IN THE SUPREME COURT OF THE STATE OF NEVADA

A CAB, LLC; AND A CAB SERIES,) Supreme Court No. 77050
LLC,) Electronically Filed
Appellants,	Aug 05 2020 04:48 p.m. Elizabeth A. Brown Clerk of Supreme Court
V.)
)
MICHAEL MURRAY; AND)
MICHAEL RENO, INDIVIDUALLY)
AND ON BEHALF OF ALL OTHERS)
SIMILARLY SITUATED,)
)
Respondents.)
)

APPENDIX TO APPELLANTS OPENING BRIEF VOLUME XXII of LII

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

HUTCHISON & STEFFEN, PLLC

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

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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**

XXII of LII was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Leon Greenberg, Esq.
Dana Sniegocki, Esq.
Leon Greenberg Professional Corporation
2965 S. Jones Blvd., Ste. E3
Las Vegas, NV 89146
Telephone: (702) 383-6085

Facsimile: (702) 385-1827

leongreenberg@overtimelaw.com

Dana@overtimelaw.com

Attorneys for Respondents

DATED this 5th day of August, 2020.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC

Rodriguez Law Offices, P.C.

Electronically Filed

AA004205

Case Number: A-12-669926-C

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settlement on behalf of those members of the class. Plaintiffs state in their present motion that they first sought this relief in a motion filed on October 14, 2016. Plaintiff's Motion, 5: 10-11. That referenced motion which they attach as Exhibit B to their Motion is in fact the motion to enjoin the settlement of the other lawfirm, the Bourassa Law Group, in the matter entitled, Dubric v. A Cab, LLC, District Court Case No. A-15-721063-C. It was only when Defendants entered into a good faith settlement with the plaintiffs represented by the Bourassa Law Group that Plaintiffs in this matter took any steps towards representing any class member after December 31, 2015.

As this Court is aware, this issue of enjoining the Defendants from resolving the other matter involving those class members has been appealed and is pending before the Nevada Supreme Court. Exhibit 1, Notice of Appeal. A ruling now to extend the present class beyond December 31, 2015, when these members have reached resolution in the other District Court case, would have this Court engage in the same procedure it enjoined the other District Court from proceeding with in approving those drivers' settlement. In fact, the Greenberg lawfirm has made no showing that it represents any of these drivers after December 2015 as it has no representative Plaintiff from this time period.

There is no indication that Plaintiffs' counsel represents any client that worked at A Cab anytime after September 2012, nearly four (4) years prior to the time they are now seeking summary judgment on damages. Michael Murray was no longer employed as of April 7, 2011; and Michael Reno was no longer employed as of September 26, 2012. At the hearing early this year before the Discovery Commissioner on January 25, 2017, Commissioner Bulla recommended that Plaintiffs' counsel Leon Greenberg ("Greenberg") contact his clients to ascertain personal information he was seeking, stating "you're representing all these class claimants – Why can't you get it?" In response, Greenberg was clear he was not in contact with his alleged clients, and expected little response from them. Exhibit 2, Transcript of 1/25/17 Hearing before Discovery Commissioner, 9:6-7 and 9:19-10:12. It is reasonable to ascertain from Mr. Greenberg's response that he does not represent a client during the time frame for damages he is seeking. The Wal-Mart v. Dukes case would support the position that Mr. Greenberg cannot represent a class of these members, when he has no representative Plaintiff in this time frame for which he seeks damages.

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Wal-Mart Stores, Inc. v. Dukes, 131 S.Ct. 2541, 2550 (2011):

The class action is "an exception to the usual rule that litigation is conducted by and on behalf of the individual named parties only." Califano v. Yamasaki, 442 U.S. 682, 700–701, 99 S.Ct. 2545, 61 L.Ed.2d 176 (1979). In order to justify a departure from that rule, "a class representative must be part of the class and 'possess the same interest and suffer the same injury' as the class members." East Tex. Motor Freight System, Inc. v. Rodriguez, 431 U.S. 395, 403, 97 S.Ct. 1891, 52 L.Ed.2d 453 (1977) (quoting Schlesinger v. Reservists Comm. to Stop the War, 418 U.S. 208, 216, 94 S.Ct. 2925, 41 L.Ed.2d 706 (1974)). Rule 23(a) ensures that the named plaintiffs are appropriate representatives of the class whose claims they wish to litigate. The Rule's four requirements—numerosity, commonality, typicality, and adequate representation—"effectively 'limit the class claims to those fairly encompassed by the named plaintiff's claims." General Telephone Co. of Southwest v. Falcon, 457 U.S. 147, 156, 102 S.Ct. 2364, 72 L.Ed.2d 740 (1982) (quoting General Telephone Co. of Northwest v. EEOC, 446 U.S. 318, 330, 100 S.Ct. 1698, 64 L.Ed.2d 319 (1980)).

The Court should also consider that it would be improper with less than 30 days left in the discovery period to now seek to extend the class members to cover an additional 18 months. Discovery is nearly complete after numerous extensions provided to the Plaintiffs. In fact, the Court just recently granted another extension giving Plaintiffs another opportunity to retain an expert after they missed the deadline of January 27, 2017. The deadline of 5 months ago was for Plaintiffs to finally, after nearly 5 years, put forth a computation of damages. Plaintiffs failed to do so. Instead, Plaintiffs merely indicated in a disclosure, like they have since October 2012, that they are still working on the numbers. **Exhibit 3**, *Plaintiffs'* 7th Supplemental Disclosure. The Court has now provided Plaintiffs the additional time in which to designate their expert to June 30, 2017. Not surprisingly, with their present request to extend the class period, Plaintiffs seek <u>further</u> extension of the Court's new deadlines.

The Court will recall that merely one week before Plaintiffs filed this instant motion, the Court recommended the new extended deadlines and discussed them with both parties. Plaintiffs made no indication that they would be filing yet another motion to further extend the deadlines. Defendants indicated that numerous extensions had already been provided to Plaintiffs since the filing of the lawsuit in October 2012, but that the Court's recommendations would be followed.

There is simply no sound basis put forth by Plaintiffs to ask for this last minute 18 month

extension of the class, and further extension of the Court's revised deadlines. The only reason put forth by Plaintiffs is threat of another lawsuit against A Cab for any drivers after December 31, 2015. That lawsuit has already been filed by the other lawfirm, and settled pending approval by the District Court.

II. <u>CONCLUSION</u>

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

DATED this 9th day of June, 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 9th day of June, 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

A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 WEST ALTA DRIVE, SUITE 200
LAS VEGAS, NV 89145

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PROFESSIONAL

1 **NOAS** Michael K. Wall (2098) HUTCHISON & STEFFEN, LLC **CLERK OF THE COURT** 10080 West Alta Drive, Suite 200 3 Las Vegas, NV 89145 (702) 385-2500 Tel: 4 Fax: (702) 385-2086 mwall@hutchlegal.com 5 Esther C. Rodriguez, Esq. RODRIGUEZ LAW OFFICES, P.C. 6 10161 Park Run Drive, Suite 150 7 Las Vegas, NV 89145 (702) 320-8400 8 info@rodriguezlaw.com 9 Attorney for defendants A Cab Taxi Service, LLC. A Cab, LLC and Creighton J. Nady 10 DISTRICT COURT 11 CLARK COUNTY, NEVADA 12 MICHAEL MURRAY and MICHAEL RENO, Case No.: A-12-669926-C Individually and on behalf of others similarly Dept. No.: I 13 situated. 14 Plaintiffs, NOTICE OF APPEAL 15 16 A CAB TAXI SERVICE, LLC, A CAB, LLC, and CREIGHTON J. NADY, 17

Notice is given that A Cab Taxi Service, LLC, A Cab, LLC, and Creighton J. Nady, defendants in the above-captioned matter, appeal to the Supreme Court of Nevada from the Orders of the district court imposing an injunction against them which were entered by the district court on February 16 and February 17, 2017.

DATED this 2017.

Defendants.

HUTCHISON & STEFFEN

Michael K. Wall

10080 West Alta Drive, Suite 200

Las Vegas, NV 89145 (702) 385-2500

Attorney for defendants A Cab Taxi Service, LLC,

HUTCHISON & STEFFEN

A PROFESSIONAL LLC
PECCOLE PROFESSIONAL PARK
10080 WEST ALTA DRIVE, SUITE 200
LAS VEGAS, NV 89145

CERTIFICATEOOF, SERVING Ereighton J. Nady

Pursu	ant to NRCP 5(b), I certify that I am an employee of HUTCHISON $\&$ STEFFEN,
and that on th	is 20 ^{±L} day of March, 2017, I caused the above and foregoing NOTICE OF
	be served as follows:
[]	by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
[]	pursuant to EDCR 7.26, to be sent via facsimile; and/or
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pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time $\mathbb{I}X\mathbb{I}$ of the electronic service substituted for the date and place of deposit in the mail; and/or

to be hand-delivered;

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

Leon Greenberg, Esq. Dana Sniegocki, Esq.

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Leon Greenberg Professional Corporation

2965 S. Jones Blvd., Ste. E3 Las Vegas, NV 89146 Telephone: (702) 383-6085 Facsimile: (702) 385-1827

leongreenberg@overtimelaw.com

Dana@overtimelaw.com

Attorneys for plaintiffs

EXHIBIT 2

EXHIBIT 2

Electronically Filed 02/07/2017 08:05:48 AM

1	RTRAN Atum
2	CLERK OF THE COURT
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5	DISTRICT COURT
6	CLARK COUNTY, NEVADA
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8	MICHAEL MURRAY, ET AL.,) CASE NO. A669926
9	Plaintiffs,
10	vs.) DEPT. XVIII
11	A CAB TAXI SERVICE LLC, ET AL.,
12	Defendants.
13	
14	
15	BEFORE THE HONORABLE BONNIE A. BULLA, DISCOVERY COMMISSIONER
16	WEDNESDAY, JANUARY 25, 2017
17	RECORDER'S TRANSCRIPT OF PROCEEDINGS
18	PLAINTIFFS' MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS
19	APPEARANCES:
20	
21	For the Plaintiffs: LEON GREENBERG, ESQ. DANA SNIEGOCKI, ESQ.
22	For the Defendants: ESTHER C. RODRIGUEZ, ESQ.
23	MICHAEL K. WALL, ESQ.
24	
25	RECORDED BY: FRANCESCA HAAK, COURT RECORDER

24

DISCOVERY COMMISSIONER: That's the premium. MR. GREENBERG: -- for everybody who has a spouse. It's the same amount --DISCOVERY COMMISSIONER: Right. MR. GREENBERG: -- for everybody who has children to insure. The --DISCOVERY COMMISSIONER: Exactly. MR. GREENBERG: But the problem, Your Honor, is I don't know which of the class members were married. I don't know which were claiming dependents. Defendants have substantial information on that in their payroll system. DISCOVERY COMMISSIONER: Okay. So now I'm going to go back full circle and ask you why don't we send out to the members of the class -- why don't we send out some sort of informal survey or statement that they need to fill out? MR. GREENBERG: Because, Your Honor, the marital status is absolutely in the payroll. When you file a W4, every employer has to have the employee check a box that says --DISCOVERY COMMISSIONER: So you have that. MR. GREENBERG: -- married. I don't have that. I don't know their marital status 'cause they refuse to give it to me, Your Honor. We have Mr. Nady's deposition. He --DISCOVERY COMMISSIONER: But you're representing all these class claimants, right? Why can't you get it? Why can't you do a survey --MR. GREENBERG: Because, Your Honor --22 DISCOVERY COMMISSIONER: -- and get that information?

effective to vindicate the rights of the class members uniformly. 25 DISCOVERY COMMISSIONER: Well, it is not --

MR. GREENBERG: -- the purpose of the class process is to make the litigation

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MR. GREENBERG: The Defendants --

DISCOVERY COMMISSIONER: It is not to torture the Defendants.

MR. GREENBERG: Your Honor, there is no evidence in this record that there is any burden on the Defendants to give me the marital status as recorded in the QuickBooks.

DISCOVERY COMMISSIONER: I think --

MR. GREENBERG: They have it.

DISCOVERY COMMISSIONER: I think there's a lot of evidence to suggest that they have given you plenty of information that you're going to need to prove your case. I don't understand what the payroll problem is, but if you have the W2s, and you have the prices of the premiums, where, if at all, do we have a designation as to what they took, that you know what they took, right? If they took insurance, you know what specifically they took. You can tell by the deduction of the premium.

MR. GREENBERG: Whether they enrolled is irrelevant, Your Honor. It's the cost that -- it's the cost to them based on their family status that we're discussing.

And, Your Honor, just to clarify for the record, I do not actually have the W2s, but I have the information that goes into them --

DISCOVERY COMMISSIONER: Okay.

MR. GREENBERG: -- because I have the payroll.

DISCOVERY COMMISSIONER: And you're satisfied with that information in terms of its support for their earning capacity --

MR. GREENBERG: Your Honor, I have --

DISCOVERY COMMISSIONER: -- from the employer.

MR. GREENBERG: -- the earnings information. I have the earnings information.

DISCOVERY COMMISSIONER: Okay.

MR. GREENBERG: There's no question about that. What I am requesting be

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Recommendation.

Ms. Rodriguez, do your best to review it and approve it as to form and content. Last time it took me over an hour-and-a-half because I pulled the transcript, I read it, I added to it, and as much as I appreciate being able to help you all, I want you to work harder together on it, and I believe what I did is I modified your Report and Recommendations, Mr. Greenberg.

MR. GREENBERG: Yes, Your Honor.

DISCOVERY COMMISSIONER: Okay.

THE CLERK: Status check is February 24th at 11.

MS. RODRIGUEZ: Your Honor, I will be in a federal trial that week. May I have a status check a week later? I know --

DISCOVERY COMMISSIONER: It's only for Mr. Greenberg.

MS. RODRIGUEZ: Okay.

DISCOVERY COMMISSIONER: So you don't have to be here on the 11th. But I don't -- I'm -- I joked with somebody the other day, and they thought I was serious, so I'm not joking anymore. Try to get it done timely. You have ten days to do it.

MS. RODRIGUEZ: Thank you, Judge.

DISCOVERY COMMISSIONER: Thank you.

MR. GREENBERG: Thank you, Your Honor.

[Proceeding concluded at 10:28 a.m.]

