



DISCOVERY COMMISSIONER

Submitted by:

RODRIGUEZ LAW OFFICES, P.C.


ESTHER C. RODRIGUEZ, ESQ.
Nevada Bar No.: 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Tel: (702) 320-8400
Fax (702) 320-8401
info@rodriguezlaw.com
Attorneys for Defendants

Approved as to form and content:

LEON GREENBERG PROFESSIONAL CORPORATION

not approved
LEON GREENBERG, ESQ.
Nevada Bar No.: 8094
DANA SNIEGOCKI, ESQ.
Nevada Bar No.: 11715
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Las Vegas, Nevada 89146
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leongreenberg@overtimelaw.com
dana@overtimelaw.com
Attorneys for Plaintiffs

Case Name: Murray v. A Cab, LLC, et al.
Case No.: A-12-669926-C

NOTICE

Pursuant to NRCP 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.

The Commissioner's Report is deemed received three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of court deposits a copy of the Report in a folder of a party's lawyer in the Clerk's office. E.D.C.R. 2.34(f).

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

_____ Mailed to Plaintiff/Defendant at the following
address on the ____ day of _____, 201__:

_____ Placed in the folder of counsel in the Clerk's
office on the ____ day of _____, 201__:

✓ _____ Electronically served counsel on Dec. 16, 2016,
Pursuant to N.E.F.C.R. Rule 9.

By _____

Natlie Fehrmann
Commissioner Designee

Case Name: Murray v. A Cab, LLC, et al.
Case No.: A-12-669926-C

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,

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

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

* * *

AND

☒ ^{MS} 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
attached hereto.

_____ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report
and Recommendations is set for _____, 201__, at ____:____ a.m.

Dated this 7 day of March, 2017.



DISTRICT COURT JUDGE

EXHIBIT F

EXHIBIT F

RESP

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Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

SUPPLEMENTAL ANSWERS TO PLAINTIFFS' FIFTH SET OF

INTERROGATORIES TO DEFENDANTS

Defendants, by and through their attorney, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ
LAW OFFICES, P.C., and pursuant to NRCP 33, hereby respond to Plaintiffs' Fifth Set of
Interrogatories as follows:

INTERROGATORY NO. 7:

Identify and set forth separately the gross amount, in dollars and cents, of each payment
made by the United States Department of Labor pursuant to the terms of the consent judgment to

each person listed on Exhibit "A" of the attached consent judgment. This request seeks the defendant to identify and set forth, *for each person* listed on Exhibit "A" of the attached Consent Judgment, the gross amount of the payment given to (if any payment was made to that person) *each* identified person by the United States Department of Labor. The term "gross amount" for the purpose of this interrogatory means the amount recorded as so paid by the United States Department of Labor prior to any deductions for taxes or any other purpose.

ANSWER NO. 7:

Please see attached.

INTERROGATORY NO. 8:

For each person identified in the Excel file titled "Drive contact list" provided by defendants to plaintiffs' counsel in compliance with the Court's order of June 7, 2016, state the date of hire (or dates, if hired on more than one occasion) for each such person. The term "date of hire" means the first date such person actually commenced working as a paid employee of defendants.

ANSWER NO. 8:

Objection, overly and unduly burdensome for Defendant to compile this data. Without waiving said objections, Plaintiff can readily ascertain this information from the Quickbooks data already produced by Defendant.

SUPPLEMENTAL ANSWER NO. 8:

See Defendants' Twelfth Supplement to NRCP 16.1 Disclosure Statement.

INTERROGATORY NO. 9:

For each person identified in the Excel file titled "Drive contact list" provided by defendants to plaintiffs' counsel in compliance with the Court's order of June 7, 2016, and who is no longer employed by the defendants in any capacity, state each person's last date of employment. The term "last date of employment" means the last date such person performed work as a paid employee of defendants.

ANSWER NO. 9:

Objection, overly and unduly burdensome for Defendant to compile this data. Without waiving said objections, Plaintiff can readily ascertain this information from the Quickbooks data

1 already produced by Defendant.

2 **SUPPLEMENTAL ANSWER NO. 9:**

3 See Defendants' Twelfth Supplement to NRCP 16.1 Disclosure Statement.

4 **INTERROGATORY NO. 10:**

5 For each person identified in the Excel file titled "Driver contact list" provided by
6 defendants to plaintiffs' counsel in compliance with the Court's order of June 7, 2016, set forth all
7 time periods each such person was eligible to participate in, and receive benefits from, the health
8 insurance plan(s) offered by defendants. The term "eligible to participate" does not mean actual
9 participation in such insurance plan. It refers to a period during which, if the appropriate cost was
10 paid, and such person had taken all other necessary steps, such as signing enrollment papers and
11 consenting to participation, they could participate in and receive benefits from such insurance plan.
12 In responding to this Interrogatory, defendants should set forth all time frames (meaning a specific
13 start date and a specific end date, or dates, if multiple dates apply) *each individual* person was
14 eligible to participate in, and receive benefits from, the health insurance plan(s) offered by
15 defendants, *e.g.* Drive A- January 1, 2008 through January 1, 2009; Driver B- February 1, 2010
16 through February 2, 2011 and June 1, 2012 to the present, etc.

17 **ANSWER NO. 10:**

18 Objection, overly and unduly burdensome for Defendant to compile this data. Without
19 waiving said objections, Plaintiff can readily ascertain this information from the Quickbooks data
20 already produced by Defendant.

21 **INTERROGATORY NO. 11:**

22 For each person for whom a period of time is identified, in response to Interrogatory No. 9,
23 that they were eligible to participate in, and receive benefits from, the health insurance plan(s)
24 offered by defendants, identify all periods of time during which such person was actually enrolled
25 in and could receive benefits from such insurance plan, irrespective of whether they actually
26 received any such benefits. This request requires the defendants to identify for each such person
27 the time periods during which the required cost was actually paid for such person to participate in
28 such health insurance plan(s) and such person had taken all other necessary steps, such as signing

1 enrollment papers and consenting to participation, that were needed to receive benefits from such
2 health insurance plan(s).

3 **ANSWER NO. 11:**

4 Objection, overly and unduly burdensome for Defendant to compile this data. Without
5 waiving said objections, Plaintiff can readily ascertain this information from the Quickbooks data
6 already produced by Defendant.

7 **INTERROGATORY NO. 12:**

8 Set forth the total amount of taxable income that defendant Nady has received from the
9 other defendants in this case, or any related entities, between July 1, 2007 and December 31, 2015.
10 For the purposes of this request, the term "taxable income" means all transfers of cash and tangible
11 and/or intangible property or assumptions of indebtedness or legal or other obligations by the other
12 defendants or any related entities that resulted in a communication (either by the defendants or by
13 any related entities or by Nady via a tax return filing or in any other manner) to the United States
14 Internal Revenue Service that Nady had received income (be it earnings from employment, capital
15 gains, relief from indebtedness, or any other form income) from such transfer. The term "related
16 entities" means all legal entities (corporations, limited liability corporations, limited liability
17 partnerships, limited partnerships and general partnerships) in which defendant Nady and/or his
18 spouse had an ownership interest.

19 **ANSWER NO. 12:**

20 Objection. This interrogatory is the subject of Defendants' Motion for Protective Order
21 granted in part by the Discovery Commissioner. Defendant will produce the items in compliance
22 with the Discovery Commissioners Report and Recommendation once approved by the Court, and
23 within the guidelines now given by the Nevada Supreme Court pertaining to applicable statute of
24 limitations.

25 **SUPPLEMENTAL ANSWER NO. 12:**

26 See attached documents, which are confidential per the Order of the Discovery
27 Commissioner pursuant to NRCP 26(c), and are to remain confidential until such time as ordered
28 by the District Court.

1 **INTERROGATORY NO. 13:**

2 For each calendar year starting in 2008, set forth the amount that defendant Nady was paid
3 in earned income, meaning all taxable employee income he received, as an employee of the
4 defendants. The term "earned income" for the purposes of this interrogatory has the meaning used
5 by the United States Internal Revenue Service and excludes any interest and dividends and capital
6 gains and any distributions of profits or other transfers of property or relief from indebtedness that
7 defendant Nady may have received as an owner, LLC member, partner, shareholder, or creditor of
8 the defendants.

9 **ANSWER NO. 13:**

10 Objection. This interrogatory is the subject of Defendants' Motion for Protective Order
11 granted in part by the Discovery Commissioner. Defendant will produce the items in compliance
12 with the Discovery Commissioners Report and Recommendation once approved by the Court, and
13 within the guidelines now given by the Nevada Supreme Court pertaining to applicable statute of
14 limitations.

15 **INTERROGATORY NO. 14:**

16 State the total dollar amount of the Social Security payroll tax employer contribution made,
17 or to be made, by the defendants for each of the persons listed on Exhibit "A" of the attached
18 consent judgment as a result of the payments made by the United States Department of Labor to
19 each such person pursuant to such consent judgment. The term "Social Security payroll tax
20 employer contribution" for the purposes of this interrogatory refers to the amount defendants had to
21 pay from their own funds, and not as a deduction from their employees' wages, in social security
22 and medicare tax contributions based upon the gross amount of wages (earned income) that was
23 paid to their employees.

24 **ANSWER NO. 14:**

25 The employer paid matching funds to those listed; see attached listing.

26 **INTERROGATORY NO. 15:**

27 Set forth, in detail, a summary of all benefits available to defendants' taxicab drivers who
28 elected to enroll in any health insurance plan offered by defendants. A response to this request

1 should include, but not be limited to, the types of coverage offered by such plan(s) such as coverage
2 for specialist visits, surgical coverage, hospital stays, emergency room visits coverage, etc. The
3 sort of information sought by this request is set forth in Exhibit "B." This request does not seek a
4 summary of coverage offered by any dental, vision, or life insurance plans offered by the
5 defendants, and is limited strictly to health insurance plans. In lieu of responding to this
6 interrogatory, defendants may produce copies of all documents which set forth the information
7 sought by this request if such documents clearly state the coverage available under all health
8 insurance plans offered by the defendants from July 1, 2007 through the present as in the form at
9 Exhibit "B" or a similar form.

10 **ANSWER NO. 15:**

11 Objection, this request is overbroad in terms of time and scope of items requested in light of
12 the guidance provided by the Nevada Supreme Court. Further, this information has already been
13 provided to Plaintiffs in terms of health care summary forms. Further, the Discovery Commissioner
14 has clarified and ordered that the cost to the employer shall be turned over; Defendant is presently
15 trying to collect this information, and will supplement when it is received.

16 **INTERROGATORY NO. 16:**

17 Set forth, separately, the total income of each of the defendants, A Cab Taxi Service, LLC,
18 A Cab, LLC, and Creighton J. Nady as reported on such entities'/person's tax returns filed with the
19 Internal Revenue Service for each year beginning in 2007 through 2015.

20 **ANSWER NO. 16:**

21 Objection. This interrogatory is the subject of Defendants' Motion for Protective Order
22 granted in part by the Discovery Commissioner. Defendant will produce the items in compliance
23 with the Discovery Commissioners Report and Recommendation once approved by the Court, and
24 within the guidelines now given by the Nevada Supreme Court pertaining to applicable statute of
25 limitations.

26 **INTERROGATORY NO. 17:**

27 Set forth, separately, the current net worth of each of the defendants, A Cab Taxi Service,
28 LLC, A Cab, LLC, and Creighton J. Nady. The term "net worth" in this interrogatory means the

monetary value of all property (be in real, personal, tangible, or intangible) owed by each such defendant minus the monetary value of all liabilities and debts of each such defendant.

ANSWER NO. 17:

Objection. This interrogatory is nonsensical, forcing defendants to speculate as to its meaning. Furthermore, it seeks production of confidential information that is not available to the public and that is not reasonably calculated to lead to the discovery of admissible evidence. It may be the subject of Defendants' Motion for Protective Order granted in part by the Discovery Commissioner. Defendant will produce the items in compliance with the Discovery Commissioners Report and Recommendation once approved by the Court, and within the guidelines now given by the Nevada Supreme Court pertaining to applicable statute of limitations.

INTERROGATORY NO. 18:

Set forth, separately, for each member of the certified class of plaintiffs in this case, the amount defendants' claim as part of their Seventeenth Affirmative Defense that "Plaintiffs' claims are barred or otherwise limited by offset/setoff/or payments that have already been made to the amounts in question." In answering this request, the defendants are to specify the amount of each claimed offset, setoff, and payment amount, as alleged in the affirmative defense, in respect to each class member's claim.

ANSWER NO. 18:

See attached. Defendants reserve the right to supplement as discovery is continuing.

INTERROGATORY NO. 19:

Identify the name and address of each of the "others" besides defendant A Cab, LLC, whose "conduct" defendants allege caused the class members' damages as alleged in their Third Affirmative Defense.