* * *

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

FRANCESCA HAAK
Court Recorder/Transcriber

EXHIBIT 3

EXHIBIT 3

LEON GREENBERG, ESQ., SBN 8094 DANA SNIEGOCKI, ESQ., SBN 11715 Leon Greenberg Professional Corporation 2965 South Jones Blvd-Suite E-3 3 702) 383-6085 702) 385-1827(fax) 4 leongreenberg@ovértimelaw.com dana@overtimelaw.com 5 Attorneys for Plaintiffs 6 DISTRICT COURT 7 CLARK COUNTY, NEVADA 8 MICHAEL MURRAY, and MICHAEL Case No.: A-12-669926-C RENO, Individually and on behalf of 10 others similarly situated, Dept.: I Plaintiffs. 11 PLAINTIFFS' SEVENTH SUPPLEMENTAL 12 VS. DISCLOSURES UNDER NEV. R. CIV. P. 16.1 A CAB TAXI SERVICE LLC, and A 13 CAB, LLC, 14 Defendants. 15

Plaintiffs, as and for their compliance with the provisions of Nev. R. Civ. P. 16.1, hereby provide the following supplemental disclosures:

Reservation of Expert Witness;

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Annexed hereto is the Curriculum Vitae of Charles Bass. Charles Bass is assisting the plaintiffs in summarizing the voluminous records provided by defendants in this case and, based upon those summaries, creating Excel files upon which calculations can be made using uniform assumptions about the hours worked by and/or the proper minimum wage rate owed to, the class members. The results of the summaries that Charles Bass is creating, the Excel files that he has constructed that utilize those summaries and contain them, are not believed by plaintiffs to constitute an expert report or to require expert testimony or constitute the "conclusions" of any expert. It is not anticipated that Charles Bass will offer testimony that would include opinions requiring the knowledge or specialized training of an expert, although he is

fully qualified to do so in respect to the use of computer systems and software, including those that he used to create the summaries of the defendants' records and the Excel files upon which plaintiffs will rely to perform uniform calculations upon such summarized information. Plaintiffs contend that the materials prepared by Charles Bass are properly considered at trial pursuant to NRS 52.275 as summaries of voluminous records that can be presented in the form of a "chart, summary or calculation." Defendants will be provided with those summaries and all necessary supporting information in the form of a suitable declaration(s) from Charles Bass to understand their contents and the steps undertaken to prepare them from defendants' records, to the extent not already provided. Because discovery is continuing, and all of the information germane to the calculations sought to be made upon defendants' records 11 have not yet been provided by defendants, the summaries being prepared by Charles 12 Bass, and the Excel files upon which plaintiffs will rely to perform uniform 13 calculations upon such summarized information, are not yet complete. 15

In the event that the materials prepared by Charles Bass for plaintiffs are deemed by the Court to constitute the work product of an expert witness, plaintiffs so designate him as an expert witness. His fees are set forth in his declaration of January 11, 2017. Charles Bass has not given testimony as an expert in any litigation matter in any capacity within the last five years.

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Dated: January 27, 2017

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Leon Greenberg Professional Corporation

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By: /s/ Leon Greenberg Leon Greenberg, Esq. Nevada Bar No.: 8094

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2965 South Jones Boulevard - Suite E3 Las Vegas. Nevada 89146

26

(702) 383-6085 Attorney for Plaintiff

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CERTIFICATE OF SERVICE The undersigned certifies that on January 27, 2017, she served the within: PLAINTIFFS' SEVENTH SUPPLEMENTAL DISCLOSURES UNDER NEV. R. CIV. P. 16.1 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

CHARLES M. BASS 3418 Overo Ct. North Las Vegas, NV 89032 702-914-0100

email: cbass@lvicc.com

EDUCATION:

Master of Science (M.S.), The American College, Bryn Mawr, PA, 1982, Major: Financial Services Bachelor of Arts (B.A.), University of Maryland, Baltimore, MD, 1972, Major: Mathematics

EXPERIENCE:

SYSTEMS CONSULTANT, Regency Envisions Corp., Denver, CO, 1985-2001, Hardware and software design and implementation for small to medium size companies involving Internet, electronic mail, data transfer, bulletin boards, database configuration, presentation graphics and financial analysis. Programming involving Foxpro, Clipper, Dbase, C++, Visual Basic, SQL Server, Windows NT.

ECONOMIC ANALYST, Regency Econometrics, Denver, CO, 1985-1989, Financial and Economic Valuations and Appraisals involving personal injury litigation, professional sports contracts, and corporate finance. Extensive design and presentation of spreadsheets and graphics applications for negotiations, mediations and trials.

GENERAL MANAGER, Manufacturers Financial Group, Denver, CO, 1983-1985, Directed entire fiscal, marketing, legal and administrative activities in Colorado and Wyoming for \$20 Billion Canadian financial and insurance conglomerate. Created and designed computer systems for administrative and marketing uses.

<u>DIRECTOR</u>, Structured Financial Services, Inc., Baltimore, MD, 1982-1985, Advisory Board to National Structured Settlement Company dealing in annuity settlements for personal injury litigation cases. Created computerized systems for headquarters and 18 regional offices.

<u>PARTNER</u>, Bass, Bridge & Associates, Columbia, MD, 1976-1983, Founder and Senior Partner of marketing firm dealing in insurance, investments and financial services for businesses and individuals. Created and implemented marketing program for fastest growing insurance sales organization in region.

<u>LIFE UNDERWRITER</u>, Equitable Life Assurance Society, Baltimore, MD, 1973-1976, Sales and design of insurance programs for businesses and individuals based on Human life value analysis. Was the youngest person to attain the Chartered Life Underwriter designation in the state of Maryland and qualified for the highest sales awards in the first year.

<u>GROUP REPRESENTATIVE</u>, Monumental Life Insurance Company, Baltimore, MD, 1972-1973, Design and implementation of employee benefit plans including life and medical insurance, disability income, pension and profit sharing plans.

AFFILIATIONS:

PRESIDENT, Colorado Association of Computer Consultants, Denver, CO, 1988-Present

MEMBER, Denver Clipper Users Group, 1988-Present, Electronic Bulletin Board Operator

DIRECTOR, Rocky Mountain Fox Users Group, 1991-Present, Electronic Bulletin Board Operator

AFFILIATIONS (continued):

PRESIDENT, Las Vegas Internet Chamber of Commerce, 2002-2010

MEMBER, Denver Borland Users Group / Developers Conference, 1992-Present, Electronic Bulletin Board Operator

MEMBER, Microsoft Solution Provider, 1992-Present

MEMBER, I/O Group, 1992-Present, Invitation Only Developers Group, Electronic Bulletin Board Operator

DIRECTOR, Denver Association of Life Underwriters, 1984-1986, Field Practices & Ethics Chairman, State Directory Chairman, Awards Chairman

PRESIDENT, Columbia/Howard County Life Underwriters Association, Columbia, MD, 1982-1983

VICE-CHAIRMAN, Howard County Economic Development Advisory Council, 1978-1983, Ellicott City, MD, Industrial Revenue Bond Committee

MEMBER, American Society of Chartered Life Underwriters, 1976-1992

MEMBER, National Association of Life Underwriters, 1972-1987

MEMBER, International Association of Financial Planners, 1981-1989

MEMBER, National Association of Securities Dealers, 1981-1987

MEMBER, National Association of Estate Planning Councils, 1978-1983

PRESIDENT, Howard County Business Club, 1976-1983

LIFE MEMBER, Million Dollar Round Table, 1974-1987

HONORS:

CHAIRMAN, United Way Campaign, Howard County, MD, 1978

Outstanding Young Men of America, 1978 Edition

Who's Who in the East, 1981-1982, 1983-1984 Editions

Who's Who in the West, 1985-1986, 1987-1988, 1989-1990, 1991-1992, 1993-1994 Editions

Who's Who in the World, 1986-1987, 1988-1989 Editions

Who's Who in Society, 1986 Edition

Who's Who in Finance and Industry, 1987 - 1995 Editions

Who's Who in Emerging Leaders of America, 1987 - 1995 Editions

Who's Who in the Computer Industry, 1990, 1991, 1992 Editions

Published articles in industry journals on business usage of computers and financial analysis.

Addressed Bar Associations, Computer Industry Trade Shows, Life Underwriter Groups, C.L.U. Chapters and Computer Consultant's Organizations on business and financial analysis, creative usage of computers and marketing.

REFERENCES: Available upon request.

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1	1 TRAN			
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4	4	CIVIL/CRIMINAL DIVISION CLARK COUNTY, NEVADA		
5				
6	6 MICHAEL MURRAY, et al,	CASE NO. A-12-669926		
7	7 Plaintiffs,	DEPT. NO. I		
8	8 vs.			
9	9 A CAB TAXI SERVICE, LLC, et al,			
10	0 Defendants.			
11	BEFORE THE HONORABLE KENNETH CO	ORY. DISTRICT COURT JUDGE		
12				
13	· · · · · · · · · · · · · · · · · · ·			
14	4 PLAINTIFF'S MOTION ON ORDER SHO DAMAGES CLASS CERTIFICATION			
15	5			
16	6 APPEARANCES:			
17	7 For the Plaintiffs: DA	NA SNIEGOCKI, ESQ.		
18		THER C. RODRIGUEZ, ESQ. CHAEL K. WALL, ESQ.		
19				
20	0 ALSO PRESENT: CR	EIGHTON J. NADY		
21	1			
22	2			
23	3			
24	4 RECORDED BY: Lisa Lizotte, Court Recorder			

AA004223

1	LAS VEGAS, NEVADA, TUESDAY, JUNE 13, 2017, 10:35 A.M.
2	* * * *
3	THE CLERK: Michael Murray versus A Cab Taxi Service. Case Number
4	A669926.
5	MS. SNIEGOCKI: Good morning. Dana Sniegocki for plaintiffs.
6	THE COURT: Good morning.
7	MS. RODRIGUEZ: Good morning, Your Honor. Esther Rodriguez and
8	Michael Wall for the defendants. And Mr. Nady is here as well. He just stepped out
9	right before you called us.
10	THE COURT: All right. This is on the plaintiff's motion to extend the class
11	certification and other relief. One of the things
12	MS. RODRIGUEZ: Did Your Honor receive a copy of our opposition?
13	THE COURT: I'm sorry?
14	MS. RODRIGUEZ: I'm sorry. Did you receive a copy of our opposition,
15	Your Honor?
16	THE COURT: Yes, I did.
17	MS. RODRIGUEZ: All right. Thank you.
18	THE COURT: I saw it this morning. Besides the opposition raised by the
19	defense, one of the concerns that the Court has that as of this moment I think may
20	be insurmountable to your motion is that I ran a quick tally on when this when the
21	five year rule runs on this case. Depending on whether we included one 60-day
22	period correctly or not, I come out with about July of next year.
23	MS. SNIEGOCKI: 2018. Yeah, I don't disagree with that.

THE COURT: Yeah.

MS. SNIEGOCKI: I mean, in addition to the --

THE COURT: So if I grant your motion it most suredly is going to require extending the trial date.

MS. SNIEGOCKI: I don't know that I agree with that, Your Honor.

THE COURT: Okay.

MS. SNIEGOCKI: Granting the motion --

THE COURT: Well, part of your burden then is to show me that that's incorrect because I really do not want to extend the trial date.

MS. SNIEGOCKI: And I understand that. Granting the motion would extend the class period, the period covered by class certification.

THE COURT: Uh-huh.

MS. SNIEGOCKI: At this point the plaintiffs -- I'm sorry, the defendants have already provided us with -- you know, as Your Honor is aware, we had extensive argument the last time we were here. It seems like it's a super-complex case, but in reality what we're talking about is how much did these guys get paid, how many hours did they work. And it is sort of simple math, although for, you know, thousands of people it may not be. So that is what we would need from the defendants. The only additional discovery would just be supplementation of what was previously produced.

There is deposition testimony from the computer -- third party computer vendor that defendants have used. It is a simple process. This information has already been extracted for people who worked from 2010 all the way through 2015, so a five year time frame. What we're looking at is an additional about 18 months. It would be the exact same process that they used to extract it the first time. They

now know how to do it. They've done it. They're, you know, sort of schooled in it at this point and it would really just be a supplementation issue. It would not have to involve any additional major discovery, providing the process that is used and the information that's given to us is the same thing, just for a newer set of people.

A lot of those people would be the same plaintiffs that are already included in the case, people who have been working there since 2014 that continue to work there until now, 2017, so it's just give us the rest of the records for this guy. It would be sort of identical to if our lead plaintiff were a current employee, Mr. Murray or Mr. Reno, if they were still working there. I mean, they would be entitled to file this class action lawsuit as a current employee. Defendant would be required to continue to supplement the records as they earned wages and as they worked hours. So it's the same thing, it's just for a group of people, and previously in this case we've established that extracting it for one person or extracting it for 500 people involves no more work on the part of the defendant.

So it's not really an issue that's going to require us to move this trial out, you know, months and months later. It just isn't -- that isn't something that's going to affect how the case is going to proceed.

THE COURT: Okay. Let's see what the defendant says.

MS. RODRIGUEZ: Well, Your Honor, from the beginning of the filing of this lawsuit we've been before this Court as well as more so in front of the Discovery Commissioner with Mr. Greenberg and Ms. Sniegocki arguing about how simple this is for the defendant to pull all this different information, but obviously it isn't because it's taken several years to compile everything that they want, which is not a simple process and it's not as simple as supplementing because we've had to

pull trip sheets. Now most recently it's taken over a week of probably about five people doing nothing but pulling W-4s. We'd have to pull all the payroll. And it isn't a matter of just, oh here, let's just run the payroll and give it to them. Mr. Nady and A Cab had to pay a third party vendor, Mr. Jim Morgan, to actually create programs and run programs to pull all the Cab Manager data.

And my problem with this is that, I mean, the history of this case is that it is far from simple and not complex, as she's representing. And here we are with close of discovery I think within two weeks. It closes the last week of June. And now they're saying they want an additional 18 months of information, which is a huge endeavor. And you can tell in this motion already they're already asking for another 30-day extension to the deadline that the Court just set I think last week or within the last 10 days. They already want another 30 days for expert disclosures.

But, you know, from our perspective, from the defendants' perspective we have depositions set within these last two weeks. We have our own set of following up with discovery, remaining discovery issues with the plaintiffs. And basically I think what they're arguing is that we need to stop and drop everything that we need to do from our end, pull all this 18 months of information, give it to them as soon as possible, I'm sure, so that they can get everything they need for their expert to do what they need to do in the next 30 days. And so I can foresee we can't do that. I mean, there's no way to just stop everything. It's not fair to the defendant because they've come up with this last minute request that I have to drop what I need to do to make sure 18 months of information is provided to them, because if I can't do it then of course they're going to come back again and ask for further discovery extension, further extension on the experts, and this is a further delay.

And the only basis that they've argued in their motion to extend this is under the threat that, well, if you don't do this then we're just going to have to file another lawsuit for drivers past December of 2015. And so, you know, that's not a basis for the Court to extend past December of 2015 because there in fact is another lawsuit. That's the lawsuit that's over in Judge Delaney's courtroom. They do have a representative plaintiff from 2015 and they are -- the Bourassa Law Group has indicated in their pleadings that they are representing the drivers past December of 2015 through the present.