ANSWER NO. 19:

Defendants assert that they took all steps to comply with all federal and state laws, meeting with both federal and state representatives as identified in Defendants' List of Witnesses and Documents. Each of these representatives informed Defendants of the sufficiency of their compliance and/or gave guidance to Defendants and/or admitted that they themselves were unclear

1 regarding the effects of the amendment to the Nevada Constitution. Further, each driver has within
2 their control the amount of money they make; and in fact make substantially more on an hourly
3 basis than is reflected in their paystubs.

4 DATED this 25th day of November, 2016.

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

6
7 /s/ Esther C. Rodriguez, Esq.

8 Esther C. Rodriguez, Esq.
9 Nevada Bar No. 6473
10 10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Attorneys for Defendant A Cab, LLC

11 **CERTIFICATE OF SERVICE**

12 I HEREBY CERTIFY on this 25th day of November, 2016, I served the foregoing via
13 U.S. Mail postage prepaid to the following:

14 Leon Greenberg, Esq.
15 Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E4
16 Las Vegas, Nevada 89146
Counsel for Plaintiff
17 (702) 385-1827

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

9595

☐ VOI☐ CORRECTED

PAYER'S name, street address, city, state, ZIP code A Cab LLC 1500 Searles Avenue Las Vegas NV 89101-1123		nd telephone no.	1 Rents \$	OMI 1545-0115 2011 Form 1099-MISC	Miscellaneous Income
PAYER'S federal identification number		2 Royalties \$	3 Other income \$	4 Federal income tax withheld \$	
RECIPIENT'S identification number		5 Fishing boat proceeds \$	6 Medical and health care payments \$	Copy A For Internal Revenue Service Center File with Form 1096.	
RECIPIENT'S name Crelghton Nady		7 Nonemployee compensation \$	8 Substitute payments in lieu of dividends or interest \$		
Street address (including apt. no.)		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$	For Privacy Act and Paperwork Reduction Act Notice, see the 2011 General Instructions for Certain Information Returns.	
City, state, and ZIP code		11	12		
Account number (see Instructions)		13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$		
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no.	18 State income \$	

Form 1099-MISC

Department of the Treasury - Internal Revenue Service

38-2099803

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E MAILING

CONFIDENTIAL
Pursuant to NRCP 26(c)
and the Order of the
Discovery Commissioner

AA004112

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☐ VOID☐ CORRECTED

PAYER'S name, street address, city, state, ZIP code, and telephone no.

A Cab LLC

1500 Searles Avenue

Las Vegas

NV

89101-1123

1 Rents

\$

2 Royalties

\$

3 Other Income

\$

5 Fishing boat proceeds

\$

7 Nonemployee compensation

\$

9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale ☐

\$

13 Excess golden parachute payments

\$

16 State tax withheld

\$

\$

OMB No. 1545-0115

2012

Form 1099-MISC

4 Federal income tax withheld

\$

6 Medical and health care payments

\$

8 Substitute payments in lieu of dividends or interest

\$

10 Crop insurance proceeds

\$

14 Gross proceeds paid to an attorney

\$

17 State/Payer's state no.

\$

\$

Miscellaneous
IncomeCopy A
For
Internal Revenue
Service Center

File with Form 1096.

For Privacy Act
and Paperwork
Reduction Act
Notice, see the
2012 General
Instructions for
Certain
Information
Returns.PAYER'S federal identification
numberRECIPIENT'S identification
number

RECIPIENT'S name

Creighton Nady

Street address (including apt. no.)

City, state, and ZIP code

Account number (see instructions)

2nd TIN not ☐

15a Section 409A deferrals

\$

15b Section 409A income

\$

18 State income

\$

\$

Form 1099-MISC

38-2099803
Department of the Treasury - Internal Revenue Service

DETACH HERE

BMISFED NTF 2576548

CONFIDENTIAL
Pursuant to NRCP 26(c)
and the Order of the
Discovery Commissioner

AA004113

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☐ VOID☐ CORRECTED

PAYER'S name, street address, city, state, ZIP code, and telephone no. A Cab LLC 1500 Searles Avenue Las Vegas NV 89101-1123		1 Rents \$	OMB No. 1545-0115 2011 Form 1099-MISC	Miscellaneous Income
		2 Royalties \$		
		3 Other income \$	4 Federal income tax withheld \$	Copy A For Internal Revenue Service Center File with Form 1096.
PAYER'S federal identification number	RECIPIENT'S identification number	5 Fishing boat proceeds \$	6 Medical and health care payments \$	
RECIPIENT'S name Gretchen Jacobs		7 Nonemployee compensation \$	8 Substitute payments in lieu of dividends or interest \$	For Privacy Act and Paperwork Reduction Act Notice, see the 2011 General Instructions for Certain Information Returns.
Street address (including apt. no.)		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$	
City, state, and ZIP code		11	12	
Account number (see instructions)	2nd TIN not <input type="checkbox"/>	13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$	
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no.	18 State income \$

Form 1099-MISC

38-2099803
Department of the Treasury - Internal Revenue Service

DETACH BEFORE

NTF 2575719

RECEIVED

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Pursuant to NRCP 26(c)
and the Order of the
Discovery Commissioner

AA004114

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☐ VOID☐ CORRECTED

PAYER'S name, street address, city, state, ZIP code, and telephone no. A Cab LLC 1500 Searles Avenue Las Vegas NV 89101-1123		1 Rents \$	2 Royalties \$	OMB No. 1545-0115 2012 Form 1099-MISC	Miscellaneous Income
PAYER'S federal identification number	RECIPIENT'S identification number	3 Other income \$	4 Federal income tax withheld \$	Copy A For Internal Revenue Service Center File with Form 1096.	
RECIPIENT'S name Gretchen Jacobs		5 Fishing boat proceeds \$	6 Medical and health care payments \$		For Privacy Act and Paperwork Reduction Act Notice, see the 2012 General Instructions for Certain Information Returns.
Street address (including apt. no.)		7 Nonemployee compensation \$	8 Substitute payments in lieu of dividends or interest \$		
City, state, and ZIP code		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$		
Account number (see instructions)		11	12		
2nd TIN not <input type="checkbox"/>		13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$	18 State income \$	
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no. \$		

Form 1099-MISC

Department of the Treasury - Internal Revenue Service 38-2099803

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and the Order of the
Discovery Commissioner

AA004115

EXHIBIT G

EXHIBIT G

RESP

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702-385-2500
mwall@hutchlegal.com
Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

**RESPONSES TO PLAINTIFFS' THIRD REQUEST
FOR ADMISSIONS TO DEFENDANTS**

Defendants, by and through their attorney, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ
LAW OFFICES, P.C., and pursuant to NRCP 36, hereby respond to Plaintiffs' Second Request for
Admission as follows:

REQUEST NO. 1:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
business activities of defendant A Cab was in excess of \$100,000 for the year 2010.

RESPONSE NO. 1:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 2:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$300,000 for the year 2010.

RESPONSE NO. 2:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 3:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$500,000 for the year 2010.

RESPONSE NO. 3:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

...

REQUEST NO. 4:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$700,000 for the year 2010.

RESPONSE NO. 4:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 5:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$900,000 for the year 2010.

RESPONSE NO. 5:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 6:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,000,000 for the year 2010.

RESPONSE NO. 6:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor

discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 7:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,300,000 for the year 2010.

RESPONSE NO. 7:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 8:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,500,000 for the year 2010.

RESPONSE NO. 8:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 9:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,700,000 for the year 2010.

RESPONSE NO. 9:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request.

1 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
2 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
3 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
4 requested."

5 **REQUEST NO. 10:**

6 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
7 business activities of defendant A Cab was in excess of \$1,900,000 for the year 2010.

8 **RESPONSE NO. 10:**

9 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
10 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

11 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
12 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
13 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
14 requested."

15 **REQUEST NO. 11:**

16 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
17 business activities of defendant A Cab was in excess of \$2,000,000 for the year 2010.

18 **RESPONSE NO. 11:**

19 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
20 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

21 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
22 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
23 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
24 requested."

25 **REQUEST NO. 12:**

26 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
27 business activities of defendant A Cab was in excess of \$100,000 for the year 2011.

28 . . .

RESPONSE NO. 12:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 13:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$300,000 for the year 2011.

RESPONSE NO. 13:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 14:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$500,000 for the year 2011.

RESPONSE NO. 14:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

...

REQUEST NO. 15:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$700,000 for the year 2011.

RESPONSE NO. 15:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 16:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$900,000 for the year 2011.

RESPONSE NO. 16:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 17:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,000,000 for the year 2011.

RESPONSE NO. 17:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor

discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 18:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,300,000 for the year 2011.

RESPONSE NO. 18:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 19:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,500,000 for the year 2011.

RESPONSE NO. 19:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 20:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,700,000 for the year 2011.

RESPONSE NO. 20:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request.

1 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
2 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
3 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
4 requested."

5 **REQUEST NO. 21:**

6 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
7 business activities of defendant A Cab was in excess of \$1,900,000 for the year 2011.

8 **RESPONSE NO. 21:**

9 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
10 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

11 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
12 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
13 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
14 requested."

15 **REQUEST NO. 22:**

16 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
17 business activities of defendant A Cab was in excess of \$2,000,000 for the year 2011.

18 **RESPONSE NO. 22:**

19 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
20 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

21 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
22 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
23 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
24 requested."

25 **REQUEST NO. 23:**

26 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
27 business activities of defendant A Cab was in excess of \$100,000 for the year 2012.

28 **RESPONSE NO. 23:**

1 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
2 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.
3 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
4 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
5 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
6 requested."

7 **REQUEST NO. 24:**

8 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
9 business activities of defendant A Cab was in excess of \$300,000 for the year 2012.

10 **RESPONSE NO. 24:**

11 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
12 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.
13 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
14 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
15 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
16 requested."

17 **REQUEST NO. 25:**

18 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
19 business activities of defendant A Cab was in excess of \$500,000 for the year 2012.

20 **RESPONSE NO. 25:**

21 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
22 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.
23 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
24 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
25 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
26 requested."

27 **REQUEST NO. 26:**

28 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the

business activities of defendant A Cab was in excess of \$700,000 for the year 2012.

RESPONSE NO. 26:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 27:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$900,000 for the year 2012.

RESPONSE NO. 27:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 28:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,000,000 for the year 2012.

RESPONSE NO. 28:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 29:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,300,000 for the year 2012.

RESPONSE NO. 29:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 30:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,500,000 for the year 2012.

RESPONSE NO. 30:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 31:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,700,000 for the year 2012.

RESPONSE NO. 31:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor

discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 32:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,900,000 for the year 2012.

RESPONSE NO. 32:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 33:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$2,000,000 for the year 2012.

RESPONSE NO. 33:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 34:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$100,000 for the year 2013.

RESPONSE NO. 34:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request.

1 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
2 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
3 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
4 requested."

5 **REQUEST NO. 35:**

6 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
7 business activities of defendant A Cab was in excess of \$300,000 for the year 2013.

8 **RESPONSE NO. 35:**

9 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
10 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

11 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
12 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
13 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
14 requested."

15 **REQUEST NO. 36:**

16 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
17 business activities of defendant A Cab was in excess of \$500,000 for the year 2013.

18 **RESPONSE NO. 36:**

19 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
20 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

21 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
22 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
23 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
24 requested."

25 **REQUEST NO. 37:**

26 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
27 business activities of defendant A Cab was in excess of \$700,000 for the year 2013.

28 **RESPONSE NO. 37:**

1 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
2 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.
3 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
4 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
5 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
6 requested."

7 **REQUEST NO. 38:**

8 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
9 business activities of defendant A Cab was in excess of \$900,000 for the year 2013.

10 **RESPONSE NO. 38:**

11 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
12 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.
13 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
14 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
15 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
16 requested."

17 **REQUEST NO. 39:**

18 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
19 business activities of defendant A Cab was in excess of \$1,000,000 for the year 2013.

20 **RESPONSE NO. 39:**

21 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
22 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.
23 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
24 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
25 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
26 requested."

27 **REQUEST NO. 40:**

28 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the

business activities of defendant A Cab was in excess of \$1,300,000 for the year 2013.

RESPONSE NO. 40:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 41:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,500,000 for the year 2013.

RESPONSE NO. 41:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 42:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,700,000 for the year 2013.

RESPONSE NO. 42:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 43:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,900,000 for the year 2013.

RESPONSE NO. 43:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 44:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$2,000,000 for the year 2013.

RESPONSE NO. 44:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 45:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$100,000 for the year 2014.

RESPONSE NO. 45:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor

discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 46:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$300,000 for the year 2014.

RESPONSE NO. 46:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 47:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$500,000 for the year 2014.

RESPONSE NO. 47:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 48:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$700,000 for the year 2014.

RESPONSE NO. 48:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request.

1 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
2 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
3 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
4 requested."

5 **REQUEST NO. 49:**

6 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
7 business activities of defendant A Cab was in excess of \$900,000 for the year 2014.

8 **RESPONSE NO. 49:**

9 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
10 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

11 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
12 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
13 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
14 requested."

15 **REQUEST NO. 50:**

16 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
17 business activities of defendant A Cab was in excess of \$1,000,000 for the year 2014.

18 **RESPONSE NO. 50:**

19 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
20 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

21 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
22 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
23 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
24 requested."

25 **REQUEST NO. 51:**

26 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
27 business activities of defendant A Cab was in excess of \$1,300,000 for the year 2014.

28 . . .

RESPONSE NO. 51:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 52:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,500,000 for the year 2014.

RESPONSE NO. 52:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 53:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,700,000 for the year 2014.

RESPONSE NO. 53:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

...

REQUEST NO. 54:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,900,000 for the year 2014.

RESPONSE NO. 54:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 55:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$2,000,000 for the year 2014.

RESPONSE NO. 55:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 56:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$100,000 for the year 2015.

RESPONSE NO. 56:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor

discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 57:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$300,000 for the year 2015.

RESPONSE NO. 57:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 58:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$500,000 for the year 2015.

RESPONSE NO. 58:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner’s Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating “Plaintiffs’ written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested.”

REQUEST NO. 59:

Admit that defendant Creighton J. Nady’s income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$700,000 for the year 2015.

RESPONSE NO. 59:

Objection, Plaintiffs are violating the Discovery Commissioner’s ruling pursuant to Defendants’ Motion for Protective Order, and attempting to circumvent her Order with this request.

1 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
2 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
3 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
4 requested."

5 **REQUEST NO. 60:**

6 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
7 business activities of defendant A Cab was in excess of \$900,000 for the year 2015.

8 **RESPONSE NO. 60:**

9 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
10 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

11 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
12 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
13 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
14 requested."

15 **REQUEST NO. 61:**

16 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
17 business activities of defendant A Cab was in excess of \$1,000,000 for the year 2015.

18 **RESPONSE NO. 61:**

19 Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to
20 Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request.

21 See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the
22 Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor
23 discovery, and accordingly prohibits the discovery of corporate and individual tax returns as
24 requested."

25 **REQUEST NO. 62:**

26 Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the
27 business activities of defendant A Cab was in excess of \$1,300,000 for the year 2015.

28 . . .

RESPONSE NO. 62:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 63:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,500,000 for the year 2015.

RESPONSE NO. 63:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 64:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,700,000 for the year 2015.

RESPONSE NO. 64:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

...

REQUEST NO. 65:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$1,900,000 for the year 2015.

RESPONSE NO. 65:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

REQUEST NO. 66:

Admit that defendant Creighton J. Nady's income reported on his Form 1040 from the business activities of defendant A Cab was in excess of \$2,000,000 for the year 2015.

RESPONSE NO. 66:

Objection, Plaintiffs are violating the Discovery Commissioner's ruling pursuant to Defendants' Motion for Protective Order, and attempting to circumvent her Order with this request. See *Discovery Commissioner's Report and Recommendation* signed November 3, 2016 by the Discovery Commissioner indicating "Plaintiffs' written discovery is post-judgment debtor discovery, and accordingly prohibits the discovery of corporate and individual tax returns as requested."

DATED this 17th day of January, 2017.

RODRIGUEZ LAW OFFICES, P.C.

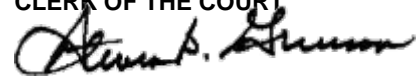
/s/ Esther C. Rodriguez, Esq.
Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Attorneys for Defendant A Cab, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 17th day of January, 2017, I electronically *served* the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

Leon Greenberg, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Counsel for Plaintiffs

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



MOT
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.: I

**MOTION ON ORDER
SHORTENING TIME TO
EXTEND DAMAGES CLASS
CERTIFICATION AND FOR
OTHER RELIEF**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby move this Court for an Order amending the previous NRCP Rule 23(b)(3) class certification of this case to include minimum wage and related claims arising after December 31, 2015 and through June 1, 2017 and provide an NRCP Rule 23(c)(2) notification to defendant's taxi drivers hired after December 31, 2015 so they may have their damages claims adjudicated in this case.

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AA004143

1 Plaintiffs' motion is made and based upon the annexed declaration of counsel,
2 the memorandum of points and authorities submitted with this motion, the attached
3 exhibits, and the other papers and pleadings in this action.

4 Dated: May 30, 2017

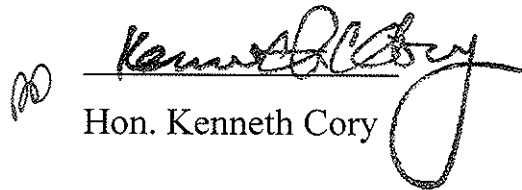
5 LEON GREENBERG PROFESSIONAL CORP.

6
7 /s/ Leon Greenberg
8 Leon Greenberg, Esq.
9 Nevada Bar No. 8094
10 2965 S. Jones Boulevard - Ste. E-3
11 Las Vegas, NV 89146
12 Tel (702) 383-6085
13 Attorney for the Class
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ORDER SHORTENING TIME

It is hereby ordered, that the foregoing **MOTION ON ORDER
SHORTENING TIME TO EXTEND DAMAGES CLASS CERTIFICATION
AND FOR OTHER RELIEF** shall be heard on the 13th day of JUNE,
2017, at the hour of 9:00 am/pm or as soon as the matter may be heard by the
Court in Dept. I.

Dated this 1 day of June, 2017.


Hon. Kenneth Cory

CERTIFICATE OF SERVICE

The undersigned certifies that on June 2, 2017, she served the within:

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

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/ Sydney Saucier

Sydney Saucier

1 **DECLARATION OF COUNSEL IN SUPPORT OF AN OST**

2 1. Plaintiffs bring this Motion on an OST because trial in this case is set to
3 commence in approximately eight (8) months with expert discovery closing on
4 September 29, 2017 and other discovery deadlines closing as early as June 30, 2017.

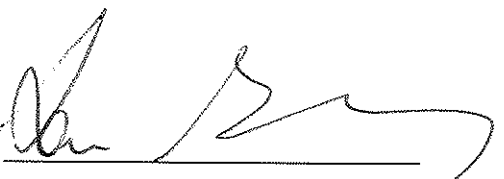
5 2. When counsel for the parties appeared at the May 18, 2017 and May 25,
6 2017 continued hearing on plaintiffs' Motion for Partial Summary Judgment, the Court
7 directed plaintiffs' counsel to address the issue regarding expansion of the class
8 certified claims in this case by separate motion.

9 3. Should the Court be inclined to grant the instant motion, additional
10 discovery would need to be produced by defendants, as discussed in the motion at
11 Section I, so that this case may proceed to trial on all claims for the entirety of the
12 certified class period.

13 4. Accordingly, hearing this motion on an expedited basis would allow
14 defendants to supplement the necessary discovery materials, consisting of an
15 additional 18 months of payroll and hours worked records for the entire class, within
16 the confines of the discovery schedule.

17 5. This Motion, brought on an expedited basis, is brought in good faith and
18 in accordance with the unique and unusual circumstances, discussed *infra* and *supra*,
19 of this case.

20
21 Affirmed this 30th day of May, 2017.

22
23 
24 Leon Greenberg, Esq.

1
2 **NATURE OF THIS MOTION**

3 This motion seeks to extend the class certification of this case under NRCP Rule
4 23(b)(3) from its current end date of December 31, 2015 to an end date of June 1,
5 2017, or such later date as the Court can effectively manage with the trial of this case
6 set for February 5, 2018. The Court's prior Orders certified this case as a class action
7 for damages under the Nevada Minimum Wage Amendment and all other claims made
8 in this case for the period preceding January 1, 2016. Ex. "A" orders.

9 **PROCEDURAL HISTORY**

10 This relief was originally sought as part of a motion filed on October 14, 2016
11 (Ex. "B" motion without Exhibits thereto). That motion was to be heard on January 3,
12 2017 but on that date, after counsel appeared for such hearing, the Department was
13 advised of an administrative reassignment of this case and the motion did not proceed.
14 This case was reassigned back to Department 1 on January 27, 2017 and a portion of
15 the Exhibit "B" motion (concerning an injunction) was heard on an OST and resolved
16 via an Order issued on February 16, 2017 (Ex. "C"). In its Exhibit "C" Order (at p. 2,
17 l. 20-22) the Court deferred any ruling on the other relief requested in the Ex. "B"
18 motion, including the request to extend the time frame of the NRCP Rule 23(b)(3)
19 class certification in this case. At the hearing held on May 18, 2017, the Court
20 directed that this issue, if it was to be considered further, be raised by a new motion.

21 **ARGUMENT**

22 **I. THE MOTION SHOULD BE GRANTED IN**
23 **THE INTEREST OF JUDICIAL ECONOMY**

24 The Court has already found (Ex. "A") that the damages claims in this case
25 should be resolved on a class wide basis. No reason exists to *not* extend such
26 resolution as far forward in time as possible. This case has been extensively delayed.
27 Trial is now set for February 5, 2018. The additional discovery needed for this
28 approximately 18 month expansion of the class period (for the period *after* December

1 31, 2015) is the relevant payroll and Cab Manager computer records. These materials
2 have already been produced by defendant for the period prior to January 1, 2016 (with
3 payroll records having been produced through May of 2016) and can be readily
4 produced for this subsequent period.

5 Judicial economy is served by having these additional damages claims resolved
6 as part of the class action trial of this case. Refusing to extend such class certification
7 will require, in the near future, the initiation of *another* class action lawsuit against
8 defendant A-Cab (by December 31, 2017) to preserve these damages claims as the
9 statute of limitations under the MWA is only two years. Resolution of these additional
10 damages claims (accruing through June 1, 2017 or such other date thereafter the Court
11 finds appropriate) can still be managed efficiently under the current trial schedule.
12 Plaintiffs are also presenting this motion on an OST to comply with the current
13 schedule of this case and the Court's clear desire to move this case forward to
14 conclusion.

15 **II. A SMALL ADJUSTMENT OF THE EXPERT**
16 **DISCOVERY SCHEDULE SHOULD BE GRANTED**

17 The Court directed that expert disclosures in this case proceed as June 30, 2017
18 for initial disclosures, July 31, 2017 for rebuttal, and October 30, 2017 for dispositive
19 motions. A small adjustment of those dates, by 30 days, to July 31, 2017, August 30,
20 2017 and November 29, 2017 respectively, is proper. Doing so would allow expert
21 examination of the promptly produced relevant records for this additional
22 approximately 18 month long period to be conducted. Presentation of the amount of
23 damages claimed by the class at trial for this time period will not be possible without
24 such expert assistance.

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1 **CONCLUSION**

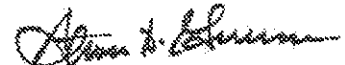
2 For all the foregoing reasons, class counsel's motion should be granted in its
3 entirety together with such other further and different relief that the Court deems proper.

4 Dated: May 30, 2017

5 LEON GREENBERG PROFESSIONAL CORP.

6 /s/ Leon Greenberg
7 Leon Greenberg, Esq.
8 Nevada Bar No. 8094
9 2965 S. Jones Boulevard - Ste. E-3
10 Las Vegas, NV 89146
11 Tel (702) 383-6085
12 Attorney for the Plaintiffs and the Class
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EXHIBIT "A"



CLERK OF THE COURT

1 **ORDR**
2 **LEON GREENBERG, ESQ.**
3 Nevada Bar No.: 8094
4 **DANA SNIEGOCKI, ESQ.**
5 Nevada Bar No.: 11715
6 Leon Greenberg Professional Corporation
7 2965 South Jones Boulevard - Suite E-3
8 Las Vegas, Nevada 89146
9 (702) 383-6085
10 (702) 385-1827(fax)
11 leongreenberg@overtimelaw.com
12 dana@overtimelaw.com
13 Attorneys for Plaintiffs

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

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

15 Plaintiffs,

16 vs.