So, you know, my primary argument in my opposition was the fact that we're really going to cut -- you know, I probably didn't take it all the way through. I was arguing that we're looking at extending discovery, we're looking at extending expert discovery and expert deadlines. But I think the Court has kind of taken it the third step, which I didn't see it all the way through, but yeah, then we're going to be running up against the five year rule as well because we are waiting until the last minute to do all of this. So we argue strenuously against. The case is about to wrap up for discovery. We can do what we need to do for dispositive motions and move forward with the trial that the Court has set in February.

THE COURT: Would it be fair to ask the plaintiffs if this is such a simple thing to do why it is coming at the last minute?

MS. SNIEGOCKI: Well, it hasn't actually come at the last minute.

THE COURT: Okay.

MS. SNIEGOCKI: We made this request to the Court in October of 2016, which is only really 10 months post the cutoff date of the class certification period.

The class certification stops at December 31st, 2015. So the period of time that --

THE COURT: This very motion was filed --

MS. SNIEGOCKI: That is correct. It is Exhibit A -- B. I'm sorry. Exhibit B to plaintiff's motion. It was filed on October 14th, 2016. The relief was -- it was sort of a multiple request for relief, but it included a request to extend the class period.

MS. RODRIGUEZ: That was a motion to enjoin, Your Honor. That was the motion to enjoin the Bourassa Law Group.

MS. SNIEGOCKI: Your Honor, if I can continue speaking.

THE COURT: Yes.

MS. SNIEGOCKI: As I explained, it sought an injunction. It also sought to extend the class period.

THE COURT: Okay.

MS. SNIEGOCKI: If you look at page 7 of Exhibit B, that's where it begins. I'm so sorry, right here. I'm sorry, it's page 8. It's subsection 2B of the motion, I believe.

THE COURT: Okay. (Reading) Should amend certification to include all claims for, blah, blah, blah, blah, blah.

MS. SNIEGOCKI: Arising after December 31st, 2015. The relief that's requested in the current motion was sought in October. It was set on a hearing calendar for November. It was subsequently moved to January. I think the Court recalls we were here and we were notified of a change of department. The department was changed. We got back into this department. Eventually the injunction portion of the motion was heard and Your Honor said I'm going to defer any other requests for leave for another time.

THE COURT: Yeah.

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MS. SNIEGOCKI: We did bring this up at our most previous hearing. I think it was in May, May something.

THE COURT: Uh-huh.

MS. SNIEGOCKI: And Your Honor instructed us to file a new motion, so that's what we did.

THE COURT: Well --

MS. SNIEGOCKI: This is not -- and there's just one other point that I'd like to make about it being last minute.

THE COURT: Yeah. Go ahead.

MS. SNIEGOCKI: The defendants are also under an order by the Discovery Commissioner in terms of the W-4 production that defense counsel was just mentioning. That has been coming daily. Every other day we get supplements of it. And they are under order to get that information collected for the extended class period that we're seeking now through the present. The Discovery Commissioner said gather it, get it together, hang on to it pending ruling by Your Honor as to whether this is going to be extended. If it is, produce it. If it's not, don't produce it. So there is no burden on them in terms of the W-4 production because they are supposed to be collecting it through the present day per the order of the Discovery Commissioner. One other thing I'd like to --

THE COURT: That --

MS. SNIEGOCKI: I'm sorry, if I may?

THE COURT: No, go ahead.

MS. SNIEGOCKI: She had mentioned that there is this other case before Judge Delaney where they do have an adequate representative in the case.

Ms. Rodriguez argues that because none of our plaintiffs worked in the period of January 1st, 2016 through the present, they cannot represent it. In that other case, the Dubric matter, Ms. Dubric did not work post December 2015, either, so she would be an inadequate representative under their own reasoning.

I mean, basically if we look at the logic of the defendant, the only way that you can have a class action in terms of an employment matter is to either have a current employee file the lawsuit and maintain his employment throughout, which my firm represents some employees in these matters exclusively and 98 percent of our clients are former employees so it's an anomaly when you have a current employee, or you have subsequent employees as they get fired or as they quit come into an attorney's office and file a case and that's the only way that you can continue through the present. It just doesn't make any sense. That's not what the class action is designed for. There are not supposed to be multiple cases. It's just supposed to be one case that resolves the issues for the entirety of the class period, as long as it's manageable by the Court. And there is no indication that this is not manageable.

THE COURT: Well, then let me tell you one of the things that's kind of kicking around in the back of my mind.

MS. SNIEGOCKI: Sure.

THE COURT: As you are aware, this Court took the extraordinary measure at your invitation to enjoin any resolution of tangent matters that might include these same individuals, the same members of the class, and it did so after taking a look at some of the more often than not federal litigation that has to do with federal class action lawsuits being settled out from under them through class action suits thrown

to cover these employees and we need to be able to tell the other cases that this was here first, this is fully incorporated; it encompasses these class members. And it really is unfair and against the jurisprudence of not only the federal courts but this Nevada court to allow the case to be settled out from under them.

up in state court. But the principle is still the same. We need to have a class action

And we do that in a case that is now entering its fifth year. In other words, we're coming up against the five year rule, as I said. And now at this point we're going to say, oh, but let's change the rules around, let's change the playing field, let's change who's a plaintiff in this. And while it may be simple to say that, look, we just need this same information for this additional group, and if this were in other circumstances the Court would be amenable to that, but where we are getting this far along in the case and I'm staring at a trial date in February that I do not want to change and I typically tell parties that want to continue a trial and it's in that fifth year or the last year before the five year rule runs, I tell them no.

And I'm having a hard time seeing why almost in light of the extraordinary measures this Court has taken to protect this class from having their case settled out from under them to protect them, I'm having a hard time seeing why I should therefore open up the class to yet another definition and other issues -- you know, the possibility of other issues like discovery, like expert witnesses having to suddenly change their reports and testimony. I mean, in other cases even requiring an expert witness to do a supplement based on newly discovered information, that happens all the time. In federal court sometimes they have the depositions of those experts being taken during the trial. We don't do that here and I'm glad we don't. I'm not suggesting it. But in a case like this, a class action where we're trying to

have one plaintiff of presumably known definition pass through and not take their case out from under them, I don't see that it makes a lot of sense jurisprudentially to then allow at this late hour to allow the definition to change.

Now, the question in my mind is because I was thinking that this had just been asked for now and I see you're showing me that it was part of what was asked for last year, I don't know when the hearing was when I said I'm going to leave this part of the motion for a later time. I don't know when it was. I suppose you could say, well, nothing prevented the plaintiffs from turning around and re-filing that motion, but that wouldn't have made a lot of sense in the context of what was happening in the case. But all I can tell you is I just don't -- it just bothers me to think that we're going to, after the extraordinary efforts we've gone to to make sure that this class gets to run their case unmolested through to a trial within the five year rule to now change that class at this hour.

What do you say to that?

MS. SNIEGOCKI: Well, the only thing that I can say -- I suppose I can say a couple of things. Again, I mean, I tried to stress, Your Honor, that I don't believe this is going to cause us any issues with the five year rule. It really is --

THE COURT: Well, let me alleviate your concern. I don't entirely buy into Ms. Rodriguez' argument that it's going to be the end of the world and they can't possibly get it done in time.

MS. SNIEGOCKI: It is not.

THE COURT: But it is -- it does take a lot of work to put these things through.

So, okay, I interrupted you. Go ahead.

MS. SNIEGOCKI: Well, what I was going to say is we do have testimony.

We have 30(b)(6) testimony or we have testimony from Jim Morgan, who she mentioned, Ms. Rodriguez mentioned. He explained the simplistic nature of getting this stuff. He didn't have to write a program. She represented that a program was written. There was no program written. It's a query. How do we get the information that appears in this column, in this row extracted? Jim Morgan's testimony, which is in the record that Your Honor can review or we can provide a supplement to give you the deposition testimony explains that this was not overly burdensome. In fact, this was the basis for the sanctions that were issued against the defendant for forcing that kind of deposition to go forward without even inquiring with Mr. Morgan. It is a simple process.

THE COURT: And these are the things that were argued before the Discovery Commissioner?

MS. SNIEGOCKI: That is correct.

THE COURT: At the conclusion of which --

MS. SNIEGOCKI: And the Discovery Commissioner --

THE COURT: -- she said we're going to wait and see what the district court does?

THE COURT: Well, that was on a separate issue. That was on the production of the W-4s. She instructed them to collect it for the entire time period up through the present day, hang on to the stuff post December 31st, 2015. Whatever Your Honor rules, they would either give us the additional stuff or they don't have to produce it. So it sort of hinged on this. That was for the W-4 production. But in terms of the payroll and hours worked information, it is not an overly burdensome activity. They argued that it was initially. It was determined by

the deposition testimony of Jim Morgan and by the Discovery Commissioner, who 1 2 3 4 5 6

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THE COURT: Uh-huh.

in the transcript at the hearing said this is simple, he says it's simple. It isn't as hard as you're making it out to be. Produce it. And they have. They know how to do it. It's now jut a matter of instead of producing it for a three and a half year period that they had to do, produce it for an additional 18 months. It's that simple. It is that simple. It isn't overly complicated. It isn't something that's going to require us to extend discovery another six months. It just does not.

THE COURT: Okay. All right, go ahead.

MS. RODRIGUEZ: Well, you know, I'm having difficulty responding to that, Your Honor, because that is a very skewed representation of what has transpired in front of the Discovery Commissioner and no one has ever concluded it was simple. Mr. Morgan never said it's simple in his deposition. And the Discovery Commissioner never said it's simple.

Mr. Nady had to pay thousands and thousands and thousands of dollars. I'm hesitant to give you the exact figure because I don't recall it off the top of my head, but it was substantial to pay Mr. Morgan to write this -- what I called a program, what she's calling a query. It's the same thing. It had to be invented. He didn't have to write -- he didn't have to invent a new program like QuickBooks or something like that. I'm not trying to represent that to the Court. But pulling what Mr. Greenberg's law firm has requested was not in an existing form. It had to be created. It had to be -- there had to -- Mr. Morgan had to figure out how to pull the data that the wanted.

MS. RODRIGUEZ: Similarly, we went through the same thing in trying to

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figure out how to pull the QuickBooks, how to pull the trip sheets, how to pull a number of things. So I think Your Honor understands the lay of the land in terms of it not being as simple as Ms. Sniegocki wants to represent. Your Honor indicated that I'm indicating, well, it's the end of the world, so probably it falls somewhere between the two of what both of us are representing here.

THE COURT: Uh-huh.

MS. RODRIGUEZ: But it is very, very labor intensive.

THE COURT: And I assume all of this has been argued to the Discovery Commissioner.

MS. RODRIGUEZ: Oh, absolutely. Repeatedly. And that's why I'm saying how can we possibly come into the court and say, oh, well just pull us another 18 months of data because the Discovery Commissioner, who I'm sure you communicate with quite often, will indicate that these parties have been in front of her repeatedly because this is a very difficult task. Mr. Greenberg has had to pay for some of it, but the defendant had to bear the cost of the majority of it. And so to reopen it now for a new time period does create -- just open up a whole can of worms.

But one thing I do want to respond in terms of their representation because I may have misheard Ms. Sniegocki when she represented the first time to the Court that it was -- the first request was sometime in 2015. And I heard her the second time saying that it was in October of 2016 that they first asked for this.

THE COURT: That's when I took it.

MS. RODRIGUEZ: But Exhibit B, and I put this in my opposition, they weren't really asking for it until after they learned that Bourassa was in front of Judge Delaney saying we represent these members. Mr. Greenberg clearly does not because his

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class order stops in December of 2015. So it was at that point that Mr. Greenberg filed a motion to enjoin. That's what this motion is.

THE COURT: Uh-huh.

MS. RODRIGUEZ: And there's one paragraph in there that says, well, since they're arguing we don't represent them, by the way Court, will you go ahead and extend our time period to make sure that we now represent them. So that wasn't a motion to extend the class period, it was a motion to enjoin Mr. Bourassa from moving forward with the class certification and the resolution on behalf of these drivers that was already reached, resolved through the mandatory settlement conference. Then Greenberg steps up and says, oh, no, by the way, we want to represent them, too. He waited until that time to ask for it. Again, Your Honor has a copy of it in front of you. It's one paragraph that says, by the way, we want to represent everybody through the present.

THE COURT: Okav.

MS. SNIEGOCKI: The relief is requested in the motion filed in October of 2016.

THE COURT: It is.

MS. SNIEGOCKI: This is not a last minute request. Additionally, the plaintiff and the defendants in the Bourassa case -- I'm sorry, the Dubric case, didn't actually move for class certification until January. Our motion was filed in October, three months prior. That is the first thing. This was relief that they were on notice about. This isn't something that is brand new that we're rushing through at the end of the discovery period. It isn't that. It is not that. Again, I heard from defendants that it may have been hard to produce the discovery information I was previously

discussing prior to producing it. They now know how to do it. There is no indication here that says it's still hard for them to do that. I haven't heard any representation from defense counsel.

It might be labor intensive, but the alternative to that, which we posed to the Discovery Commissioner a year or more ago, was they can produce their records in their entirety. The database. The Cab Manager's database in its entirety; QuickBooks database. It would be our job, our burden to sift through the information. It could be done under, you know, a protective order. We're not going to be giving out their trade secrets. The Court can guard it that way. It's very simple to take an external hard drive and copy the entirety of their Cab Manager system which shows the hours worked and copy their entire QuickBooks system which shows the wages paid. That would take probably minutes to do. So that's the alternative if this is so burdensome. But I don't hear that this is burdensome, I just hear that they didn't know how to do it the first time around and now they do. I just don't see where the burdensome argument comes in.

And I would be happy to supplement to sort of refresh Your Honor's recollection just as to the testimony of both Mr. Morgan and what the Discovery Commissioner said, who specifically sanctioned the defendant for the misrepresentation of how hard this was going to be and how impossible it was going to be and for forcing us to have to take this -- what she deemed an unnecessary deposition.

THE COURT: Uh-huh. Okay, here's what I'm going to do. It's never easy with this case. The Discovery Commissioner has opted to wait and see what this Court would do, but this Court, in order to rule on this motion, I think in light of the

considerations that I've raised here and brought to the fore, I need to know what the
Discovery Commissioner's recommendation would be. More specifically, whether
or not it would include and necessitate moving the trial date. So I am going to defer
ruling on this. I'm going to send it back to the Discovery Commissioner and ask her
to enter her recommendation as to on the discovery motions that are pending.