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

20 Defendants.

Case No.: A-12-669926-C

DEPT.: I

21 **Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP**
22 **Rule 23(b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice**
23 **Plaintiffs' Motion to Appoint a Special Master Under NCRP Rule 53**
24 **as Amended by this Court in Response to Defendants' Motion for**
25 **Reconsideration heard in Chambers on March 28, 2016**

26 Plaintiffs filed their Motion to Certify this Case as a Class Action Pursuant to
27 NRCP 23(b)(3) and NRCP 23(b)(2), and appoint a Special Master, on May 19, 2015.
28 Defendants' Response in Opposition to plaintiffs' motion was filed on June 8, 2015.
Plaintiffs thereafter filed their Reply to defendants' Response in Opposition to
plaintiffs' motion on July 13, 2015. This matter, having come before the Court for

1 hearing on November 3, 2015, with appearances by Leon Greenberg, Esq. and Dana
2 Sniegocki, Esq. on behalf of all plaintiffs, and Esther Rodriguez, Esq., on behalf of all
3 defendants, and the Court, having heard in Chambers on March 28, 2016 the
4 defendants' motion for reconsideration of the Order entered by this Court on February
5 10, 2016, granting in part and denying in part such motion by the plaintiffs, following
6 the arguments of such counsel, and after due consideration of the parties' respective
7 briefs, and all pleadings and papers on file herein, and good cause appearing, therefore
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9
10 **THE COURT FINDS:**
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12 That it had previously issued an Order on the aforesaid motion made by
13 plaintiffs, which Order was entered on February 10, 2016 and which Order is
14 now superseded and replaced by this Order as a result of the Court granting in
15 part Defendants' Motion for Reconsideration of the February 10, 2016 Order
16 which Motion for Reconsideration was heard in Chambers on March 28, 2016
17 and an Order on the same entered on April 28, 2016.
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20 In Respect to the Request for Class Certification
21

22 Upon review of the papers and pleadings on file in this matter, and the
23 evidentiary record currently before the Court, the Court holds that plaintiffs have
24 adequately established that the prerequisites of Nev. R. Civ. P. 23(b)(3) and 23(b)(2)
25 are met to certify the requested classes seeking damages and suitable injunctive relief
26 under Article 15, Section 16 of the Nevada Constitution (the "Minimum Wage
27 Amendment") and NRS 608.040 (those are the First and Second Claims for Relief in
28

1 the Second Amended and Supplemental Complaint) and grants the motion in respect
2 to those claims. The Court makes no determinations of the merits of the claims
3 asserted nor whether any minimum wages are actually owed to any class members, or
4 whether any injunctive relief should actually be granted, as such issues are not
5 properly considered on a motion for class certification. In compliance with what the
6 Court believes is required, or at least directed by the Nevada Supreme Court as
7 desirable, the Court also makes certain findings supporting its decision to grant class
8 certification under NRCP Rule 23. *See, Beazer Homes Holding Corp. v. Eighth*
9 *Judicial Dist. Court.*, 291 P.3d 128, 136 (2012) (En Banc) (Granting writ petition,
10 finding district court erred in failing to conduct an NRCP Rule 23 analysis, and
11 holding that “[u]ltimately, upon a motion to proceed as a class action, the district
12 court must “thoroughly analyze NRCP 23’s requirements and document its findings.””
13 Citing *D.R. Horton v. Eighth Judicial Dist. Court (“First Light II”)*, 215 P.3d 697,
14 704 (Nev. Sup. Ct. 2009).

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20 As an initial matter, the nature of the claims made in this case are of the sort for
21 which class action treatment would, at least presumptively, likely be available if not
22 sensible. A determination of whether an employee is owed unpaid minimum hourly
23 wages requires that three things be determined: the hours worked, the wages paid, and
24 the applicable hourly minimum wage. Once those three things are known the
25 minimum wages owed, if any, are not subject to diminution by the employee’s
26 contributory negligence, any state of mind of the parties, or anything else of an
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1 individual nature that has been identified to the Court. Making those same three
2 determinations, involving what is essentially a common formula, for a large group of
3 persons, is very likely to involve an efficient process and common questions. The
4 minimum hourly wage rate is set at a very modest level, meaning the amounts of
5 unpaid minimum wages likely to be owed to any putative class member are going to
6 presumptively be fairly small, an additional circumstance that would tend to weigh in
7 favor of class certification.
8

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10 In respect to granting the motion and the record presented in this case, the
11 Court finds it persuasive that a prior United States Department of Labor ("USDOL")
12 litigation initiated against the defendants resulted in a consent judgment obligating the
13 defendants to pay \$139,834.80 in unpaid minimum wages to the USDOL for
14 distribution to 430 taxi drivers under the federal Fair Labor Standards Act (the
15 "FLSA") for the two year period from October 1, 2010 through October 2, 2012. The
16 parties dispute the *collateral estoppel* significance of that consent judgment in this
17 litigation. The Court does not determine that issue at this time, inasmuch as whether
18 the plaintiffs are actually owed minimum wages (the "merits" of their claims) is not a
19 finding that this Court need make, nor presumably one it should make, in the context
20 of granting or denying a motion for class certification. The USDOL, as a public law
21 enforcement agency has a duty, much like a prosecuting attorney in the criminal law
22 context, to only institute civil litigation against employers when credible evidence
23 exists that such employers have committed violations of the FLSA. Accordingly,
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1 whether or not the consent judgment is deemed as a binding admission by defendants
2 that they owe \$139,834.80 in unpaid minimum wages under the FLSA for distribution
3 to 430 taxi drivers, it is appropriate for the Court to find that the Consent judgment
4 constitutes substantial evidence that, at least at this stage in these proceedings,
5 common questions exist that warrant the granting of class certification. The Court
6 concludes that the record presented persuasively establishes that there are at least two
7 common questions warranting class certification in this case for the purposes of
8 NRCP Rule 23(b)(3) ("damages class" certification) that are coextensive with the
9 period covered by the USDOL consent judgment and for the period prior to June of
10 2014.
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12 The first such question would be whether the class members are owed
13 additional minimum wages, beyond that agreed to be paid in the USDOL consent
14 judgment, and for the period covered by the consent judgment, by virtue of the
15 Minimum Wage Amendment imposing an hourly minimum wage rate that is \$1.00 an
16 hour higher than the hourly minimum wage required by the FLSA for employees who
17 do not receive "qualifying health insurance." The second such question would be
18 whether the class members are owed additional minimum wages, beyond that alleged
19 by USDOL for the period covered by the consent judgment, by virtue of the Minimum
20 Wage Amendment not allowing an employer a "tip credit" towards its minimum wage
21 requirements, something that the FLSA does grant to employers in respect to its
22 minimum wage requirements. It is unknown whether the USDOL consent judgment
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1 calculations include or exclude the application of any "tip credit" towards the FLSA
2 minimum wage deficiency alleged by the USDOL against the defendants.

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4 In respect to the "tip credit" issue plaintiffs have also demonstrated a violation
5 of Nevada's Constitution existing prior to June of 2014. Plaintiff has provided to the
6 Court payroll records from 2014 for taxi driver employee and class member Michael
7 Sargeant indicating that he was paid \$7.25 an hour but only when his tip earnings are
8 included. Defendant has not produced any evidence (or even asserted) that the
9 experience of Michael Sargeant in respect to the same was isolated and not common
10 to many of its taxi driver employees. The Nevada Constitution's minimum wage
11 requirements, unlike the FLSA, prohibits an employer from using a "tip credit" and
12 applying an employee's tips towards any portion of its minimum wage obligation.
13 The Sargeant payroll records, on their face, establish a violation of Nevada's
14 minimum wage standards for a certain time period and strongly support the granting
15 of the requested class certification.

16
17 The Court makes no finding that the foregoing two identified common
18 questions are the only common questions present in this case that warrant class
19 certification. Such two identified issues are sufficient for class certification as the
20 commonality prerequisite of NRCP Rule 23(a) is satisfied when a "single common
21 question of law or fact" is identified. *Shuette v. Beazer Homes Holdings Corp.*, 121
22 Nev. 837, 848 (2005). In addition, there also appear to be common factual and legal
23 issues presented by the claims made under NRS 608.040 for statutory "waiting time"
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1 penalties for former taxi driver employees of defendants.. Such common questions
2 are readily apparent as NRS 608.040 is a strict liability statute..
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4 The Court also finds that the other requirements for class certification under
5 NRCF Rule 23(b)(3) are adequately satisfied upon the record presented. Numerosity
6 is established as the United States Department of Labor investigation identified over
7 430 potential class members in the consent judgment who may have claims for
8 minimum wages under the Minimum Wage Amendment. "[A] putative class of forty
9 or more generally will be found numerous." *Shuette*, 122 Nev. at 847. Similarly,
10 adequacy of representation and typicality seem appropriately satisfied upon the record
11 presented. It is undisputed that the two named plaintiffs, who were found in the
12 USDOL consent judgment to be owed unpaid minimum wages under the FLSA, and
13 additional class representative Michael Sargeant, whose payroll records show, on their
14 face, a violation of Nevada's minimum wage requirements, are or have been taxi
15 drivers employed by the defendants. Counsel for the plaintiffs have also
16 demonstrated their significant experience in the handling of class actions. The Court
17 also believes the superiority of a class resolution of these claims is established by their
18 presumptively small individual amounts, the practical difficulties that the class
19 members would encounter in attempting to litigate such claims individually and obtain
20 individual counsel, the status of many class members as current employees of
21 defendants who may be loath to pursue such claims out of fear of retaliation, and the
22 desirability of centralizing the resolution of the common questions presented by the
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1 over 430 class members in a single proceeding.

2 In respect to class certification under NRCP Rule 23(b)(2) for appropriate class
3 wide injunctive relief the Court makes no finding that any such relief shall be granted,
4 only that it will grant such class certification and consider at an appropriate time the
5 form and manner, if any, of such injunction. The existence of common policies by
6 defendants that either directly violate the rights of the class members to receive the
7 minimum wages required by Nevada's Constitution, or that impair the enforcement of
8 those rights and are otherwise illegal, are substantially supported by the evidence
9 proffered by the plaintiffs. That evidence includes a written policy of defendants
10 reserving the right to unilaterally deem certain time during a taxi driver's shift as non-
11 compensable and non-working "personal time." Defendants have also failed to keep
12 records of the hours worked by their taxi drivers for each pay period for a number
13 years, despite having an obligation to maintain such records under NRS 608.215 and
14 being advised by the USDOL in 2009 to keep such records. And as documented by
15 the Michael Sargeant payroll records, the defendants, for a period of time after this
16 Court's Order entered on February 11, 2013 finding that the Nevada Constitution's
17 minimum wage provisions apply to defendants' taxicab drivers, failed to pay such
18 minimum wages, such failure continuing through at least June of 2014. Plaintiffs
19 have also alleged in sworn declarations that defendants have a policy of forcing their
20 taxi drivers to falsify their working time records, allegations, which if true, may also
21 warrant the granting of injunctive relief.

1 The Court notes that Nevada's Constitution commands this Court to grant the
2 plaintiffs "all remedies available under the law or in equity" that are "appropriate" to
3 "remedy any violation" of the Nevada Constitution's minimum wage requirements. In
4 taking note of that command the Court does not, at this time, articulate what form, if
5 any, an injunction may take, only that it is not precluding any of the forms of
6 injunctive relief proposed by plaintiffs, including Ordering defendants to pay
7 minimum wages to its taxi drivers in the future; Ordering defendants to maintain
8 proper records of their taxi drivers' hours of work; Ordering notification to the
9 defendants' taxi drivers of their rights to minimum wages under Nevada's
10 Constitution; and Ordering the appointment of a Special Master to monitor
11 defendants' compliance with such an injunction.

12 Defendants have not proffered evidence or arguments convincing the Court that
13 it should doubt the accuracy of the foregoing findings. The Court is also mindful that
14 *Shuette* supports the premise that it is better for the Court to initially grant class
15 certification, if appropriate, and "reevaluate the certification in light of any problems
16 that appear post-discovery or later in the proceedings." *Shuette* 124 P.3d at 544.

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23 In Respect to the Request for the Appointment of a Special Master

24 Plaintiffs have also requested the appointment of a Special Master under NRC
25 Rule 53, to be paid by defendants, to compile information on the hours of work of the
26 class members as set forth in their daily trip sheets. The Court is not persuaded that
27 the underlying reasons advanced by plaintiffs provide a sufficient basis to place the
28

1 entirety of the financial burden of such a process upon the defendants. Accordingly,
2 the Court denies that request without prejudice at this time.