MS. SNIEGOCKI: Well, there are no discovery motions pending. It was -the discovery motion was resolved in terms of the W-4 production, which is a
separate component. That's to determine --

THE COURT: Well, then maybe I misunderstood. I thought you both were saying that you had been arguing these things about this discovery in front of the Discovery Commissioner --

MS. RODRIGUEZ: We have, Your Honor, for several --

THE COURT: -- and that she was waiting --

MS. SNIEGOCKI: Yeah, and they've been ruled in our favor.

MS. RODRIGUEZ: No.

MS. SNIEGOCKI: They've been compelled --

MS. RODRIGUEZ: No.

MS. SNIEGOCKI: They've been compelled to provide the payroll information, the hours worked records and the W-4 information.

MS. RODRIGUEZ: But what she's arguing now --

THE COURT: All right.

MS. RODRIGUEZ: -- to the Court, Your Honor, is what we have been arguing. I heard very clearly in there that, oh, if it's so burdensome just give us everything, give us the whole database. That's what we've been arguing about.

THE COURT: Give you the whole hard drive.

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MS. RODRIGUEZ: Right. Right.

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MS. SNIEGOCKI: It's an alternative. It's not necessarily what we want,

but it is --

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MS. RODRIGUEZ: And the Discovery Commissioner already --

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THE COURT: Let me put it this way in order to end the conflict, momentarily at least. I need the Discovery Commissioner's input on this, specifically to know whether or not if the Court grants this motion to enlarge the certified class that it's

going to necessitate such additional discovery measures as might imperil our trial

date of February 15th. Is it the 15th?

MS. RODRIGUEZ: I think it's the 5th.

THE CLERK: The 18th. No, I'm sorry, February 5th.

THE COURT: The 5th. February 5th of next year. And I need to get that, her recommendation on that. And obviously the same rules would apply, whatever her recommendation is, whatever party doesn't like it within five days can lodge an objection. And I need that to come to the Court swiftly, which means you're going to have to get with the Discovery Commissioner.

And if I can do it by simply requesting by order of the Discovery Commissioner to enter a recommendation based on her assimilated knowledge of the discovery requirements without further briefing, without further argument of the parties, then that's what I would ask her to do. She knows, because of her familiarity with the discovery aspects of this case, she knows at this moment in time probably better than I do what the chances are that enlarging this class would imperil that trial date, because that I'm not willing to do. Once she has given me

her recommendation, then I will rule on this motion. You can count that factored into that ruling will be the matters which I discussed here today.

MS. SNIEGOCKI: Okay. Just so that I'm clear, Your Honor is directing us to bring this -- not enlarging the class period issue, but what impact additional discovery would have?

THE COURT: I'm going to enter an order requesting the Discovery

Commissioner to enter her recommendation to me as to whether or not the additional discovery necessary for you to -- and I will include this motion to her, this motion and opposition -- whether doing so would imperil the trial date. Can you reasonably get it done in that time? Then I will get her recommendation back and I will rule on this motion. If it imperils the trial date, I definitely do not want to do it.

Notwithstanding the question of whether it threatens the trial date or not, there's still the -- I don't know what you want to call it -- the jurisprudential desire, let me put it that way, the desire to make sure that in the protection of class actions in their process through the courts that there is -- that they may expect from the Court protection from other class actions which would imperil any particular class action. But by the same token, that doesn't mean necessarily that they're able to continue to enlarge their classes.

See, I'm looking at this not just from the standpoint of this case. I read with a lot of interest the cases, etcetera, that I put in that supplement to the order that I filed. And I think it's important for a court in looking at a class action, it always means more work, if you will, for both sides. And it is an effective tool if it's used to the extent that it was intended to be used and I don't want to go beyond that. So, that's all I can tell you.

MS. SNIEGOCKI: Understood. May I make one point that I overlooked? THE COURT: Sure. Sure.

MS. SNIEGOCKI: Just to point out, Your Honor, and it may not matter in terms of the ruling. The case was certified for injunctive relief through the present date. So the way that it would stand now is we have a group of class members through December of 2015, December 31st, 2015, certified for damages under (b)3. And then we have a (b)2 certification through the present. So the class members whose claims for injunctive relief are certified as a class action will be able to proceed in this case. Their damages post December 31st, 2015 will have to be tried separately in another case, whether it be the Dubric matter or another case filed by a different plaintiff. So we have -- the way that the order currently stands is it is certified for injunctive relief through the present, but only -- but there's a cutoff for damages. And that was just for efficiency purposes for how do we get the discovery that we need at this present time, instead of having it continuously supplemented.

THE COURT: I thought that was just a question of if there is a need for injunctive relief it should apply to all of the class members.

MS. SNIEGOCKI: Correct. There was -- that is correct. There was no actual injunctive --

THE COURT: But that in terms of the damages for a class that the damages would be limited to this certain definition and that was the way it was certified.

MS. RODRIGUEZ: Right. That's my understanding of it as well, Your Honor. And I do have a motion, as I've indicated to the Court, I have a motion coming on the proprietary of even the class as it stands because they don't have a class representative past 2011 and 2012. So, you know, I just want to give the Court the

heads up that I will be -- that's one of the dispositive motions that I plan to bring within the next, what, 45 days.

THE COURT: So what I'm hearing you saying is we're going to have to jigger with the class anyway.

MS. RODRIGUEZ: Well, it should be --

THE COURT: Might as well let the plaintiff --

MS. RODRIGUEZ: -- like I said, i think it's important to note, Your Honor, you know, there never was any interest in moving to extend it or enlarge it. It's still my position that they've waited until the very last minute to do this --

THE COURT: I understand. I understand.

MS. RODRIGUEZ: -- because they're only doing it because someone else has already -- is already representing those members. And what we're looking to do in that other matter, as Your Honor knows, that matter is up on appeal before the supreme court, but one of the arguments there is that there are completely different members as to who are before this Court versus who are before Judge Delaney's court.

THE COURT: Okay. All right, anything else?

MS. SNIEGOCKI: I mean, if I can just respond to what was said here.

THE COURT: Yep. It's your motion, you get the last word.

MS. SNIEGOCKI: Apparently Mr. Nady doesn't want me to. But we do have a representative post 2012, so if the argument is going to be made in some future motion that we don't, it would be disingenuous. We have Michael Sergeant. He's a certified class representative. He worked there through June of 2014. So to stand here --

1	THE COURT: Rather than argue today a motion that the Court doesn't
2	have before it
3	MS. SNIEGOCKI: No, I understand, but it was just a point that was
4	represented today.
5	THE COURT: I know. I know.
6	MS. SNIEGOCKI: We have a plaintiff who worked through 2014.
7	THE COURT: My comment is directed at both of you.
8	MS. SNIEGOCKI: Understood.
9	THE COURT: Rather than argue a matter that's not before the Court, let's
10	wait until the motion is filed. So I will be entering that order immediately and I
11	assume the Discovery Commissioner will notify you if she feels that she needs
12	anything additional before giving me her recommendation.
13	MS. SNIEGOCKI: Thank you. I appreciate it.
14	THE COURT: All right.
15	MS. RODRIGUEZ: Thank you, Your Honor.
16	THE COURT: Thank you.
17	(PROCEEDINGS CONCLUDED AT 11:14 A.M.)
18	* * * * *
19	
20	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.
21	addio/video proceedings in the above-entitled case to the best of my ability.
22	Liz Sancia
23	Liz Garcia, Transcriber LGM Transcription Service
	,

Electronically Filed 7/12/2017 2:06 PM Steven D. Grierson CLERK OF THE COURT **MOT** 1 LEON GREENBERG, ESQ., SBN 8094 DANA SNIEGOCKI, ESQ., SBN 11715 Leon Greenberg Professional Corporation 2965 South Jones Blvd-Suite E3 Las Vegas, Nevada 89146 4 (702) 383-6085 702) 385-1827(fax) 5 leongreenberg@overtimelaw.com dana@overtimelaw.com Attorneys for Plaintiffs 6 DISTRICT COURT 7 **CLARK COUNTY, NEVADA** 8 9 MICHAEL MURRAY, and MICHAEL Case No.: A-12-669926-C RENO, Individually and on behalf of others similarly situated, 10 Dept.: I Plaintiffs, PLAINTIFFS' MOTION TO 11 12 VS. GAINST DEFENDANTS FOR **TOLATING THIS COURT'S** 13 A CAB TAXI SERVICE LLC, A CAB, ORDER OF MARCH 9, 2017 LLC, and CREIGHTON J. NADY, AND COMPELLING COMPLIANCE WITH THAT 14 Defendants. ORDER 15 16 Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, 17 hereby move this Court for an order sanctioning and holding in contempt defendants, 18 A Cab Taxi Service LLC, A Cab LLC, and Creighton J. Nady, for their willful failure 19 to comply with this Court's order of March 9, 2017 and compelling them to comply 20 with such order. 21 Plaintiffs' motion is brought pursuant to Nev. R. Civ. P. 37(b)(2), is made and 22 based the memorandum of points and authorities submitted with this motion, the 23 attached exhibits, and the other papers and pleadings in this action. 24 /// 25 /// 26 27 28

AA004245

1	NOT	<u>FICE OF MOTION</u>
2	PLEASE TAKE NOTICE TH	IAT the plaintiffs, by and through their attorneys of
3	record, will bring the foregoing Pla	intiffs' Motion to Impose Sanctions Against
4	Defendants for Violating this Cou	rt's Order of March 9, 2017 and Compelling
5	Compliance with That Order which	ch was filed in the above-entitled case for hearing
6	before this Court on	In Chambers August 14 , 2017 , at the hour of
7	·	
8		
9	Dated: July 12, 2017	
10		Leon Greenberg Professional Corporation
11		By: /s/ Leon Greenberg
12		
13 14		Leon Greenberg, Esq. Nevada Bar No.: 8094 2965 South Jones Boulevard - Suite E3
15		Las Vegas, Nevada 89146 (702) 383-6085 Attorney for Plaintiffs
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MEMORANDUM OF POINTS AND AUTHORITIES RELEVANT NATURE AND PROCEDURAL POSTURE OF THIS CASE

This is a certified class action case seeking unpaid minimum wages from defendants under Article 15, Section 16 of the Nevada Constitution. The plaintiffs and the class members are current and former taxi cab drivers employed by the defendants. The Complaint also asserted a claim for the penalty provided under N.R.S. 608.040 for defendants' failure to timely pay the named plaintiffs and certain class members all wages owed at the termination of their employment.

On March 9, 2017, an Order was entered compelling defendants to produce a critically important item of discovery, the existence of which defendants had long concealed and production of which they have vigorously resisted, Ex. "A," March 9, 2017 Order ("the Order"):

...defendants are directed to investigate whether such "J Roll" materials or other computerized records utilized by defendants to compile and total up the hours worked by each class member per each pay period for the statute of limitations period preceding January 1, 2013 exists. If such Excel "J Roll" or other program or material was used by defendants to create and keep track of the foregoing-mentioned total hours worked per pay period by the class members, defendants must produce the same. Plaintiffs' counsel requested the Commissioner to order defendants to produce a sworn statement in the event defendants claim such files and/or programs did not exist, but the Discovery Commissioner declines to order the same and believes that such a determination should be made by the District Judge. If defendants insist they have already produced the "total hours worked per pay period" amounts for the time period prior to January 1, 2013, defendants must confirm that it has been provided and confirm the format in which it has been produced.

[The following paragraph was inserted into the Order by the Discovery Commissioner via a footnote]

A specific concern was raised as to the existence of payroll records (or J-Roll) between 2010 and 2013; Defense counsel is to confirm whether or not these records exist and confirm whether the hours worked by each member of the class during this time frame can be calculated based on the trip sheets and payroll records which have been produced as discussed at the hearing.

///

27 //

28 /

NATURE OF RELIEF SOUGHT

Plaintiffs seek to have this court issue an Order providing for the following:

- (1) Deeming the facts sought to be discovered by "J Roll" (the total hours of work *per pay period by noting the number of hours per day* for each of the class members as required under NRS 608.115(1)(d)) established under Nev. R. Civ. P. 37(b)(2)(A) in the most adverse to defendants fashion, specifically that each of defendants' drivers were working 12 compensable hours per each shift they worked during a given pay period;
- (2) Holding defendants in contempt for their violations of the Court's March 9, 2017 Order, directing full compliance with that Order, and imposing sanctions of \$1,000 a day, to be paid by defendants to Clark County Legal Services, for each day after March 9, 2017 (or a reasonable date after March 9, 2017) that defendants' compliance with such order remains deficient, with the proviso that defendants may purge themselves from all of such contempt sanctions, except for the payment of \$1,000 to Clark County Legal Services, by complying with the March 10, 2015 Order, if they also agree to waive, for NRCP Rule 41(e) calculation purposes, the time period from December 23, 2016 (when plaintiffs' motion to compel production of J Roll was filed that resulted in the March 9, 2017 order) through the date they properly certify with the Court that they have fully complied with the March 9, 2017 order; and
- (3) Awarding attorneys' fees to plaintiffs' counsel for the Motion to Compel on December 23, 2016 which resulted in the March 9, 2017 order and this motion, as provided for in Nev. R. Civ. P. 37(a)(4)(A);

ARGUMENT

I. DEFENDANTS HAVE FAILED TO COMPLY WITH THE COURT'S ORDER OF MARCH 9, 2017 AND HAVE PROFFERED NO BASIS FOR SUCH NON-COMPLIANCE

A. What defendants were ordered to produce:

The Court's Order is clear. It directs defendants to do one of two things:

(a) Investigate whether the "J Roll" Excel files (or other computerized

1 2

records) consisting of a compilation of total hours worked by each class member *per pay period* exists for the time period pre-dating January 1, 2013, and if so, to produce the same; or

(b) If defendants insist such "total hours worked per pay period" amounts for the time period prior to January 1, 2013, they must confirm that it has been provided and confirm the format in which it has been produced.

B. Defendants ignored the Court's order despite plaintiffs' counsel's good faith meet and confer efforts

As demonstrated the in the attached Exhibit "B" declaration of plaintiffs' counsel, plaintiffs' counsel engaged in good faith efforts to secure compliance by defendants' counsel with the Ex. "A" order. *See*, Ex. "B" generally. Such efforts included written correspondence as well as a meet and confer telephone call. *Id.* at ¶¶ 3-5. Defendants' counsel ensured that she would discuss compliance with the order with her clients, and that she anticipated a sworn declaration would be produced by Mr. Nady. *Id.* at ¶ 5. Defendants have neither produced the "J Roll" files, nor confirmed that such materials have already been produced and in which form they were produced (defendants, of course, having never produced any such "total hours worked per pay period" materials for the time period prior to January 1, 2013), as required by the Exhibit "A" order. Nor have defendants provided any such sworn affidavit by Mr. Nady.