3
4 Therefore

5 **IT IS HEREBY ORDERED:**

6 Plaintiffs' Motion to Certify Class Action Pursuant to NRCP 23(b)(3) is
7
8 **GRANTED.** The class shall consist of the class claims as alleged in the First and
9 Second Claims for Relief in the Second Amended and Supplemental Complaint of all
10 persons employed by any of the defendants as taxi drivers in the State of Nevada at
11 anytime from July 1, 2007 through December 31, 2015, except such persons who file
12 with the Court a written statement of their election to exclude themselves from the
13 class as provided below. Also excluded from the class is Jasminka Dubric who has
14 filed an individual lawsuit against the defendant A CAB LLC seeking unpaid
15 minimum wages and alleging conversion by such defendant, such case pending before
16 this Court under Case No. A-15-721063-C. The class claims are all claims for
17 damages that the class members possess against the defendants under the Minimum
18 Wage Amendment arising from unpaid minimum wages that are owed to the class
19 members for work they performed for the defendants from July 1, 2007 through
20 December 31, 2015 and all claims they may possess under NRS 608.040 if they are a
21 former taxi driver employee of the defendants and are owed unpaid minimum wages
22 that were not paid to them upon their employment termination as provided for by such
23 statute Leon Greenberg and Dana Sniegocki of Leon Greenberg Professional
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1 Corporation are appointed as class counsel and the named plaintiffs Michael Murray
2 and Michael Reno, and class member Michael Sargeant, are appointed as class
3 representatives. The Court will allow discovery pertaining to the class members and
4 the class claims.
5

6 **IT IS FURTHER ORDERED:**
7

8 Plaintiffs' Motion to Certify Class Action Pursuant to NRCP 23(b)(2) for
9 appropriate equitable and injunctive relief as authorized by Article 15, Section 16 of
10 Nevada's Constitution is **GRANTED** and the named plaintiffs Michael Murray and
11 Michael Reno, and class member Michael Sargeant, are also appointed as class
12 representatives for that purpose. The class shall consist of all persons employed by
13 defendants as taxi drivers in the State of Nevada at any time from July 1, 2007
14 through the present and continuing into the future until a further Order of this Court
15 issues.
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20 **IT IS FURTHER ORDERED:**
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23 (1) Defendants' counsel is to produce to plaintiffs' counsel, within 10 days
24 of the service of Notice of Entry of this Order, the names and last known addresses of
25 all persons employed as taxicab drivers by any of the defendants in the State of
26 Nevada from July 1, 2007 through December 31, 2015, such information to be
27 provided in an Excel or CSV or other agreed upon computer data file, as agreed upon
28

1 by counsel for the parties, containing separate fields for name, street address, city,
2 state and zip code and suitable for use to mail the Notice of Class Action ;
3
4

5 (2) Plaintiffs' counsel, upon receipt of the names and addresses described in
6 (1) above, shall have 40 days thereafter (and if such 40th day is a Saturday, Sunday or
7 holiday the first following business day) to mail a Notice of Class Action in
8 substantially the form annexed hereto as Exhibit "A" to such persons to notify them of
9 the certification of this case as a class action pursuant to Nev. R. Civ. P. 23(b)(3) and
10 shall promptly file with the Court a suitable declaration confirming that such mailing
11 has been performed;
12
13
14
15

16 (3) The class members are enjoined from the date of entry of this Order, until
17 or unless a further Order is issued by this Court, from prosecuting or compromising
18 any of the class claims except as part of this action and only as pursuant to such
19 Order; and
20
21

22 (4) Class members seeking exclusion from the class must file a written
23 statement with the Court setting forth their name, address, and election to be excluded
24 from the class, no later than 55 days after the mailing of the Notice of Class Action as
25 provided for in (2), above.
26
27

28 **IT IS FURTHER ORDERED:**

12.


1 Plaintiffs' motion to appoint a Special Master under NRCP Rule 53 is denied
2 without prejudice at this time.
3
4

5 IT IS FURTHER ORDERED:


6 That the stay issued by this Court pending the Court's Reconsideration of Prior
7 Order, such stay entered via the Court's Order of April 6, 2016, is dissolved.
8
9

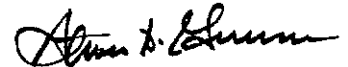
10 IT IS SO ORDERED.

11 Dated this 3rd day of June, 2016.
12

13 
14 Hon. Kenneth Cory
15 District Court Judge
16 

17 Submitted:

18 By: 
19 Leon Greenberg, Esq.
20 Dana Sniegocki, Esq.
21 LEON GREENBERG PROF. CORP.
22 2965 S. Jones Blvd., Ste. E-3
23 Las Vegas, NV 89146
24 Attorneys for Plaintiffs
25
26
27
28



CLERK OF THE COURT

1 **NOEO**

2 **LEON GREENBERG, ESQ., SBN 8094**
3 **DANA SNIEGOCKI, ESQ., SBN 11715**
4 **Leon Greenberg Professional Corporation**
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9 **leongreenberg@overtimelaw.com**
10 **dana@overtimelaw.com**
11 **Attorneys for Plaintiffs**

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

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

17 **Plaintiffs,**

18 **vs.**

19 **A CAB TAXI SERVICE LLC, and A**
20 **CAB, LLC,**

21 **Defendants.**

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

22 **PLEASE TAKE NOTICE** that the Court entered the attached Order Granting in
23 **Part and Denying in Part Plaintiffs' Motion to Continue Trial Date and Extend**
24 **Discovery Schedule and for Other Relief on November 21, 2016.**

25 **Dated: November 23, 2016**

26 **LEON GREENBERG PROFESSIONAL CORP.**

27 */s/ Leon Greenberg*

28 **Leon Greenberg, Esq.**
Nevada Bar No. 8094
2965 S. Jones Boulevard - Ste. E-3
Las Vegas, NV 89146
Tel (702) 383-6085
Attorney for the Plaintiffs

AA004165


CLERK OF THE COURT

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7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10
11 MICHAEL MURRAY and MICHAEL
RENO, individually and on behalf of all
12 others similarly situated,

13 Plaintiffs,

14 vs.

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

16 Defendants.
17
18

Case No.: A-12-669926-C

DEPT.: I

Hearing Date: August 29, 2016

Hearing Time: Chambers

19 **Order Granting in Part and Denying in Part Plaintiffs' Motion to Continue Trial Date**
20 **and Extend Discovery Schedule and for Other Relief**

21 Plaintiffs' filed their Motion to Continue Trial Date and Extend Discovery Schedule
22 and for Other Relief on July 25, 2016. Defendants' Response in Opposition was filed on
23 August 15, 2016. Plaintiffs' Reply in Support of their Motion was filed on August 23, 2016.
24 This matter, having come before the Court for consideration in chambers on August 29,
25 2016, and after due consideration of the parties' respective briefs, and all pleadings and
26 papers on file herein, and good cause appearing, therefore,
27
28

1 **THE COURT FINDS:**

2 Plaintiffs' Motion sought a continuation of the current trial date and the discovery
3 schedule by a period of at least 60 days and for as much as 120 days or longer. The
4 Court finds such an extension and continuation is warranted.
5

6 Plaintiffs' Motion also sought an order deeming it defendants' burden to provide to
7 plaintiffs' counsel the information germane to determining whether, for each payroll period
8 of each class member's claim, the defendants were entitled to pay that class member the
9 "lower tier" (currently \$7.25 per hour) "health benefits provided" minimum wage. This
10 information would include, for each pay period, (1) whether the class member was eligible
11 to enroll in the health insurance benefits provided by defendants; (2) whether the class
12 member was actually in a "covered status," meaning they could actually receive benefits
13 from the health insurance for claims arising during the entire pay period; (3) the nature of
14 such benefits provided to the class member, including coverage limitations, co-pays, and
15 deductible amounts; and (4) the amount the class member had to pay per pay period or
16 month as an insurance premium contribution to receive such health insurance benefits,
17 including the amount they would have to pay not just to secure such insurance for
18 themselves but to obtain such insurance for their spouses and dependents. Plaintiffs
19 argue that if such materials are not provided by defendants for any class member for any
20 time period defendants should be barred from taking advantage of the "lower tier"
21 (currently \$7.25 per hour) "health benefits provided" minimum wage rate available to
22 employers under Nevada's Constitution for that class member and such time period.
23 Essentially, plaintiffs are arguing that the burden of proof relative to this issue under
24 Nevada's Constitution is properly placed upon employers, in this case the defendants.
25
26
27
28

1 Plaintiffs do not cite any precedents holding such a burden of proof is properly placed
2 upon employers in respect to this issue. Nor is the Court aware of any such precedents.

3 The Court declines to address, at this time, whether plaintiffs' burden of proof
4 arguments should be adopted by the Court, which would deny defendants the right to pay
5 the Nevada Constitution's "lower tier" minimum wage rate for any period of time that
6 defendants failed to produce evidence germane to determining whether that "lower tier"
7 rate applied to a class member. But the Court is also concerned that defendants do not
8 seem to appreciate the gravity of the plaintiffs' claims made in this case, in that they arise
9 directly under Nevada's Constitution and the Court must afford them the highest level of
10 legal protection given their constitutional nature. So while the Court wants to move
11 cautiously, and for that reason will not issue the burden of proof ruling sought by the
12 plaintiffs at this time, it is also compelled to caution the defendants that taking a cavalier
13 attitude, or showing a less than grave concern, about the plaintiffs' allegations in this case
14 of a wholesale denial of constitutional rights by the defendants, is extremely unwise.

17 In respect to this portion of plaintiffs' motion, the Court finds that the allegations by
18 the plaintiffs, alleging a violation of their constitutional rights to minimum wage, are indeed
19 claims of a serious nature, and that a careful examination of those serious allegations and
20 the evidence that underlies them must be made by the Court. To the extent that plaintiffs
21 are unable to prove their allegations in the matter because defendants are in sole
22 possession of evidence plaintiffs would utilize, and barring some privilege that protects
23 disclosure of that evidence, it will not do for defendants to simply fail to produce the
24 evidence. In the event that defendants protest that they do not possess such evidence,
25 then it is the proper course for this Court to determine the truth of that position through all
26 means necessary and reasonable. At this time the Court believes it is best to allow
27
28

1 defendants' recently filed Motion for a Protective Order to proceed with the Discovery
2 Commissioner and will echo the request made by defendants in that motion that the
3 Discovery Commissioner give what time she can to the monitoring of the discovery
4 process in this area of controversy. Only after discovery discloses whether the
5 defendants could provide the already ordered discovery will the Court, if it is necessary,
6 reach the merits of plaintiffs' request to shift the burden of proof on this issue and/or take
7 other measures.
8

9 Plaintiffs' Motion also sought an Order granting class certification on the claims
10 made against defendant Nady in the Third and Fourth Claims for Relief in the Second
11 Amended Complaint. Those claims seek to impose liability against Nady based his
12 alleged misuse of the corporate defendant to illegally injure its employees, the class
13 members, and by such illegal actions unjustly enrich himself. The Court finds that those
14 claims asserted against Defendant Nady are completely derivative of the claims against
15 the corporate defendant already certified for class treatment by this Court, in that if the
16 class members were not injured by the corporate defendant they have no claim against
17 Nady. The Court also finds that the allegations upon which Nady's liability are based,
18 which exclusively concern his relationship with the corporate defendant, involve issues of
19 law and fact common to the class members. As a result, since the Court, in its Order
20 entered June 7, 2016, already found that the elements of class certification under Nev. R.
21 Civ. P. 23 have been satisfied in respect to the corporate defendant, the Court finds that
22 class certification of the Third and Fourth Claims for relief against defendant Nady is also
23 proper. Therefore,
24


25
26 **IT IS HEREBY ORDERED** that Plaintiffs' Motion to Continue Trial Date and Extend
27 Discovery Schedule and for Other Relief is **GRANTED** in part and **DENIED** in part.
28

1 Plaintiffs' request to extend the discovery schedule in this matter and continue the trial
2 date is **GRANTED**. Plaintiffs' Motion for Class Certification as to the third and fourth
3 claims for relief is **GRANTED**. Plaintiffs request to shift the evidentiary burden of proof as
4 it relates to applicable minimum wage rate for the certified class of plaintiffs is **DENIED**
5 without prejudice and will, if necessary, be considered again by the Court consistent with
6 this Opinion.
7

8 Trial of this matter is reset to ~~May 3, 2016~~ ^{June 26, 2016}
9

10 In respect to continuing to extending the discovery schedule, the parties are
11 instructed to prepare an EDCR 2.35 Stipulation and Order and submit the same to
12 Chambers for approval.
13

14 IT IS SO ORDERED.

15 
16 Honorable Kenneth Cory
District Court Judge

11-9-16
Date

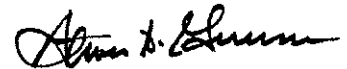
18 Respectfully submitted,

Approved as to Form and Content

19 
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NOT APPROVED
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EXHIBIT "B"


CLERK OF THE COURT

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

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

11 Plaintiffs,

12 vs.

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

15 Defendants.

Case No.: A-12-669926-C

Dept.: I

**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**

16 Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
17 hereby move this Court for an Order enjoining the defendants from engaging in any
18 settlement of any claims involving unpaid wages owed to any of the members of the
19 NRCP Rule 23(b)(2) class certified in this case except as part of this lawsuit. For the
20 reasons stated *infra*, the Court should amend the NRCP Rule 23(b)(3) class
21 certification of this case to include minimum wage and related claims arising after
22 December 31, 2015 and provide an NRCP Rule 23(c)(2) notification to defendant's
23 taxi drivers hired after December 31, 2015 so they may have their damages claims
24 adjudicated in this case. An award of attorneys' fees is also requested.

25 Plaintiffs' motion is made and based upon the annexed declaration of counsel,
26 the memorandum of points and authorities submitted with this motion, the attached
27 exhibits, and the other papers and pleadings in this action.
28

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NATURE OF THIS MOTION

Defendants are seeking to circumvent this Court's prior Order granting class certification and must be enjoined from attempting to do so.