Additionally, a sworn affidavit by Mr. Nady would *not* cure defendants' non-compliance with the Exhibit "A" order. First, the order does not provide for defendants to evade production of "J Roll" by simply denying its existence. Second, it has already been established, via deposition testimony by Mr. Nady as defendants' Nev. R. Civ. P. 30(b)(6) witness that "J Roll" does, in fact, exist, and can be produced. Ex. "C" testimony of November 22, 2016 pp. 66-90.

Defendants cannot be allowed to disavow the existence of crucial materials

(hours worked information for all the class members which bears on damages for the class for the period prior to January 1, 2013) that they *already testified did exist and were able to be produced*. Ex. "C" at 71:23-72:22. If defendants now claim such materials do not/have not/never existed, they should be precluded from asserting any defense that the class members worked any fewer compensable hours during each of their shifts at issue than the full 12 hour shift to which they were assigned.

CONCLUSION

For all the foregoing reasons, plaintiffs' motion should be granted in its entirety, together with such further and different relief as the Court deems necessary and proper. Dated: July 12, 2017

LEON GREENBERG PROFESSIONAL CORP.

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

CERTIFICATE OF MAILING

The undersigned certifies that on July 12, 2017, she served the within:

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

by court electronic service to:

TO:

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

/s/ Dana Sniegocki

Dana Sniegocki

EXHIBIT "A"

Nevada Bar No.: 11/15 2965 South Jones Boulevard, Suite E3 Las Vegas, Nevada 89146 Tel: (702) 383-6085 Fax: (702) 385-1827 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,

Case No.: A-12-6699 Dept. No.

Plaintiffs,

VS.

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

Defendants.

DISCOVERY COMMISSIONER'S REPORT AND RECOMMEN

Hearing Date: Hearing Time:

January 25, 2017 9:00 a.m.

Attorney for Plaintiffs:

Leon Greenberg, Esq., and Dana Sniego Leon Greenberg Professional Corporation

AA004253

Attorney for Defendants:

Esther C. Rodriguez, Esq. Rodriguez Law Offices, P.C.

Mark K. Wall, Esq.

Motion to Compel the Production of Documents" filed December 23, 20 2. The items of discovery sought to be compelled by plaintiffs consisted of: (A) a series Excel spreadsheets compiled by defendants kn 7 Roll" which allegedly contain the total hours worked by each class men pay period; and (B) information demonstrating the marital and dependent each of the class members which is alleged to exist in defendants' Quicl records. During the hearing, the Court also noted that defendants' d pertaining to health insurance benefits offered by the defendants to the members during the applicable statute of limitations period lacks inform detailing the cost to the employee (premiums) to secure health insurance himself and his spouse. This information is missing for the time period "2012-2013" on the document proffered by defendants during such hear labeled as A CAB 01917. Such information is necessary to make a dete to whether defendants offered health insurance benefits to their employe complies with the Minimum Wage Amendment to the Nevada Constitut explained in MDC Restaurants et al. v. Diaz et al., 132 Nev. Adv. Op. 7 Ct. 2016), to allow defendants to pay the "lower tier" Nevada minimum After reviewing the briefs and hearing the representations of parties, the Court finds the plaintiffs' motion to compel should be grante parameters discussed below. II.

AA004254

RECOMMENDATIONS

Inis matter came before the Discovery Commissioner on ".

5 impact the parties' abilities to share such information with any experts. Additionally, defendants are instructed to review and investigate their a retrieve this information that shows the marital and dependent status of class members as reported to defendants by such class members from the Quickbooks files. Such information must be gathered by defendants for of the statute of limitations period through and including the present tim defendants are only required to produce such information to plaintiffs' and including December 31, 2015. In the event the District Judge expan frame of the certified class period, defendants shall provide all such pos 31, 2015 information to plaintiffs' counsel. In so recommending this, th Commissioner does not impose upon the defendants any obligation to vi such information as reported to defendants by the class members is factor IT IS FURTHER RECOMMENDED that pertaining to the portion plaintiffs' motion that sought an order compelling production of the "J I spreadsheets, defendants are directed to investigate whether such "J Rol or other computerized records utilized by defendants to compile and total hours worked by each class member per each pay period for the statute of period preceding January 1, 2013 exists. If such Excel "J Roll" or other material was used by defendants to create and keep track of the foregoin total hours worked per pay period by the class members, defendants mu the same. Plaintiffs' counsel requested the Commissioner order defenda

confidentially under a protective order to be used in this litigation only

maintained confidentially until such time as otherwise ordered by the D

Judge. The production of these materials subject to a protective order w

amounts for the time period prior to January 1, 2013, defendants must de Confirm from that it has been provided and confirm from how such information, the amount of "total hours worked per pay period in which it has been produced. My 1 class member, has already been provided.

IT IS FURTHER RECOMMENDED that defendants are to supple disclosures to indicate the total cost to the employee per pay check for a

disclosures to indicate the total cost to the employee per pay check for a to secure health insurance for himself and his spouse for the time period 2013" as specified on the document proffered by defendants during sucl labeled as A CAB 01917.

DATED this 15 day of February, 2017.

La specific concern was raised as to the exi payrore records (or J-ROII) between 2010 al 2

Defence counsel is to Confirm whether or not records exist and confirm whether the hours by each member of the class during this time frame can be calculated based the trip Shute and payrous records which he trip Shute and payrous records which he been produced as discussed at AAOOM2561earing

discussed the issues noted above and having reviewed any materials proj support thereof: hereby submits the above recommendations.

Submitted by:

LEON GREENBERG **PROFESSIONAL** CORPORATION

LEON GREENBERG, ESO. Nevada Bar No.: 8094

DANA SNIEGOCKI, ESQ.

Nevada Bar No.: 11715

2965 South Jones Boulevard, Suite E3 Las Vegas, Nevada 89146 Tel: (702) 383-6085 Fax: (702) 385-1827

leongreenberg@overtimelaw.com

dana@overtimelaw.com Attorneys for Plaintiffs

Approved as to form and co

RODRIGUEZ LAW OFF

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

NOTICE

Pursuant to NRCP 16.1(d)(2), you are hereby notified you have fix days from the date you receive this document within which to file objections.

The Commissioner's Report is deemed received three (3) days mailing to a party or his attorney, or three (3) days after the cl court deposits a copy of the Report in a folder of a party's law 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
	Placed in the folder of counsel in the Clerk's office on the, 20
	Electronically served counsel on Feb. 10, 12

By Commissioner Designee

<u>UKDEK</u>

	The Court, having reviewed the above report and recommen
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 Commissioner pursuant to E.D.C.R. 2.34(f),
	Having received the objections thereto and the written argu support of said objections, and good cause appearing,
	* * *
AND	-
	IT IS HEREBY ORDERED the Discovery Commissioner's Recommendations are affirmed and adopted.
MANAGEMENT OF THE PROPERTY OF	IT IS HEREBY ORDERED the Discovery Commissioner's Recommendations are affirmed and adopted as modified in manner attached hereto.
	IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report and Recommendations is set for, 2017, at: a.m.
Dated	this
	Con.

DISTRICT COURT JUD

EXHIBIT "B"

LEON GREENBERG, ESQ., SBN 8094 1 DANA SNIEGOCKI, ESQ., SBN 11715 Leon Greenberg Professional Corporation 2965 South Jones Blvd- Suite E3 Las Vegas, Nevada 89146 3 702) 385-1827(fax) 4 eongreenberg@overtimelaw.com 5 dana@overtimelaw.com Attorneys for Plaintiffs 6 DISTRICT COURT 7 CLARK COUNTY, NEVADA 8 MICHAEL MURRAY, and MICHAEL Case No.: A-12-669926-C RENO, Individually and on behalf of 9 others similarly situated, Dept.: I 10 Plaintiffs, DECLARATION OF PLAINTIFFS' COUNSEL, 11 VS. 12 A CAB TAXI SERVICE LLC, A CAB, LLC, and CREIGHTON J. NADY, 13 Defendants. 14 15 16 Dana Sniegocki, an attorney duly licensed to practice before this Court, hereby 17 affirms, under penalty of perjury, the following: 18 1. I am one of the attorneys representing the plaintiffs in the above-entitled 19 action. 20 2. On May 11, 2017, I sent the Ex. "1" correspondence to defendants' counsel, 21 Esther Rodriguez, concerning defendants' failure to comply with the Ex."A" order and produce the "J Roll" Excel files. 23 3. On May 18, 2017, defendants' counsel responded in writing, purportedly 24 addressing the issues raised my May 11, 2017 correspondence, but such letter was 25 silent about defendants' efforts to produce the previously compelled "J Roll" files. Ex. 26 27 "2" letter of May 18, 2017. 28 4. In response, I again communicated in writing to defendants' counsel on May 19, 2017. Ex. "3." Such letter gave defendants ample time to comply with the Ex. "A"

AA004261

order and produce the "J Roll" files by May 25, 2017. 5. I spoke by phone to defendants' counsel, Esther Rodriguez on May 26, 2017. During such phone call we discussed defendants' failure to produce the "J Roll" files as ordered by the Ex. "A" March 9, 2017 order. Defendants' counsel explained that Mr. Nady would be providing a sworn affidavit regarding the non-existence of any "J Roll" files and that no such files were going to be produced. 6. Since my May 26, 2017 phone call with defendants' counsel, no such sworn affidavit by Mr. Nady has been served, nor have any of the previously compelled "J Roll" Excel files been produced. I have had no further communication from Ms. Rodriguez, or defendants' other counsel, Michael Wall, regarding compliance with the Ex. "A" March 9, 2017 order. Affirmed this 12th day of July, 2017. /s/<u>Dana Sniegocki</u> Dana Sniegocki, Esq.

EXHIBIT "1"

EXHIBIT "1"

ELECTRONICALLY SERVED 5/11/2017 6:20 PM

LEON GREENBERG

Attorney at Law
2965 South Jones Boulevard • Suite E-3
Las Vegas, Nevada 89146
(702) 383-6085

Leon Greenberg
Member Nevada, California
New York, Pennsylvania and New Jersey Bars
Admitted to the United States District Court of Colorado
Dana Sniegocki
Member Nevada and California Bars

May 11, 2017

Fax: (702) 385-1827

Esther C. Rodriguez, Esq. 10161 Park Run Drive, Suite 150 Las Vegas, Nevada 89145

Via Court Electronic Service

Re: Murray v. A-Cab

Dear Ms. Rodriguez:

As a follow-up to my letter of May 9, 2017 (delivered to you today due to technical issues with the e-service system), I write regarding other outstanding discovery ordered produced by the Discovery Commissioner and not provided by defendants. The DCRR entered on March 9, 2017 and served on March 13, 2017, compelled the production of W-4s for the class period. As our office has previously explained, it is not the W-4's themselves but their indication of each class members' marital status (married or unmarried) that is of critical relevancy in this case. As further discussed at Mr. Nady's deposition, that marital status indication exists for every class member in defendants' Quickbooks system (it is necessary for preparing their payroll checks) and can be readily exported into an Excel file. Please have that Excel file provided (that is far easier than producing copies of hundreds of W-4 forms) and there should be no need for production of the W-4 copies.

The foregoing DCRR also compelled the production of the "J-Roll" Excel

Page 1 of 2



AA004264

files for the class period prior to January 1, 2013. Mr. Nady testified at his deposition about those files. They need to be produced.

Defendants have provided neither of the foregoing compelled discovery items, despite the lifting of the stay 10 days ago. Please most promptly produce such materials or inform our office within the next few days when we should be expecting production of the same.

Finally, I want to make clear that defendants' incessant claims that plaintiffs have failed to timely prepare this case for trial are absolutely false and it is defendants, by failing to honor their discovery obligations and comply with the Court's Orders, that have caused the delays in this case. The foregoing materials are centrally important to this case and there is no reason for their continued non-production. In particular, the marital status of the class members will very materially impact the damages owed to them (by establishing an entitlement to the "higher tier" minimum wage for many class members). Defendants' failure to provide that information is without excuse. Unless such information is most promptly provided, plaintiffs intend to ask the Court to issue an Order remedying that failure by holding that *all* of the class members are entitled to the higher tier minimum wage rate.

Dana Sniegocki

Very truly you

cc. Michael K. Wall, Esq.

EXHIBIT "2"

Rodriguez

LAW OFFICES, P.C.

www.rodriguezlaw.com

May 18, 2017

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

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

Dear Ms. Sniegocki:

I am in receipt of your letter of May 11, 2017 in the above matter. Despite entering into a stipulation to stay the proceeding, you deliberately violated the agreement, and the Court's order, on multiple occasions during the stay of March 2 through May 1, 2017 by continuing to file pleadings during that time period.

In your letter, you reference a Discovery Commissioner's Report and Recommendation entered on March 9, 2017 and served on March 13, 2017. However, I cannot locate such a document. What I have located is a DCRR signed on March 7, 2017 by Judge Cory, filed by your office on March 13, 2017, and not served on my office until March 31, 2017, all dates of which were during the stay of the proceeding.

Nevertheless as the stay has now been lifted, A Cab is in the process of retrieving all of the W-4's as ordered by the Discovery Commissioner.

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

Esther C. Rodriguez, Esq.

El Rodriguez

ECR:srd

cc: Michael Wall, Esq.

EXHIBIT "3"

ELECTRONICALLY SERVED 5/19/2017 11:31 AM

LEON GREENBERG

Attorney at Law
2965 South Jones Boulevard • Suite E-3
Las Vegas, Nevada 89146
(702) 383-6085

Leon Greenberg
Member Nevada, California
New York, Pennsylvania and New Jersey Bars
Admitted to the United States District Court of Colorado
Dana Sniegocki
Member Nevada and California Bars

May 19, 2017

Fax: (702) 385-1827

Esther C. Rodriguez, Esq. 10161 Park Run Drive, Suite 150 Las Vegas, Nevada 89145

Via Court Electronic Service

Re: Murray v. A-Cab

Dear Ms. Rodriguez:

I am receipt of your letter dated May 18, 2017 which is in response to my letter dated May 11, 2017. In your letter, you only address <u>one</u> item of compelled discovery discussed in my letter. Your letter states you are endeavoring to retrieve all W-4s ordered by the Discovery Commissioner, but it states nothing about defendants' efforts to produce the "J-Roll" files also compelled by that same order. You also mention you cannot seem to locate the precise DCRR I reference in my letter. I have attached it to this letter for your convenience.

Regarding the entry of such order during the course of the stay, the order was entered, as orders routinely are, upon delivery to plaintiffs' counsel after they are signed by the Court. Defendants' obligation to actually provide such information, of course, did not occur until the stay lifted, and plaintiffs take no position contrary to that.

Since we met and conferred in person yesterday regarding the issues raised

Page 1 of 2



in my letter dated May 11, 2017, plaintiffs' counsel takes the position that no further efforts are required on the part of our office to facilitate the production of **both items of discovery** ordered by the Court and addressed in such letter.