This is a class action case for damages and injunctive and equitable relief for defendants' taxi driver employees arising from defendants' violation of Nevada Constitution Article 15, Section 16, the Nevada Minimum Wage Amendment (the "MWA"). This Court, via an Order on June 7, 2016, certified this case as a class action under NRCP 23(b)(2) and NRCP 23(b)(3) for equitable/injunctive relief and for damages. Ex. "A." Plaintiffs' counsel, Leon Greenberg and Dana Sniegocki, were appointed class counsel for the class, which, under NRCP Rule 23(b)(2), consists of all of defendants' taxi driver employees. The only persons excluded from the class were Jasminka Dubric, who filed her own MWA lawsuit in 2015 (almost three years after this case was filed) and such persons who elected to exclude themselves from the NRCP Rule 23(b)(3) damages class pursuant to such Order after receiving notice of the class certification (Ex. "A" p. 9., l. 12-17). Such notice was required for the NRCP Rule 23(b)(3) damages class certification as per NRCP 23(c)(2). October 5, 2016 was the last day for exclusions from class to be filed with the Court and none have been filed.

The Court's June 7, 2016 Order further enjoined the class members from settling any of their claims that were the subject of class certification **except as part of this lawsuit** and only upon approval by a further Order of this Court. Ex. "A" p. 12, l. 16-20.

As discussed, *infra* defendants and their counsel, in violation of the Ex. "A" Order, have now entered into a collusive, and void, agreement to have Jasminka Dubric (who is *not* a class member), in her separate lawsuit, present to the Court a motion to assume the position of class representative and settle the class claims certified for class resolution in *this case*. The Court needs to enjoin defendants, whose attempt to propose a class settlement in the *Dubric* case, is in contempt of the Court's June 7,

1 2016 Order, from proceeding in any such fashion.

2 RELEVANT FACTS

3 The *Dubric* case was filed on July 7, 2015 (complaint, Ex. "B") with the original
4 complaint in this case being filed on October 8, 2012 (Ex. "C"). The *Dubric* complaint
5 is a "copy cat" filing of this case containing, virtually verbatim, the exact same
6 language as this case's original complaint. Compare, Ex. "B," ¶ 19, ¶¶ 20-21, ¶ 22, ¶
7 23 with, respectively, Ex. "C," ¶ 9, ¶ 10, ¶ 11, ¶ 12. While the *Dubric* case purports to
8 allege an additional second claim for relief for "conversion" that claim is completely
9 derivative of the MWA claim asserted and is without legal substance. Ex. "B" ¶ 35.
10 Significantly, the *Dubric* case fails to allege any class claim under NRS 608.040,
11 Nevada's penalty statute for the late payment of wages, a valuable claim possessed by
12 many class members. See, Ex. "C", second claim for relief, ¶¶ 17-21. Judge Cory of
13 this Court, in *Valdez v. Video Internet Phone Installs, Inc.*, A-09-597433-C, has
14 previously recognized the applicability of such statute, and penalty, to claims involving
15 a failure to pay statutorily required wages to former employees. Ex. "D."

16 At the time the *Dubric* case was filed plaintiffs in this case had, nearly two
17 months earlier, on May 19, 2015, already filed their motion for class certification
18 pursuant to NRCP Rule 23(b)(2) and Rule 23(b)(3). Plaintiffs' counsel first
19 communicated with Dubric's counsel on October 8, 2016 by telephone. Ex. "E" ¶ 2
20 declaration of Leon Greenberg. At that time Dubric's counsel was advised of the
21 pending motion for class certification in this case and the interest of counsel in this
22 case in speaking with Dubric, who may be a witness with information helpful to the
23 prosecution of the class claims. *Id.* Dubric's counsel refused to allow any such
24 discussion with Dubric or furnish any information that would assist in the prosecution
25 of the class claims. *Id.* Plaintiffs' counsel (now class counsel) kept in communication
26 with Dubric's counsel and promptly advised them of the Court's minute order granting
27 class certification in this case on January 12, 2016 and promptly sent them a copy of
28 the Court's Order entered on February 10, 2016 granting class certification. *Id.* ¶ 3.

1 Defendants in this case are represented by the same counsel, Esther Rodriguez,
2 who represents defendant in *Dubric*. Ms. Rodriguez, on January 13, 2016, engaged in
3 a discussion of the interplay between the *Dubric* case and this then class certified case
4 with class counsel and Discovery Commissioner Bulla. Ex. "F," transcript. She was
5 advised, in no uncertain terms, by Discovery Commissioner Bulla that there could be
6 no class proceeding in *Dubric*, in light of the class certification in this case. *Id.*, p. 10-
7 13. She was further advised to the extent there was any overlap between *Dubric* and
8 this case the *Dubric* case would have to be consolidated into this earlier filed case. *Id.*

9 Despite counsel for plaintiff in the *Dubric* case's knowledge of this Court's class
10 certification Order in this case, and defendants' knowledge of that Order, and
11 defendants' express advisement by the Court that class certification cannot be had in
12 the *Dubric* case, the parties in *Dubric* now propose to proceed with a class certification,
13 and class settlement, in that case. At a settlement conference held on October 5, 2016
14 in *Dubric* the following minutes were entered by the Court:

15 10/05/2016 10:30 AM

16 - The above-referenced matter came on for a settlement conference
17 with Judge Jerry A Wiese II, on Wednesday, October 05, 2016. The
18 Plaintiff, Jasminka Dubric, was present with her daughter, Valentina
19 Astalos, and her attorneys, Mark Bourassa, Esq., Trent Richards,
20 Esq., and Hillary Ross, Esq. The Defendant, A Cab LLC, was
21 present through its managing member, Creighton J. Nady, and was
22 represented by Esther Rodriguez, Esq. Also present was Donna
23 Burelson with A Cab LLC, and Nicole Omps (CPA). The parties have
24 agreed to a resolution and settlement of this case. The parties will
25 stipulate and agree to class certification. Additional terms regarding
26 the settlement, payment terms, payment to the class representative,
27 class member distributions, etc., were agreed to as part of the
28 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. Ex. "G."

27 Counsel for the plaintiff in *Dubric* have been contacted about the improper
28 nature of the proposed *Dubric* class settlement. Ex. "H." They refuse to address those

1 improprieties and simply insist they have a right to proceed with that class settlement,
2 in that case, in direct violation of this Court's Order in this case. *Id.* Counsel for
3 defendants, Esther Rodriguez, was spoken with by class counsel, Leon Greenberg,
4 shortly before the submission of this motion. Ex. "E" ¶ 5. When asked for an
5 explanation of how any proposed class settlement of the *Dubric* case could be proper,
6 given this Court's Order, Ms. Rodriguez did not give any such explanation. She did
7 state a desire to investigate the issue further and to make an attempt to advise class
8 counsel further about the same. She was advised class counsel would present this
9 motion most promptly but would work with her to resolve this issue via a suitable
10 stipulation and order prior to any motion hearing.

11 ARGUMENT

12 13 I. THERE CAN BE NO SETTLEMENT OF THE CLASS CLAIMS 14 MADE IN THIS CASE, AND CERTIFIED FOR CLASS 15 TREATMENT IN THIS CASE, THROUGH ANY SETTLEMENT 16 PROPOSED IN THE DUBRIC CASE

17 It is axiomatic, and needs no explanation, that the claims made in this case, and
18 certified for class treatment in this case, can only be resolved *in this case*. Indeed, the
19 whole purpose of the class action procedure is to centralize the resolution of common
20 claims in one proceeding. Once a case has been granted class certification all of the
21 claims so certified must be resolved in that case, there cannot be another, separate,
22 grant of class certification over those *same claims* in a *different case*. To the extent
23 that defendants wish to settle those claims they must do so *in this case*. To the extent
24 plaintiff's counsel in the *Dubric* case is proposing that those claims be certified for
25 class treatment in *Dubric*, they seek to have a coordinate judge of this Court issue an
26 order violating this Court's Order in this case. That is manifestly improper.

1 **II. THE COURT MUST ENJOIN DEFENDANTS FROM ENGAGING**
2 **IN ANY SETTLEMENT OF ANY WAGE CLAIMS POSSESSED**
3 **BY ANY OF THE NRCP RULE 23(B)(2) CLASS MEMBERS**
4 **EXCEPT UPON APPLICATION TO THIS COURT IN THIS CASE**

5 **A. The Court should act to protect the NRCP Rule 23(b)(2)**
6 **class members from defendants' collusive settlement actions**
7 **in *Dubric* by the issuance of a suitable injunction.**

8 This Court has granted class certification for the purpose of issuing appropriate
9 equitable and injunctive relief under NRCP Rule 23(b)(2) for all of the defendants' taxi
10 drivers, in respect to safeguarding their rights under the MWA. Ex. "A," The
11 members of that class are defined as "...all persons employed by defendants as taxi
12 drivers in the State of Nevada at any time from July 1, 2007 through the present and
13 continuing into the future until further Order of this Court issues." Accordingly, the
14 Court has the authority, under its prior class certification Order, to protect the rights of
15 the NRCP Rule 23(b)(2) class members by enjoining any settlement by defendants of
16 any wage claims possessed by such persons except by application to this Court in this
17 case.

18 The NRCP Rule 23(b)(3) class certification for damages in this case was only
19 certified for MWA claims accruing through December 31, 2015. Ex. "A," p. 10, l. 10-
20 15. That certification was so limited as a mechanical matter, as any damages class
21 requires notice to the class members. Any "future class members" (those accruing
22 claims *only* after December 31, 2015 because they were hired *after* that date) would
23 require "future" notice. Perhaps the collusive settlement proposed in *Dubric* is only an
24 attempt to extinguish the MWA damages claims of defendants' taxi drivers accruing
25 *after* December 31, 2015. That is unknown as neither defendant's counsel, nor
26 *Dubric's* counsel, will communicate in any fashion about the substance, and exact
27 scope, of the class settlement they are proposing.

28 The "December 31, 2015" term of the current NRCP Rule 23(b)(3) class
29 certification cannot act as a "loophole" for defendants, with the assistance of *Dubric's*
30 counsel, to collusively limit their MWA liability to their taxi drivers. That such

1 proposed class settlement in *Dubric*, whatever its terms, is inherently collusive and
2 improper is manifest in its very nature. If defendants want to properly propose a
3 settlement of their taxi driver's MWA related damages claims, whether just for those
4 accruing after December 31, 2015 or otherwise, they could propose the same to class
5 counsel in this case. Nor do defendants have to rely upon class counsel's endorsement
6 of any such proposal. Defendants are free, in this case, to propose such a settlement
7 directly to the Court for its approval. Defendants have not attempted that proper, and
8 necessary, course of action. Instead they seek to bypass this Court's scrutiny of any
9 such settlement, in this case, by using the *Dubric* case as a "strawman" or "shill" to
10 secure such a settlement.

11
12 **B. The Court should amend the NRCP Rule 23(b)(3) certification**
13 **to include, for all class members already notified, all claims for**
14 **MWA related damages arising after December 31, 2015 and**
continuing until judgment or further order of the Court.

15 The Court's class certification Order expressly advised the NRCP Rule 23(b)(3)
16 class members, defendants' taxi drivers who were employed prior to January 1, 2016,
17 that the "class certification in this case may also be amended or revised in the future."
18 Ex. "A" at ex. "A" thereto, p. 1. Accordingly, those claims should now be amended to
19 include damages claims for those NRCP Rule 23(b)(3) damages class members arising
20 under the MWA and NRS 608.040 that accrued after December 31, 2015.

21
22 **C. The Court should now direct NRCP Rule 23(b)(3) damages**
23 **class certification notice to defendant's taxi drivers hired after**
December 31, 2015 now and at 120 day intervals in the future.

24 Defendants can be prohibited from compromising the MWA related damages
25 claims of its taxi drivers hired after December 31, 2015 through a suitable injunction
26 issued to protect the NRCP Rule 23(b)(2) class, as discussed *supra*. But judicial
27 efficiency, and fairness, would also be served by having such "new hires" included in
28 the damages class in this case, which requires notice to such new hires pursuant to

1 NRCP Rule 23(c)(2). Accordingly, the Court should direct such notice, as in Ex. "A,"
2 to those "new hires" so they may properly have their damages claims adjudicated in
3 this case. Such notice should be renewed at 120 day intervals in the future until a date
4 suitably in advance of trial.

5 III. REQUEST FOR AWARD OF ATTORNEY'S FEES

6 Class counsel has the obligation to guard the MWA rights of the NRCP Rule
7 23(b)(2) class members from abuse and misconduct by the defendants. Accordingly,
8 class counsel was charged with a duty to bring this motion. In addition, this motion
9 would have been completely unnecessary if defendants had abided by this Court's class
10 certification Order. To call defendants' actions improper is too mild a term. Such
11 conduct is more properly viewed as contemptuous. The Court's class certification
12 Order expressly prohibited defendants from engaging in any settlement of any class
13 members' claims *except as part of this action*. Defendants' attempt to engage this
14 Court, in the *Dubric* case, to proceed with such a class settlement is in direct violation
15 of that Order.