The two discovery items discussed in my letter dated May 11, 2017 were not given a firm deadline for their production in the Court's order. Defendants were aware of such order compelling that production since January 25, 2017 when the parties appeared before the Discovery Commissioner. Moreover, it has now been 18 days since the stay lifted and defendants have communicated nothing about their progress in producing such items until yesterday, after prompting by plaintiffs' counsel, and only in respect to the W-4 information and not the "J-Roll" files. Unless I hear from you further on defendants' efforts to gather and produce the marital status information appearing in the W-4s (and the Quickbooks electronic record of that information as discussed in my letter of May 11, 2017) and the "J-Roll" files as ordered by the Court, I will expect such production to be made by May 25, 2017. Such a date will give defendants a full 24 days since the lifting of the stay in which to gather and produce such items. Defendants can hardly claim 24 days is an insufficient time to produce items that they were aware they needed to produce on January 25, 2017, a full four months prior.

In the event such items are not produced on that date, or defendants do not provide a reasonable explanation for their failed production or otherwise persuasively communicate about why they need additional time to gather and produce the materials, plaintiffs intend to file a motion for contempt with the Court.

I remain available to discuss any of the foregoing with you. Please feel free to call or e-mail me.

Very truly yours,

Dana Sniegocki

cc. Michael K. Wall, Esq

EXHIBIT "C"

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C
Individually and on behalf of) Dept. No.: I
Others similarly situated,)
)
Plaintiff,)
VS)
A CAB TAXI SERVICE LL, A CAB, LLC)
And CREIGHTON J. NADY,)
Defendants.)
)

RECORDED DEPOSITION OF PMK A CAB TAXI SERVICE LLC & A CAB,

CREIGHTON NADY

Taken on November 22, 2016

At 9:41 a.m.

Evolve Downtown

400 South 4th Street, Suite 300

Las Vegas, Nevada 89101

- 1 Q: Mr. Nady, just again, just to be
- 2 clear, and I apologize for having to continue with
- 3 this because I don't think your testimony is
- 4 completely clear, you're not really sure if there's
- 5 any different system used by A Cab now to keep track
- 6 of the time the drivers are working besides
- 7 information that's on those trip sheets. Is that
- 8 correct?
- A: I am sure that we are using the
- 10 timestamps from the trip sheets for their time.
- 11 Q: For their working time?
- 12 A: Yes, sir.
- 13 Q: Now, do you know if that time
- 14 simply remains recorded on the trip sheets or is it
- 15 taken off the trip sheets and recorded somewhere
- 16 else?
- 17 A: It's not... we also add eight minutes
- 18 to the beginning and end of the shift.
- 19 O: Who does that?
- 20 A: Whoever does their payroll.
- Q: Donna? Anybody else?
- 22 A: Donna does that. Just add it on.
- Q: Does anybody else do that?
- 24 A: If Donna is not there to do
- 25 payroll, I would have to do most of it myself.

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1	Q: Anybody else?	age 67
2	A: No.	
3	Q: Does she actually review the tri	р
4	sheets?	
5	A: Yes.	
6	Q: Do you actually review the trip	
7	sheets when you do the payroll?	
8	A: Yeah, I think so. I do it, I'd	
9	assume she does.	
10	Q: And how many trip sheets have to	be
11	reviewed for each payroll period?	
12	A: I couldn't tell you the exact	
13	number.	
14	Q: Well, you've reviewed them, have	n't
15	you, for the purposes of	
16	A: Yes, but I don't count them.	
17	Q: Is it more than 100?	
18	A: Yes.	
19	Q: Is it more than 200?	
20	A: Yes.	
21	Q: Is it more than 300?	
22	A: Yes.	
23	Q: Is it more than 500?	
24	A: Yes.	
25	Q: And you review 500 trip sheets w	hen

- 1 you prepare the payroll?
- A: You have to get the time somehow.
- 3 Q: You do that yourself, sir?
- A: Well, we have another girl who does
- 5 it also, Nancy, an accountant, who actually does the
- 6 time on every day.
- 7 Q: Has anybody done that previously
- 8 but does not work for the company anymore?
- 9 A: Wendy used to.
- 10 Q: Anybody else?
- 11 A: I don't know. I can't tell you off
- 12 the top of my head. It goes back. Wendy has been
- 13 gone almost four or five years now.
- Q: When was the last time you
- 15 personally did the payroll and reviewed the 500 or
- 16 more trip sheets for the time drivers worked each
- 17 shift to compute the payroll?
- 18 A: Well, by the time we get them
- 19 they're pretty much summated by Nancy, so I did the
- 20 payroll about six months ago when Dona was on some
- 21 sort of a sabbatical.
- Q: Did you review the trip sheets
- 23 with...
- A: I reviewed some of them, not all of
- 25 them.

- 1 Why only some of them? 0:
- 2 A: Because Nancy had already put
- 3 together the times on there for me.
- 4 How did she put together the times?
- 5 You take the beginning and ending
- and we add eight minutes to both ends. 6
- But is that information that's 7 0:
- calculated, the beginning and the ending and the
- 9 eight minutes you've testified about, recorded
- 10 somewhere?
- 11 **A**: Well, no. I don't know. We figure
- 12 out the time on it.
- 13 Well, you figure out the time based
- 14 on the trip sheet, Mr. Nady. But once you figure
- 15 that number out, what do you do with that number?
- 16 We use that as a quide to find out
- 17 if they've earned enough to make minimum wage and we
- put that against what we think their hours are. 18
- 19 Is that number entered into a 0:
- 20 spreadsheet?
- 21 A: Yeah.
- 22 Is there a name used for that 0:
- 23 spreadsheet?
- 24 Α: I don't recall what the name of it
- 25 is. I'm sure there is a name. Do I know what it is?

- 1 No, not off the top of my head, but I could find it.
- 2 If you ask for it, I'll give it to you in writing.
- Q: Did you make any effort for today
- 4 to determine what the name was on that spreadsheet?
- 5 A: No, I didn't look up the name of
- 6 it.
- 7 Q: What's done with that spreadsheet
- 8 after information is put into it?
- 9 A: We probably just save it on the
- 10 computer.
- 11 Q: Excuse me, sir?
- 12 A: Nothing happens to it.
- Q: Well, it's used for the purpose of
- 14 determining whether the driver was earning minimum
- 15 wage. Is that correct?
- A: I believe so. Well, we... there's a
- 17 catch on it that tests itself. Once you put the
- 18 time... you put the time in and the wages there and
- 19 it'll test itself.
- Q: There is a formula in the
- 21 spreadsheet?
- 22 A: I believe so, yeah.
- O: Well, how could it test itself if
- 24 there wasn't a formula?
- MS. RODRIGUEZ: Object to the form.

Page 71 1 A: I don't know. I'm not a computer quy, but it tells me if have to worry about it. 3 Well, you used the word test. just trying to understand... 4 5 A: I assume there's a test on it. 6 MS. RODRIGUEZ: Wait for the guestion. 7 0: Well, you've used that spreadsheet, correct? 8 Pardon? 9 A: 10 You've used that spreadsheet you're Q: 11 describing, correct? 12 I've used it, yes. A : 13 So you have actually personally Q: 14 looked at trip sheets to determine the amount of time 15 manually by analyzing the trip sheet in front of you that the drive worked that shifted, put the amount of 16 17 time into the spreadsheet plus eight minutes, 18 correct? 19 Plus 16 minutes. **A**: 20 Plus 16 minutes? So you have done Q: 21 that... 2.2 I have done that. A: 23 And that spreadsheet that you were 24 describing is prepared for an entire payroll period, 25 which is two weeks, correct?

- 1 A: Yes.
- Q: And it contains the shift
- 3 information for every driver who worked during that
- 4 two-week period, correct?
- 5 A: I believe so.
- Q: And what happens to that
- 7 spreadsheet once it's fully prepared?
- A: We then use that for the payroll.
- 9 Q: And then what happens to the
- 10 spreadsheet?
- 11 A: I don't know. It stays in the
- 12 computer, I believe.
- Q: And then can a copy of that
- 14 spreadsheet be produced?
- 15 A: If you ask for it.
- 16 Q: To your knowledge, do those
- 17 spreadsheets exist in A Cab's computer records?
- 18 A: I don't know, but I would assume
- 19 they do.
- Q: Do you know how far back in time
- 21 those spreadsheets exist?
- 22 A: No.
- MS. RODRIGUEZ: Just so the record is
- 24 clear, this is everything that's been turned over to
- 25 you. You're referring to all the Quickbooks stuff

- 1 that's been given to you, so there's nothing... I mean
- 2 just to prevent you having to guess and that you're
- 3 on the wrong page with him. Everything has been
- 4 given to you.
- 5 Q: Counsel, QuickBooks are not
- 6 spreadsheets. They're not Excel spreadsheets. They
- 7 are not the materials that the witness has described.
- 8 MS. RODRIGUEZ: Okay, I just wanted to
- 9 let you know that's been turned over to you.
- 10 Q: I don't... you are? Excuse me.
- 11 Counsel, we have had QuickBooks production in this
- 12 case. We acknowledge that. It's not what we're
- 13 requiring, though. Counsel, I will state on the
- 14 record that I do want those Excel spreadsheets that
- 15 have been described by the witness...
- 16 MS. RODRIGUEZ: It's all been turned
- 17 over to you.
- 18 O: If this will be considered our meet
- 19 and confer on the record right here, then I will make
- 20 my motion, counsel.
- 21 MS. RODRIGUEZ: That's why I'm giving
- 22 you an opportunity to clarify so that you are
- 23 comfortable that everything has been turned over to
- 24 you. And the reason that I'm bringing that to your
- 25 attention now is that I assume you're going to use up

- 1 every minute of the seven hours and I will not have a
- 2 chance for cross examination, so I do just want to
- 3 clarify that for you right now while we're addressing
- 4 this. This has been turned over to you.
- 5 Q: Well, if I believe that it hasn't,
- 6 I should proceed with a motion to the court, counsel?
- 7 If that's your position, that's fine. And I don't
- 8 want...
- 9 MS. RODRIGUEZ: I don't know what to
- 10 tell, you to be honest. It's been turned over to
- 11 you. I just wanted to let you know that.
- 12 Q: Counsel, I have not been provided
- 13 with any Excel spreadsheets as the witness has
- 14 described here today. He's testified they exist. He
- 15 doesn't know for how long a period they exist, but he
- 16 has personal knowledge of them. He's testified he
- 17 has actually worked with them.
- 18 A: I'm not sure if it's an Excel
- 19 spreadsheet.
- MS. RODRIGUEZ: Just go ahead and wait.
- Q: Nothing of that sort has been
- 22 provided, counsel.
- MS. RODRIGUEZ: That's fine. I mean I
- 24 will clarify that if I have an opportunity for cross
- 25 examination, but I just wanted to give you the heads

- 1 up as a courtesy. So go ahead.
- Q: Again, counsel, I intend to make
- 3 the motion to produce it and I don't see that there's
- 4 any need for us to confer further, because you're
- 5 telling me it's been produced and I'm saying it
- 6 hasn't been. And we can just leave it at that and
- 7 we'll make our record before the court when I make my
- 8 motion to the court and the court will decide what to
- 9 do with that. Is that understood, counsel?
- 10 MS. RODRIGUEZ: That's fine.
- 11 Q: Okay, thank you.
- 12 A: And since I was there when
- 13 everything was produced, everything we have we've
- 14 given you on that. We have no reason to hide this
- 15 stuff, because we're pretty proud of it. So I might
- 16 have misstated when I said it was on a spreadsheet.
- 17 It might be part of QuickBooks. It might be a thing
- 18 on OuickBooks that tells us where the world we're
- 19 under.
- Q: Mr. Nady, you've described an
- 21 analysis done for each shift of each trip sheet. I
- 22 mean each day the driver worked, someone is figuring
- 23 out the total amount of time they worked each day,
- 24 correct?
- 25 A: I did.

- 1 Q: The QuickBooks payroll contains
- 2 information as to the total number of hours someone
- 3 works during a payroll period. Do you understand
- 4 that?
- 5 MS. RODRIGUEZ: I'm sorry. I can
- 6 barely... your voice drops, so I didn't hear the
- 7 question.
- 8 Q: Mr. Nady, when the payroll is
- 9 prepared, it's for a two-week period, correct?
- 10 A: Yes.
- 11 Q: And the QuickBooks includes a
- 12 statement with that payroll as to the total number of
- 13 hours the driver worked during the two-week period,
- 14 correct?
- 15 A: It does.
- 16 Q: And I'm talking currently, for the
- 17 last two years, it does, correct?
- 18 A: You're talking currently... I don't
- 19 know if that's correct or not.
- Q: You don't know if the QuickBooks
- 21 currently contains a statement as to the number of
- 22 hours a driver worked...
- A: You've seen it of course they do.
- 24 They're on there. If you look on the stub, you'll
- 25 see that there is a number of hours on there, and you

- 1 know that. We've discussed that before.
- Q: But does the QuickBooks contain a
- 3 statement as to the number of hours a driver worked
- 4 each day?
- 5 A: No.
- Q: Now, the sheet that you were
- 7 describing to me where you have reviewed trip sheets
- 8 and entered information regarding how long a driver
- 9 worked each day based on the trip sheet information,
- 10 does that spreadsheet have you enter a starting time
- 11 and an ending time of the shift and, perhaps in
- 12 another column, break time amounts or other
- 13 information? Can you describe that sheet to me,
- 14 please?
- 15 A: I can't describe it. I don't do
- 16 that part.
- Q: Well, Mr. Nady, you've testified
- 18 that you have on occasion prepared the payroll and
- 19 reviewed trip sheets and entered information into
- 20 this spreadsheet that had as you called it a test
- 21 in it. Do you recall testifying about that role a
- 22 while ago?
- A: When the payroll is done, that I
- 24 did about four or five months ago, I had hours
- 25 already in... all I needed to do was enter the time off

Ι

- 1 of the... someone else gave me the time in there.
- 2 don't remember where it came from, but I do on
- 3 occasion review the trip sheets when I was doing that
- 4 to verify what they had. If something was askew or
- 5 out of the normal, I actually looked at the trip
- 6 sheets.
- 7 Q: So to be clear, you did not
- 8 actually review the trip sheets to enter the time in
- 9 that spreadsheet you were talking about; is that
- 10 correct?
- 11 A: No, I did not.
- 12 Q: But you say you looked at some trip
- 13 sheets to consult them in respect to certain entries
- 14 in that spreadsheet?
- 15 A: What I recall is that when I was
- 16 doing that if somebody had an immense amount of time
- 17 or a little amount of time, I wanted to see what it
- 18 was, so I might have to go through the trip sheets.
- 19 If it's just a normal time or if there were two trip
- 20 sheets for the same day for the same person, it's a
- 21 red flag so you take a look at it.
- O: Is that Excel file that we've been
- 23 discussing where the time is recorded called the J
- 24 roll?
- A: Yes, I think that's it. I'm not

NADY, CREIGHTON on 11/22/2016 Page 79 Page 79 This is something I do every day and it's 1 certain. been six months or four or five months since I did it. I don't remember, but I think it's called the J roll as opposed to the payroll. 5 0: Do you know why it's called the J 6 roll? 7 They named it after me. **A**: And who named it? 8 0: 9 I did. **A**: 10 And who created it? Q: I think I helped with. 11 A: 12 Did anybody else help with it? Q: 13 I can't recall. It's been around **A**: 14 since a year, two years. 15 0: Did it exist in 2010? 16 I don't know. I don't think so. Α: Ι 17 don't recall a J roll then. 18 Did it exist in 2012? 19 I don't recall. It might be... I A: 20 think it did. 21 You say you've helped design that 0: 22 spreadsheet. Can you tell me what you did to help 23 design that spreadsheet? 2.4 **A**: No, I can't. I don't recall. It's

been a long time.