16 Unless this motion is resolved cooperatively by the defendants, through their
17 consent, prior to any motion hearing, to a suitable stipulation and order achieving the
18 same judicial relief requested in this motion, attorney's fees should be awarded to class
19 counsel.

20 CONCLUSION

21 For all the foregoing reasons, class counsel's motion should be granted in its
22 entirety together with such other further and different relief that the Court deems proper.

23 Dated: October 14, 2016

24 LEON GREENBERG PROFESSIONAL CORP.

25 /s/ Leon Greenberg
26 Leon Greenberg, Esq.
27 Nevada Bar No. 8094
28 2965 S. Jones Boulevard - Ste. E-3
Las Vegas, NV 89146
Tel (702) 383-6085
Attorney for the Plaintiffs and the Class

CERTIFICATE OF MAILING

The undersigned certifies that on October 14, 2016, she served the within:

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

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 "C"


CLERK OF THE COURT

1 ORDR

2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
4 Leon Greenberg Professional Corporation
5 2965 South Jones Blvd- Suite E3
6 Las Vegas, Nevada 89146
7 (702) 383-6085
8 (702) 385-1827(fax)
9 leongreenberg@overtimelaw.com
10 dana@overtimelaw.com
11 Attorneys for Plaintiffs

12
13 DISTRICT COURT
14 CLARK COUNTY, NEVADA

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

18 Plaintiffs,

19 vs.

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

22 Defendants.

Case No.: A-12-669926-C

Dept.: I

**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**

23 Plaintiffs filed their Motion to Enjoin Defendants from Seeking Settlement of
24 Any Unpaid Wage Claims Involving Any Class Members Except as Part of this
25 Lawsuit and for Other Relief on October 14, 2016; defendants filed a response in
26 opposition on November 4, 2016 with plaintiffs filing a Reply on November 10, 2016;
27 the Court also considering the plaintiffs' Plaintiffs' Motion on OST to Expedite
28 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 with the
Court on February 1, 2017, with the Court holding a hearing on February 14, 2017
and at that time considering the arguments of counsel. After due and proper

deliberation, the Court hereby grants certain relief on the motion as follows:

IT IS ORDERED that the defendants are, upon entry of this Order, prohibited and enjoined from entering into any settlement on a class action basis through the use of NRCP Rule 23 with any of their current or former taxi driver employees for claims under Article 15, Section 16, of the Nevada Constitution, the Nevada Minimum Wage Amendment, whether styled as a claim for breach of contract, conversion, or under any other theory of recovery. The foregoing settlement prohibition can only be amended or removed by a further order issued in this case. The foregoing settlement prohibition bars the defendants from seeking approval for a settlement under NRCP Rule 23 of any such persons' claims on a class action basis in any other proceeding now pending before or in the future filed in the Courts of the State of Nevada, including, but not limited to, their joint motion filed on January 24, 2017 requesting preliminary class settlement approval and class certification in the case of *Dubric v. A Cab LLC et al.* A-15-721063-C currently pending in Department 25 of this Court. Defendants are commanded to within one judicial day of the service of this Order with Notice of Entry to file with this Court in the *Dubric* case a request for withdrawal of that joint motion and make all available efforts to have that motion withdrawn and proceed no further with the same. This Order does not limit the defendants' ability to settle the claims of the named plaintiff Jasminka Dubric, only, in *Dubric v. A Cab LLC et al.* A-15-721063-C.

The foregoing is without prejudice to the grant of further relief by the Court on the motion and the Court intends to issue a subsequent Order addressing the same.

IT IS SO ORDERED this 16th day of Feb, 2017


HONORABLE JUDGE KENNETH CORY
DISTRICT COURT, CLARK COUNTY


CLERK OF THE COURT

SUPPL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MICHAEL MURRAY,

Plaintiffs,

vs.

A CAB TAXI SERVICE, LLC, et al.,

Defendants.

CASE NO. A669926
DEPT NO. I

**SUPPLEMENT TO ORDER
FOR INJUNCTION FILED ON
FEBRUARY 16, 2017**

The Court takes this opportunity to explain some considerations in addition to those expressed in the Motion and Injunction itself. The Court finds it necessary to do so under the circumstances of one Nevada District Court effectively enjoining the further proceedings in a sister District Court. Only the considerations expressed in both the injunction motion work and this Supplement to Order for Injunction would prompt this Court to take such unusual action.

The problem of competing class actions is not new in this country. It has more often been expressed when federal courts have enjoined competing class actions in state courts. However, the reasoning is the same. Thus, recourse to articles and cases discussing the interplay between federal court jurisdiction and state courts in relation to class actions is illuminating.

1
2
3 From an article primarily aimed at the unique interplay between federal and state
4 courts dealing with competing class actions, the following points are no less *apropro*
5 when the federal conundrum is absent, and state courts are wrestling with class actions:
6

7 Through their redundancy and the "reverse auction" dynamic they engender,
8 competing class actions compromise the efficiency and fairness goals that
9 justify the class action device and impose unnecessary costs on class
members, defendants, the courts, and society at large.

10

11 The goal of class actions in general, and of Rule 23(b)(3) class actions in
12 particular, is the unitary resolution of numerous common claims in an efficient
13 and fair manner. Class actions achieve efficiency by resolving multiple
controversies in one litigation; they achieve fairness by providing the
consistent resolution of common claims and the opportunity to resolve claims
that would not be viable if litigated on an individual basis.

14

15 Competing class actions undermine the efficiency and fairness goals of the
16 class action mechanism in two ways. First, the proliferation of competing
17 class actions and the resulting duplication of efforts waste the resources of
18 defendants and courts and deprives courts of effective jurisdiction over their
dockets. Second, plaintiffs' attorneys, in their race to the finish line with its
windfall award of fees, can settle the class's claims for a suboptimal price,
engaging in a so-called "reverse auction" and thereby compromising their
clients' interests and those of society at large.

19

20 Duplicative litigation imposes unnecessary burdens on defendants and the
21 courts. Parallel actions are very expensive for defendants, as they find
22 themselves litigating on several fronts at once. According to one estimate,
multitrack litigation has increased the cost of pretrial proceedings by thirty-
three percent. Moreover, the proliferation of competing actions only
exacerbates the disruption of business associated with the massive discovery
involved in such complex litigation. Eventually, defendants may end up
seeking a plaintiff's attorney willing to resolve all outstanding claims in one
global settlement, with negative ramifications for absent class members.

23

24 Due to the sophisticated nature of class actions and the attenuated agency
25 relationships involved, plaintiffs' attorneys wield enormous control over the
26 commencement and direction of complex class litigation. Given that there are
27 as many potential named plaintiffs as there are class members, plaintiffs'
attorneys, motivated by the desire to reap huge attorneys' fees, have great
28

1 flexibility in determining where to file a competing class action and at what
2 level, federal or state. At the same time, the rules of res judicata and collateral
3 estoppel dictate that the parallel action that first reaches final judgment--or,
4 more often than not, settlement--binds the others, regardless of the resources
invested or the relative merits of the respective cases.

5
6 The combination of plaintiffs' attorneys' eagerness to settle first, their
7 flexibility in plaintiff and forum shopping, and the defendant's desire to reach
8 a global settlement creates a collusive environment that sacrifices class
9 members' interests as well as those of society at large. Plaintiffs' attorneys will
10 bring a suit for settlement purposes in state court in order to underbid the team
11 of attorneys actively litigating a similar case in federal court. As a result,
12 defendants can set the terms and play teams of plaintiffs' attorneys off one
13 another, leading to a "reverse auction." Plaintiffs' attorneys, working on
14 contingency fees and knowing that others are in line to settle if they do not,
15 accept the defendant's offered terms in order to ensure a profitable return on
16 their investment in the litigation. In some cases, the plaintiffs' attorneys in the
17 state suit will negotiate an overall smaller settlement than that on the table in
18 the federal suit but, either out of greed or in an effort to buy off class counsel
for the objectors in the federal action, will allocate a larger portion of the total
for attorneys' fees. The primary losers in this situation are the absent class
members, who receive a suboptimal remedy for their claims, whether in the
form of token monetary damages or potentially worthless coupons. Ex post
efforts to challenge these settlements on adequacy of representation grounds
ultimately have been rejected. Thus, the relentless race for attorneys' fees
betrays the fairness objectives of the class action mechanism. Furthermore, by
encouraging collusion and minimizing damage awards, competing class
actions impact society at large, which relies on effective class litigation to
provide deterrence against illegal and tortious corporate behavior.

19 Andrew S. Weinstein, *Avoiding the Race to Res Judicata: Federal Antisuit*
20 *Injunctions of Competing Class Actions*, 75 N.Y.U. L. Rev. 1085, 1085-1091
(2000).

21 The Court should add that above references to plaintiff counsel and defendants in
22 competing cases is wholly without reference to parties or attorneys in either of the present
23 competing cases. The problem is systemic not specific.

24 These are problems which no state district Court judge can resolve with any finality.
25
26 These are problems which only our state Supreme Court can resolve. It is hoped that the
27
28

1
2 granting of an injunction effectively stopping a conclusion by settlement in a separate district
3 court may prompt such resolution in our Supreme Court.

4 DATED this 17th day of FEB., 2017.

5
6 
7 KENNETH C. CORY
8 DISTRICT COURT JUDGE
9
10
11
12

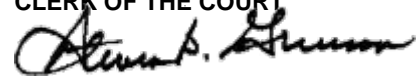
13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on the date filed, this document was emailed, mailed or a copy
15 of this Order was placed in the attorney's folder in the Clerk's Office or mailed to the proper
16 person as follows:

17 Leon Greenberg, Esq., leongreenberg@overtimelaw.com

18 Esther C. Rodriguez, Esq., info@rodriguezlaw.com
19

20 
21 JOAN LAWSON
22 JUDICIAL EXECUTIVE ASSISTANT
23
24
25
26
27
28



ORDR

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Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

DECISION AND ORDER

Defendants filed their Motion for Judgment on the Pleadings Pursuant to NRCP 12(c) With Respect to All Claims for Damages Outside the Two-Year Statute of Limitations on November 17, 2016; Plaintiffs filed their Opposition and Countermotion for a Toll of the Statute of Limitations and for an Evidentiary Hearing on December 8, 2016 with Defendants filing a Reply on December 28, 2016. After due and proper deliberation, review of the arguments set forth in each of the parties' briefs, and considering the oral argument by counsel before the Court on May 18, 2017, the Court hereby finds as follows:

Defendants' motion sought judgment on the pleadings as to all claims of any

1 class members falling outside the two-year statute of limitations which, in this case, is
2 any claim arising prior to October 8, 2010. The relief sought in defendants' motion
3 was based upon the Nevada Supreme Court's Decision in *Perry v. Terrible Herbst,*
4 *Inc.*, 132 Nev. Adv. Op. No. 75 (October 27, 2016), which found that claims for
5 unpaid minimum wages brought pursuant to Article 15, Section 16 of the Nevada
6 Constitution ("The Minimum Wage Amendment" or the "MWA") are subject to a two-
7 year statute of limitations.

8 Plaintiffs countermoved for an equitable toll of the statute of limitations and an
9 evidentiary hearing. Such motion was based upon the language of the MWA which
10 states, *inter alia*, "[a]n employer shall provide written notification of the rate
11 adjustments to each of its employees..." See, Art.15, Sec. 16(A) of the Nevada
12 Constitution. The plaintiffs argued that a literal reading of this language requires the
13 Court to find that the Nevada Constitution imposes on employers a duty to provide a
14 written notice to each of their employees subject to the MWA of the change in the
15 minimum wage rate each time such rate changes. Plaintiffs argued that the posting of
16 a notice in an employee break room or similar common area where employees may
17 frequent does not satisfy the literal obligation imposed upon employers as set forth in
18 the MWA.

19 Defendants contended during oral argument that no written notification of the
20 rate changes in the minimum wage need be "provided" to "each" of defendants'
21 employees individually in the manner that plaintiffs contend. Rather, defendants
22 maintained that in accordance with common business practices respecting other federal
23 and state labor requirements, defendants need only, and did only, post on a wall all
24 such required "written notification" relating to the MWA.

25 The Court finds the posting of such notices by the defendants, which the
26 plaintiffs do not dispute took place, cannot satisfy a strict literal reading of the MWA.
27 Because the Court is charged not with determining how the MWA will affect business
28 and industry practices, but rather must only engage in a plain reading of the

1 constitutional amendment, the Court finds that the meaning ascribed to this provision
2 of the MWA by plaintiffs is the proper interpretation within the confines of this
3 Court's authority. A plain reading of the MWA can only result in an obligation on the
4 employer to "provide" to "each" of its employees "written notification" of the rate
5 adjustments to the minimum wage. The Court reluctantly rules in this fashion because
6 it is the Court's opinion that a more efficient notification process would be the process
7 suggested by the defendants. Nevertheless, the MWA is a constitutional provision and
8 it must be afforded the strictest of construction. Accordingly, the Court believes it
9 does not have the liberty to rule in any other way, and based upon the foregoing, the
10 Court finds that the defendants violated the "written notification" requirement of the
11 MWA.