25

- 1 Q: Can you tell me anything about how
- 2 that spreadsheet is set up?
- 3 A: To the best of my recollection, it
- 4 says when they started and when they ended.
- 5 Q: So you're saying that and correct
- 6 me if I'm wrong that in one row and column someone
- 7 would enter a start time, 12:30 for example, and then
- 8 in another row and column intersection they'd enter
- 9 an end time, say 10:30, and then the spreadsheet
- 10 would calculate the difference between those two time
- 11 entries? Is that correct?
- 12 A: I believe so.
- 13 Q: And was there another column or
- 14 modification to the formula to add the 16 minutes of
- 15 additional time that you said was added to each
- 16 shift?
- 17 A: I think so.
- 18 Q: But do you know?
- 19 A: I said I think so. If I said I
- 20 knew, I would be different, but I said I think so.
- 21 That means I don't know for sure, but I think it's
- 22 there.
- Q: It would be helpful if you just
- 24 said you didn't know if you don't know for sure.
- 25 A: Oh, I don't know. I assume it's

- 1 there.
- Q: Okay. Thank you.
- A: Because that's the policy. It's
- 4 out there somewhere. Where it is, I can't say
- 5 specifically.
- 6 Q: Is there any reason that the J roll
- 7 documents or spreadsheets that are in possession of A
- 8 Cab have not been produced in this litigation?
- 9 A: Are you assuming they haven't been
- 10 produced?
- 11 Q: Yes, I am. They have not been
- 12 produced. I'm telling you that, Mr. Nady.
- 13 A: No, I don't know. If they haven't
- 14 been produced, maybe you didn't ask for them in the
- 15 right way. I don't have any clue. How does that
- 16 sound?
- 17 Q: Did your attorney instruct you that
- 18 the court had directed all records of time that
- 19 drivers worked were to be produced in this case?
- 20 MS. RODRIGUEZ: I'm going to object to
- 21 the form. You're asking him for attorney-client
- 22 communications. Perhaps you can rephrase.
- 23 Otherwise, I'm going to instruct him not to answer.
- Q: Mr. Nady, were you made aware in
- 25 this litigation that the defendant was directed by

- 1 the court to produce all records it that had showing
- 2 the time that drivers were working?
- 3 A: Yes.
- 4 Q: Is there some reason in response,
- 5 to your knowledge, of that directive you did not
- 6 produce the J roll?
- 7 MS. RODRIGUEZ: I'm going to object it
- 8 misstates his testimony.
- 9 A: I think everything that we had,
- 10 including a J roll, was presented. It might be in a
- 11 different name than you're accustomed to, and it
- 12 might be in a different name than the J roll. Maybe
- 13 it's part of QuickBooks and it's part of that. But
- 14 I'm going to assume, as we have instructed our people
- 15 and me to produce everything, that we have produced
- 16 everything and as with payroll. So do I think we
- 17 didn't give you something? No, we certainly didn't
- 18 hide anything. I'm under oath when I'm saying this.
- 19 I understand that.
- Q: So Mr. Nady, what I understand is
- 21 that there was no intention by A Cab to not produce
- 22 the J roll...
- 23 A: I'm saying we have produced it all
- 24 and you're saying we haven't, so we have a
- 25 disagreement. We have given you everything we have

- 1 that we do our payroll.
- Q: Well, have you discussed with
- 3 anyone the production of J roll materials in this
- 4 case?
- 5 MS. RODRIGUEZ: Again, outside of
- 6 discussions with counsel. I'm going to instruct him
- 7 no to answer that, Leon, if that's what you're
- 8 asking.
- 9 Q: Counsel, I will break the question
- 10 up, because it is not privileged to the extent that
- 11 it involves discovery that the defendant has been
- 12 instructed to provide. Mr. Nady, besides your
- 13 counsel, have you had any conversations with anyone
- 14 at A Cab about producing J roll spreadsheets?
- 15 A: Probably I've informed Donna to
- 16 give you everything that we have. I think that the
- 17 name J roll is what our problem is here. I don't
- 18 think that the J roll is a separate document. I
- 19 think it's basically our payroll, as I stated
- 20 earlier. They just call it the J roll, but I think
- 21 it's nothing more than in the QuickBooks. And
- 22 QuickBooks has a whole bunch of stuff in it that
- 23 might look to me when we're inputting it as a
- 24 spreadsheet, so I couldn't be mistaken on that. But
- 25 I don't think there's anything you don't have. I am

- 1 certain of it. There's nothing you don't have.
- Q: Did you have any discussion with
- 3 Donna about J roll specifically being among the
- 4 materials to be produced in this... well, did you have
- 5 any discussion with Donna specifically about J roll
- 6 being among the materials to be produced in this
- 7 lawsuit?
- 8 A: No.
- 9 Q: Did you have any specific
- 10 discussions mentioning J roll materials with anyone
- 11 at A Cab as being among the materials to be produced
- 12 in this lawsuit?
- 13 A: No one calls it the J roll except
- 14 Wendy. Everyone else calls it QuickBooks. It's the
- 15 same thing, I believe.
- Q: Well, do you know, sir?
- 17 A: I don't know. I didn't have a
- 18 discussion with...
- 19 Q: Well, no, do you...
- 20 A: We don't talk about J roll because
- 21 only... when Wendy went away, no one called it J roll
- 22 anymore.
- Q: Mr. Nady, you said you believe that
- 24 this J roll spreadsheet I'm using the word
- 25 spreadsheet because we've called it that; I'm not

- 1 saying that you're swearing that that's what it is -
- 2 you say you believe it may be part of QuickBooks. Do
- 3 you know?
- 4 A: No, I don't know.
- 5 Q: So you don't really know if it is
- or is not part of QuickBooks, is what you're telling
- 7 me?
- 8 A: That's correct. I think it is.
- 9 0: And what's the basis for that
- 10 belief?
- 11 A: Just my working with it.
- 12 Q: It doesn't look like an Excel
- 13 spreadsheet to you?
- A: When you're doing payroll, it's
- 15 pretty much inputting. I mean I don't go from one to
- 16 the other.
- 17 Q: Are you aware that Excel works with
- 18 OuickBooks? You can enter information into Excel
- 19 which will in turn be entered into QuickBooks for
- 20 purposes of...
- A: Maybe that's what we're doing,
- 22 maybe. And the answer to my question is I'd
- 23 forgotten that until you brought it up.
- Q: Did you have any discussions with
- 25 your counsel about producing J roll information?

Page 86 1 MS. RODRIGUEZ: Objection; I'm going to instruct him not to answer. Objecting to the form of 3 that. 4 You're asserting a privilege, 0: 5 counsel? MS. RODRIGUEZ: Did you just ask him if 6 7 he had any discussions with me about producing the J roll? Is that the question? 8 9 Yes, that is the question, counsel. 10 MS. RODRIGUEZ: Yeah, I am. 11 It's not privileged, Okay. 0: 12 counsel. We'll mark it for ruling, but let's move 13 Mr. Nady, did you have any discussions with forward. 14 counsel about the need to produce all records 15 maintained by A Cab as to hours worked by cab 16 drivers? 17 MS. RODRIGUEZ: Same objection. 18 I think... A: 19 MS. RODRIGUEZ: Same objection. You're not answering that question. I'm objecting to the 20 form of the question. 21 22 You're objecting to the form or are 0: 23 you asserting privilege, counsel? 2.4 MS. RODRIGUEZ: Both, and I'm giving you an opportunity to rephrase it, if you prefer. 25

- 1 But if you're just asking him something specifically
- 2 about what he and I are talking about, then he's not
- 3 going to answer it in that form.
- Q: Counsel, there's two issues.
- 5 There's the question of whether he had any
- 6 conversations on the subject with you and then
- 7 there's the question of what was actually said. If
- 8 you're instructing him not to answer the first one
- 9 based upon privilege, let's just make it clear on the
- 10 record none of it is privileged, but I can take that
- 11 up with the court at a later date.
- 12 A: Can I go potty?
- MS. RODRIGUEZ: Yeah, I need a break
- 14 too, please.
- 15 Q: Let's just finish this last
- 16 question. Is the privilege being asserted in respect
- 17 to both parts of what I've discussed?
- MS. RODRIGUEZ: Yes, it is. I'm giving
- 19 you an opportunity to rephrase it, if you prefer.
- Q: Okay, we'll take a break now.
- A: How long do you want to be gone?
- 22 Like five minutes?
- MS. MCCALISTER: Going off the record
- 24 at 11:27 a.m.
- We are back on the record in the matter

- 1 of Michael Murray versus A Cab Taxi Service, LLC.
- 2 The time is 11:49 a.m. Please proceed.
- 3 Q: Mr. Nady, I believe you mentioned
- 4 Nancy is the person at A Cab who deals with the J
- 5 roll spreadsheet that we were discussing. Is that
- 6 correct?
- 7 A: I think that the term 'J roll' is
- 8 confusing, because nobody uses that since Wendy left,
- 9 as I said earlier. So I think we should just call it
- 10 the payroll, because I don't know what the J roll is,
- 11 really.
- 12 Q: Well, Mr. Nady, I understand that
- 13 it may have a different name, but we were talking
- 14 about this thing that was described as a spreadsheet
- 15 where information from the trip sheets was put in.
- 16 Nancy is the person you identified who normally deals
- 17 with that process; is that correct?
- 18 A: Yes.
- 19 Q: And how long has she been dealing
- 20 with that process?
- A: I don't know.
- Q: Has it been more than two years?
- 23 A: Yes.
- Q: Has it been more than four years?
- 25 A: Probably.

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1	Q:	Page 89 What's Nancy's last name?
2	A:	I don't know.
3	Q:	What's her position at A Cab?
4	A:	She reviews the trip sheets.
5	Q:	She's an employee of A Cab,
6	correct?	
7	A:	Yes.
8	Q:	And you don't know her last name?
9	A:	No, I don't.
10	Q:	And her job is just reviewing trip
11	sheets?	
12	A:	Yes.
13	Q:	Does that job have a title to it?
14	A:	No.
15	Q:	Does anybody at A Cab have the job
16	responsibility of	verifier?
17	A:	Ah, you can call it that. That
18	would be Nancy.	
19	Q:	Does anybody else have that job
20	responsibility be	sides Nancy?
21	A:	No.
22	Q:	And how long has Nancy worked for A
23	Cab?	
24	A:	I already stated that. I don't
25	know. And you as	ked me two years and I said I don't

- 1 know. And then you asked four years and I said
- 2 probably.
- Q: Mr. Nady, I asked you how long she
- 4 was involved with the entry of that information. I
- 5 didn't ask you how long she was working there.
- A: She's had the same job since she
- 7 got there.
- 8 Q: So she has been a verifier the
- 9 entire time she's been there?
- 10 A: That's your choice of words. She
- 11 reviews the trip sheets.
- 12 Q: Well, does A Cab ever use that
- 13 term, 'verifier,' to describe those duties...
- 14 A: I don't know if anyone does. I
- 15 don't know.
- 16 Q: Have you ever heard that term
- 17 'verifier' used at A Cab to describe her duties?
- 18 A: Yes, I have.
- 19 O: Who has used that term?
- 20 A: Nancy.
- Q: This will be plaintiff's 3. Mr.
- 22 Nady, plaintiff's Exhibit 3 bears Bates number 633.
- 23 Plaintiff's Exhibit 2 bore Bates number 577. I'm
- 24 looking at Exhibit 3, Mr. Nady. There is a section
- 25 that says reporting for work instructions. Do you

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ODM

Esther C. Rodriguez, Esq.

2 Nevada Bar No. 6473 RODRIGUEZ LAW OFFICES, P.C. 3 10161 Park Run Drive, Suite 150 Las Vegas, Nevada 89145 4 702-320-8400 info@rodriguezlaw.com 5 Michael K. Wall, Esq. 6 Nevada Bar No. 2098 7 Hutchinson & Steffen, LLC 10080 West Alta Drive, Suite 200 8 Las Vegas, Nevada 89145 702-385-2500 9 mwall@hutchlegal.com Attorneys for Defendants 10 11 DISTRICT COURT 12 CLARK COUNTY, NEVADA 13 MICHAEL MURRAY and MICHAEL RENO, Individually and on behalf of others similarly Case No.: A-12-669926-C 14 situated, Dept. No. 15 Plaintiffs, 16 vs. 17 A CAB TAXI SERVICE LLC and A CAB, LLC, 18 Defendants. 19 20 ORDER DENYING PLAINTIFFS' 21 MOTION FOR PARTIAL SUMMARY JUDGMENT Plaintiffs' Motion for Partial Summary Judgment came on for hearing before this Court on 22 May 18, 2017, at 10:15 a.m., and for follow-up argument following additional briefing on May 25, 23 2017, at 1:00 p.m. Plaintiffs were represented at both hearings by their attorneys, Leon Greenberg 24 and Dana Sniegocki of Leon Greenberg Professional Corporation. Defendants were represented at 25 both hearings by their attorneys, Esther C. Rodriguez of Rodriguez Law Offices, P.C., and Michael 26 27 K. Wall of Hutchison & Steffen, LLC.

Page 1 of 4

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following reasons:

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1. Plaintiffs motion seeks partial summary judgment regarding the amount of some of the damages that plaintiffs claim defendants have admitted is due to them based on the Minimum Wage Act ("MWA") for past, unpaid minimum wages for the time period January 1, 2013, through December 31, 2015. Plaintiffs' argument is based on records obtained from defendants during discovery, and the deposition testimony of defendant Creighton J. Nady. Plaintiffs' witness, Charles Bass, has analyzed these numbers, and has provided what plaintiffs characterize as a summary that satisfies NRS 52.275. Defendants dispute that Bass' declaration qualifies as a summary under the statute. Plaintiffs have neither disclosed Mr. Bass as an expert witness nor provided a report from him.