12 The next question the Court must address is whether such violation is remedied
13 by a toll of the statute of limitations otherwise applicable to claims asserted under the
14 MWA. The court finds it must answer that question in the affirmative. This finding is
15 based upon the broad remedial language of the MWA, specifically that "[a]n employee
16 claiming violation of this section...shall be entitled to all remedies available under the
17 law or in equity appropriate to remedy any violation of this section, including but not
18 limited to back pay, damages, reinstatement or injunctive relief." See, Art.15, Sec.
19 16(B). Accordingly,

20 IT IS HEREBY ORDERED that defendants' Motion for Judgment on the
21 Pleadings in **DENIED in part and GRANTED in part**. It is denied in part as to
22 defendants' request to dismiss the claims of all class members arising prior to October
23 8, 2010. Class members who were employed on July 1st of each of the years in which a
24 rate adjustment of the minimum wage occurred shall be afforded an equitable toll of
25 their claims arising under the MWA from such July 1st forward. Based upon
26 representations of counsel at the hearing, those dates were July 1st of 2007, 2008,
27 2009, 2010, and 2011. Defendants' motion is granted in part with respect to the claims
28 of those class members which arose prior to October 8, 2010 *and* who also were not

1 employed as taxi drivers by defendants on July 1st 2007, 2008, 2009 and/or 2010. The
2 Court's reasoning for ruling in this fashion is that only those class members who were
3 required to be provided with written notification of the rate adjustments occurring on
4 July 1st of each of the foregoing years, but who were not so provided the written
5 notification, are eligible for an equitable toll of the statute of limitations. The list of
6 such class members entitled to such statute of limitations tolling, and the applicable
7 date each such class member's toll commenced, is set forth in Ex. "A" annexed hereto.
8 The MWA claims of all other class members that pre-date October 8, 2010 are
9 dismissed.

10 IT IS FURTHER ORDERED that plaintiffs' Countermotion for a Toll of the
11 Statute of Limitations and for an Evidentiary Hearing is **GRANTED**. An equitable
12 toll will be applied to the claims of class members as described herein in the preceding
13 paragraph and as detailed in Ex. "A."

14 **IT IS SO ORDERED.**

15
16 
17 HONORABLE JUDGE KENNETH CORY
18 DISTRICT COURT, CLARK COUNTY

19
20
21  June 6, 2017
22 DATE

23 Submitted by:

24 LEON GREENBERG PROFESSIONAL CORP.

25 
26 Dana Sniegocki, Esq.
27 Nevada Bar No. 11715
28 2965 S. Jones Boulevard - Ste. E-3
Las Vegas, NV 89146
Tel (702) 383-6085
dana@overtimelaw.com
Attorney for Plaintiffs

EXHIBIT "A"

	A	B
	Class Member, Last Name, First Name, Middle Initial	Statute of Limitations Toll Date
1		
2	Abdulah, Faud Y	7/1/2009
3	Abraha, Tesfalem B	7/1/2009
4	Abuel, Alan B.	7/1/2007
5	Abuhay, Fasil M	7/1/2010
6	Adam, Elhadi K.	7/1/2009
7	Adem, Sued S.	7/1/2008
8	Allen, Otis L.	7/1/2008
9	Alnaif, Abdul S	7/1/2010
10	Alvero, Jose D.	7/1/2008
11	Amato, Richard	7/1/2008
12	Anders, Matthew I.	7/1/2007
13	Andersen, Jason E.	7/1/2008
14	Anderson, Jamie M.	7/1/2007
15	Antoine, Albert J.	7/1/2007
16	Appel, Howard J.	7/1/2008
17	Archuleta, Alex	7/1/2008
18	Artigue, David	7/1/2007
19	Atoigue, Marco F	7/1/2010
20	Auckerman, Katherin	7/1/2007
21	Awalom, Alemayehu	7/1/2008
22	Babinchak, Blaine A	7/1/2007
23	Badillo, Cesar A.	7/1/2007
24	Bafrdu, Solomon T.	7/1/2009
25	Bakhtiari, Marco L.	7/1/2008
26	Barich, Edward C	7/1/2010
27	Barr, Kenneth W.	7/1/2008
28	Batista, Eugenio L.	7/1/2007
29	Bean, Ronald	7/1/2007
30	Bekele, Abraham	7/1/2007
31	Bell, Arthur E.	7/1/2007
32	Bey, Ronald A.	7/1/2008
33	Bialorucki, Richard M	7/1/2008
34	Black, Burton J.	7/1/2008
35	Blumenthal, Alan F.	7/1/2008

	A	B
36	Bly, Vertito C.	7/1/2008
37	Bolden, Quincy C.	7/1/2009
38	Boling, Freddy D.	7/1/2007
39	Booth, Sean R.	7/1/2007
40	Borja, Virginia	7/1/2007
41	Borowski, Edwin P.	7/1/2008
42	Boyd, Kevin M.	7/1/2007
43	Bozic, Nebojsa	7/1/2010
44	Brauchle, Michael	7/1/2007
45	Breault, Ronald Z.	7/1/2009
46	Brennan, Sheila R.	7/1/2007
47	Briski, Louis	7/1/2010
48	Brown, Maurice	7/1/2008
49	Burgema, Kelemewc	7/1/2009
50	Butler, Bonnie J	7/1/2009
51	Butts, Phillip R.	7/1/2009
52	Cadman, Linda L	7/1/2010
53	Canelstein, Glen	7/1/2008
54	Carracedo, Sonny C	7/1/2007
55	Castillo, Franzés D.	7/1/2007
56	Cater, Leslie D.	7/1/2008
57	Catoera, Nestor F	7/1/2010
58	Cease, Alan L.	7/1/2008
59	Champigny, Paul A.	7/1/2008
60	Chang, Yun-Yu	7/1/2010
61	Chau, Phi V.	7/1/2010
62	Chico, David	7/1/2009
63	Child, Gregg K.	7/1/2009
64	Clift, Daniel C.	7/1/2008
65	Clores, Edgardo F.	7/1/2007
66	Colello, Robert M.	7/1/2007
67	Collier, Samuel J	7/1/2009
68	Collins, Donald V.	7/1/2007
69	Colon, James F.	7/1/2007
70	Connor Jr., Richard	7/1/2008
71	Cook, Eugene	7/1/2010
72	Cook, Robert E.	7/1/2009
73	Costello, Brad	7/1/2007

	A	B
74	Craddock, Charles F	7/1/2010
75	Crawford, Darryl W	7/1/2010
76	Csorba, Laszlo	7/1/2009
77	Cullison, Christophe	7/1/2007
78	Dagley, Darryl	7/1/2009
79	Daniels, Katherine A	7/1/2010
80	Danielsen, Danny	7/1/2010
81	D'Arcy, Timothy C	7/1/2010
82	Davis, Bradley C	7/1/2008
83	Davis, James E.	7/1/2007
84	Davis, Nancy L.	7/1/2007
85	Degefa, Dejene W	7/1/2010
86	Degracia, Bob	7/1/2010
87	Dein, Fred J.	7/1/2008
88	Diemoz, Ernest D.	7/1/2008
89	Dinok, Ildiko	7/1/2007
90	Dixon, Julius W	7/1/2010
91	Djapa-Ivosevic, Davi	7/1/2007
92	Donahoe, Stephen L	7/1/2008
93	Donleycott, Kevin M	7/1/2007
94	Dontchev, Nedeltch	7/1/2010
95	Dotson, Eugene B	7/1/2010
96	Doughty, Michael W	7/1/2010
97	Downing, Jennifer C	7/1/2008
98	Downs, David A.	7/1/2007
99	Draper, Ivan L.	7/1/2007
100	Dreitzer, Gail M.	7/1/2007
101	Duff, Tommy J.	7/1/2008
102	Durtschi, Jeffrey	7/1/2007
103	Dyson, Edward P.	7/1/2009
104	Eckert, Michael	7/1/2007
105	Edwards, Jeffrey A.	7/1/2007
106	Egan, Joseph W	7/1/2010
107	Elam, Damon L.	7/1/2009
108	Eljawhary, Farid M.	7/1/2009
109	English, David E.	7/1/2008
110	Esser, David M.	7/1/2007
111	Farrelly, Bridhid K.	7/1/2007

	A	B
112	Feakes, Curtis D.	7/1/2007
113	Fears, Thomas A.	7/1/2007
114	Ferrall, Edwin J	7/1/2009
115	Fesehazion, Teabe	7/1/2010
116	Fitz-Patrick, Michael	7/1/2010
117	Foley, John W.	7/1/2007
118	Fredrickson, Steven	7/1/2009
119	Friedman, Robert I.	7/1/2009
120	Garcia, John E.	7/1/2007
121	Gardea, Alfred E	7/1/2010
122	Gebrayes, Henock L	7/1/2010
123	Gebregiorgis, Tewoc	7/1/2007
124	Gebrehana, Kebere	7/1/2009
125	Gelane, Samuel G	7/1/2009
126	Getnet, Girma M	7/1/2009
127	Giatropoulos, John /	7/1/2008
128	Gleason, John T.	7/1/2009
129	Glogovac, Goran	7/1/2010
130	Gohlke, James	7/1/2007
131	Goldman, Kevin	7/1/2010
132	Gomez-Ramos, Edu	7/1/2008
133	Grafton, Natasha D	7/1/2010
134	Grahl, Steven J.	7/1/2007
135	Gramatikov, Petko I.	7/1/2009
136	Green, Tony D.	7/1/2009
137	Greever, Rickey E.	7/1/2007
138	Gregg, Gary J.	7/1/2007
139	Gross, Daniel I.	7/1/2007
140	Gross, Mark S	7/1/2010
141	Gross, Timothy S.	7/1/2008
142	Gruttadauria, Martin	7/1/2008
143	Guinto, Philip J.	7/1/2007
144	Gutierrez, Jose F.	7/1/2009
145	Gutierrez, Michael D	7/1/2007
146	Habte, Amanuel G.	7/1/2009
147	Haley, Thomas M.	7/1/2007
148	Hanley, David J.	7/1/2007
149	Hansen, Diana L.	7/1/2007

	A	B
150	Hansen, Jordan Z	7/1/2010
151	Harms, Michael	7/1/2010
152	Harris, Jason B.	7/1/2008
153	Harris, Jay L.	7/1/2007
154	Hasen, Akmel W	7/1/2010
155	Hay, Mark	7/1/2007
156	Hernandez, Luis F.	7/1/2009
157	Hernandez, Norberto	7/1/2008
158	Hilbert, Edward D.	7/1/2008
159	Hill, Fred G.	7/1/2008
160	Hinks, Dana	7/1/2007
161	Holloway, Maynard I	7/1/2010
162	Hoopes, Bryant L.	7/1/2008
163	Hopkins, Robert L.	7/1/2010
164	Houlihan, Beth	7/1/2007
165	Howard, Robert B.	7/1/2007
166	Howard, Thomas A.	7/1/2007
167	Huffman, Britton L.	7/1/2007
168	Hughes, Jerry	7/1/2007
169	Huntington, Walter C	7/1/2009
170	Hurtado, Hubert B.	7/1/2007
171	Hyman, Irving	7/1/2010
172	Isaac, Edsel E.	7/1/2009
173	Jackson, Michael A.	7/1/2009
174	Jarmosco, John J.	7/1/2008
175	Javelona, Mario F.	7/1/2007
176	Jennings, Stanley	7/1/2007
177	Jimenez, Michael J	7/1/2009
178	Jin, Casey M	7/1/2008
179	Johnson, Brian M	7/1/2010
180	Johnson, Kennard T	7/1/2009
181	Johnson, Robert D.	7/1/2008
182	Johnson, Timothy B.	7/1/2008
183	Jones, Doug	7/1/2007
184	Jones, Glenn O.	7/1/2009
185	Jones, James K.	7/1/2007
186	Joseph, Loradel	7/1/2009
187	Justice, Jason E.	7/1/2007

	A	B
188	Kang, Chong	7/1/2009
189	Kang, Dae Ik	7/1/2009
190	Keber, Yilma C	7/1/2009
191	Keith, Marcus L.	7/1/2008
192	Kelley, Jared W	7/1/2010
193	Kenary, Brian T.	7/1/2007
194	Kern, Gary F	7/1/2010
195	Koch, Frederick B.	7/1/2009
196	Kolasienski, Aemon	7/1/2009
197	Krouse, Stephen P.	7/1/2007
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	A	B
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	A	B
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