Having considered the pleadings and motion papers on file herein, and the arguments of

counsel at the hearings, the Court denies plaintiffs' motion for partial summary judgment for the

- 2. Plaintiffs claim that no expert witness is necessary to grant their motion for partial summary judgment because the records review and calculations of Mr. Bass are simple arithmetic, and his conclusion are just a compilation of the data available from the records and a "summary" contemplated by NRS 52.275. Defendants counter that expert testimony is required to determine the amount of damages, that no amount of damages has been conceded, that plaintiffs have presented numerous and conflicting damages figures based on Mr. Bass' "arithmetic," that Mr. Bass' methodologies are flawed and his calculations are incorrect, and that the amount of damages is a factual issue that cannot be resolved on summary judgment based on the records now before this Court.
- 3. At the first hearing, the Court concluded that Mr. Bass had not been disclosed as an expert witness, and that it was not clear to the Court whether Mr. Bass' conclusions were expert in nature, or merely mathematical calculations, as argued by plaintiffs. The Court requested and received supplemental briefing and materials related to this issue.

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4.	Having reviewed the materials presented, including the sample figures provided by
plaintiffs'	counsel allegedly showing how the damages could be calculated as a matter of
mathemat	ics, the Court concludes that it cannot grant the motion for partial summary judgment.
The Cour	notes that from the presentation made by plaintiffs in the last letter from plaintiffs'
counsel ar	nd the attachments, the Court could not arrive at a simple calculation and could not
understan	d how Mr. Bass' damages numbers were accomplished. It appeared to the Court that it
would req	uire the services of an expert to help the Court or the trier of fact to understand the
calculation	ns.

- 5. The Court concludes that there are genuine issues of fact remaining for trial to a trier of fact, among other things, to determine what the correct calculation would be under any of the scenarios that have been put forward by the plaintiffs. Specifically, plaintiffs have presented numbers in their claimed "summary" of defendants' records which plaintiffs claim can be arrived at by simple mathematics. There is dispute from defendants about whether plaintiffs can even use those numbers and arrive at correct calculations, but plaintiffs have argued that defendants should not be heard to complain if plaintiffs use defendants' numbers from their own documents. But even were the Court to accept that argument, when the Court goes to the calculation, the Court cannot get from the raw numbers provided by Mr. Bass and by counsel to a final calculation.
- 6. The Court concludes that getting to a final calculation takes more in the form of an evidentiary nature, more of an evidentiary presentation than simply taking numbers off of this column and that column and performing simple arithmetic.
- 7. At the hearing, the Court noted that the time for designation of experts and their reports on both sides had passed, but that there was time to reopen expert discovery and to still maintain the presently scheduled February trial date. Therefore, on the Court's own motion, the Court reopened discovery for the purposes solely of having both sides have an opportunity to designate experts and file reports, and to designate rebuttal experts if deemed necessary.

THEREFORE, plaintiffs' motion for partial summary judgment is denied without prejudice. Expert discovery is reopened as indicated above, and the following deadlines are established:

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- (a) Initial Expert Designations are due on or before June 30, 2017.
- Rebuttal Expert Designations are due on or before July 31, 2017. (b)
- (c) Discovery will close on September 29, 2017.
- (d) Dispositive Motions are due on or before October 30, 2017.

All other trial deadlines remain as previously set.

IT IS SO ORDERED.

DATED this \mathcal{D} day of _

Submitted by:

RODRIGUEZ LAW OFFICES, P. C.

Esther C. Rodriguez, Esq. Nevada State Bar No. 6473

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145 Attorneys for Defendants

Approved as to form and content:

LEON GREENBERG PROFESSIONAL **CORPORATION**

declined

LEON GREENBERG, ESQ.

Nevada Bar No.: 8094

DANA SNIEGOCKI, ESQ. Nevada Bar No.: 11715

2965 South Jones Boulevard, Suite E3

Las Vegas, Nevada 89146 Attorneys for Plaintiffs

Electronically Filed 7/17/2017 2:01 PM Steven D. Grierson **CLERK OF THE COURT** 1 ORDR LEON GREENBERG, ESQ., SBN 8094 DANA SNIEGOCKI, ESQ., SBN 11715 Leon Greenberg Professional Corporation 2965 South Jones Blvd- Suite E3 3 Las Vegas, Nevada 89146 4 (702) 383-6085 702\385-1827(fax) 5 leongreenberg@overtimelaw.com dana@overtimelaw.com 6 Attorneys for Plaintiffs 7 8 DISTRICT COURT 9 CLARK COUNTY, NEVADA 10 MICHAEL MURRAY, and MICHAEL RENO, Individually and on behalf of others similarly Case No.: A-12-669926-C 11 situated. 12 Dept.: I Plaintiffs. 13 **ORDER** VS. 14 A CAB TAXI SERVICE LLC, A CAB, LLC, and CREIGHTON J. NADY, 15 16 Defendants. 17 18 19 Defendants filed their Motion for Leave to Amend Answer to Assert a Third Party 20 Complaint on January 27, 2017. Plaintiffs filed their Response in Opposition on February 13, 21 2017. After due and proper deliberation, review of the arguments set forth in each of the 22 parties' briefs, and considering the oral argument by counsel before the Court on May 18, 23 2017, the Court hereby finds: 24 If the Court were to grant defendants' motion at this stage in the proceedings, it would 25 require the Court to sever determination of that cause of action from the Complaint in this 26 case. Accordingly, 27 IT IS HEREBY ORDERED that Defendants' Motion for Leave to Amend Answer to 28 1

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1	Assert a Third Party Complaint is DENIED W	THOUT PREJUDICE.
1 2 3 4 5 6 7	IT IS SO ORDERED. HONORABLE JUDGE KHNNETH CORY DISTRICT COURT, CLARK GOUNTY	July 13, 2017 DATE
8 9 10 11 12 13 14 15 16 17	Submitted by: Leon Greenberg Professional Corp. Dana Sniegocki, Esq. Nevada Bar No. 11715 2965 S. Jones Boulevard - Ste. E-3 Las Vegas, NV 89146 Tel (702) 383-6085 dana@overtimelaw.com Attorney for Plaintiffs	Approved as to form and content: Rodriguez Law Offices, P.C. Esther C. Rodriguez, Esq. Nevada Bar No. 6473 10161 Park Run Drive, Suite 150 Las Vegas, NV 89145 Tel (702) 320-8400 info@rodriguezlaw.com Attorney for Defendants
18 19 20		
21 22 23		

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Response in Opposition on January 30, 2017. Plaintiffs filed their Reply in Support of their Motion on May 11, 2017. 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:

The plaintiffs' motion sought to bifurcate from this case for trial the issue of the individual defendant, Creighton J. Nady's, liability to the plaintiffs from issues of the liability of the corporate defendants. The Court agrees with plaintiffs' position that defendant Nady, if

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liable at all to the plaintiffs, is only liable to the extent that there is *also* a liability finding against A Cab. Defendant Nady's liability is entirely derivative of a finding of liability against A Cab. Furthermore, if A Cab satisfies that liability in full, there will be no need for any liability finding to be made against Defendant Nady.

In addition, to the extent there is any liability finding against defendant A-Cab that it does not satisfy, Defendant Nady may be able to raise a defense that his personal liability must be limited to the extent of his profit from A Cab's activities.

In light of the foregoing, and in the interests of judicial economy, the Court finds that the best course is to bifurcate all issues concerning the liability of Defendant Nady, and his defenses to any such liability, for separate disposition after the liability of A Cab is finally adjudicated. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants is **GRANTED**.

IT IS SO ORDERED.

HONORABLE JUDGE KENNETH COR'DISTRICT COURT, CLARK COUNTY

July 13,2017 DATE

Submitted by:

Leon Greenberg Professional Corp.

Dana Sniegocki, Esq.

Nevada Bar No. 11715

2965 S. Jones Boulevard - Ste. E-3

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dana@overtimelaw.com

Attorney for Plaintiffs

Approved as to form and content:

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Esther C. Rodriguez, Esq.

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Attorney for Defendants

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1	Assert a Third Party Complaint is DENIED WI	THOUT PREJUDICE.
1 2 3 4 5 6 7	IT IS SO ORDERED. Law All Something to the second	July 13, 2017 DATE
8 9 10 11 12 13	Dana Sniegocki, Esq. Nevada Bar No. 11715	Approved as to form and content: Rodriguez Law Offices, P.C. Esther C. Rodriguez, Esq. Nevada Bar No. 6473 10161 Park Run Drive, Suite 150
15 16 17 18	Las Vegas, NV 89146 Tel (702) 383-6085 dana@overtimelaw.com	Las Vegas, NV 89145 Tel (702) 320-8400 info@rodriguezlaw.com Attorney for Defendants
19 20 21		
22 23		

Case Number: A-12-669926-C

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POINTS AND AUTHORITIES

In their Motion to the Court, Plaintiffs have failed to mention critical facts for this Court's consideration. One such critical fact is the procedural history and sequence of events which have been presented to the Court in a distorted and skewed manner. As this Court is aware, the parties (including Plaintiffs) agreed, and this Court ordered a stay of proceedings in this matter from **February 28, 2017 through May 1, 2017** while the parties attempted to resolve this matter through mediation. Right smack in the middle of the stay, and in violation of the stipulation and order staying all proceedings, the Plaintiffs nevertheless filed a Notice of Entry of Order on March 13, 2017, of a Discovery Commissioner's Report and Recommendation filed March 29, 2017. **Exhibit 1**, DCRR 3/29/17.

Once the parties were unable to resolve at the mediation of this matter, and the stay was lifted, Defendants immediately commenced compliance with this outstanding order. In their Motion, Plaintiffs improperly assert that Defendants have failed to comply with is order which they assert has been pending since March; and moreover seek sanctions of \$1,000 per day from March 9, 2017 when a stay was in place. It is Plaintiffs who violated the stay, that was not only stipulated to, but ordered by the Court. Such a request for sanctions is not only without basis and improper, but is **offensive** yet again with Plaintiffs hurling groundless accusations. This type of behavior where Plaintiffs repeatedly seek sanctions as a bullying tactic rather than any substance, has repeatedly been brought to the Court's attention, who in turn warned Plaintiffs' counsel: "what's sauce for the goose is sauce for the gander. It is conceivable at least, that if someone was doing that sort of thing that they might get sanctioned." **Exhibit 2**, Transcript of May 18, 2017, p. 46:6-12 thru p. 47:1-20. The Court in fact recently warned both parties to quit fighting amongst themselves and to litigate their clients' cases first. **Exhibit 3**, 5/18/17 Minute Order.

1. <u>Plaintiffs Are Well-Aware That Defendants Have Already Complied with the Court Order at Issue.</u>

Contrary to Plaintiffs' assertions, the Discovery Commissioner and this Court did <u>not</u> order Defendants to produce a sworn statement pertaining to the non-existent "j-roll" document.

Plaintiffs are well aware of this fact in that they drafted the DCRR for the Commissioner's

approval, and reluctantly included the wording:

"Plaintiffs' counsel requested the Commissioner order defendants to produce a sworn statement in the event defendants claim such files and/or programs did not exist, but the Discovery Commissioner declines to order the same and believes that such a determination should be made by the District Judge." Exhibit 1, 3:26-4:1.

This Court affirmed and adopted these recommendations on March 7, 2017, without revision. Id., p. 7.

Yet, Plaintiffs' Motion complains that defendants have not provided "any sworn affidavit by Mr. Nady." *Plaintiffs' Motion*, 5:19-20. Correspondence was sent to Plaintiffs indicating, "If you believe I am interpreting the DCRR incorrectly, and you will point to the provision of the DCRR indicating an obligation to do so, I will take prompt action to comply." **Exhibit 4**, Defense correspondence of July 31, 2017. No response has been forthcoming from Plaintiffs.

In this same DCRR, the Commissioner handwrote that defendants were to confirm whether or not they had produced the records for the timeframe prior to January 1, 2013 reflecting the total hours worked per pay period and the format in which it had been produced. She further detailed for defendants to confirm whether these records exist, and confirm whether the hours worked by each member of the class during this time frame (2010-2013) can be calculated based on the trip sheets and the payroll records. She did not indicate the format in which this communication was to be made by Defendants to Plaintiffs.

Following this Court's directive for the parties to attempt to "get along," defense counsel believed that talking about the issue and discussing it was the best method of communication. Plaintiffs' counsel in fact confirms in her attached declaration that she was informed by defense counsel that there were no further responsive documents that would be forthcoming *Plaintiffs' Motion*, Exhibit B, paragraph 5. Plaintiffs' counsel then proceeded to instead file the instant motion seeking monetary sanctions and a random ruling that all shifts should be deemed to be a 12 hour shift. *Plaintiffs' Motion*, p. 6. Plaintiffs' request for such a ruling of a 12 hour shift is not supported by any of Plaintiffs' witnesses nor even Plaintiffs' expert who all acknowledge a typical shift is less than 12 hours. It is truly outrageous that Plaintiffs would request the Court to make

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such a leap in prohibiting Defendants from offering accurate evidence and testimony of a typical shift.

2. In Compliance with the DCRR, Defendants Confirmed Production of the Documents **Evidencing Hours Worked, and These Are less than 12 Hour Shifts.**

Defendants did produce the tripsheets and payroll information for the time period of October 2010 through January 1, 2013. The tripsheets were produced to Plaintiffs on an external hard drive (the format requested by Plaintiffs) on February 8, 2017. The payroll records were produced over a year ago on June 13, 2016, also in the format requested by Plaintiffs as excel spreadsheets. The tripsheets contain the starting time for each driver on each shift, as well as the ending time for each shift, as well as the break times for each driver. Thus, the hours worked by each member can be calculated accurately from these documents. Further, the payroll information produced to Plaintiffs reflects what each driver was paid for each respective pay period.

Correspondence was sent to Plaintiffs indicating that if they disagreed that they had not received the information; or that it did not reflect the data as described, to please communicate with defense counsel so that the issue could be put to rest. Exhibit 4. Finally, numerous discussions have occurred in person following the hearings and depositions of this matter, wherein Plaintiffs were advised there are no separate documents known as "j-roll" to be produced.

Defendant Nady was deposed on the issue wherein he testified that all documents had been turned over, and offered that perhaps people were just calling the items by different names; nevertheless, there was no attempt to hide anything from production. Exhibit 5, Nady deposition, p. 82:9-19 thru 83:1.

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II. **CONCLUSION**

Based upon the foregoing points and authorities, Defendants respectfully request this Honorable Court to deny this Motion in its entirety. Defendants complied with this Court's Order affirming the DCRR of March 9, 2017; and confirmed that the documents had indeed been produced to Plaintiffs. The payroll information indeed has been in Plaintiffs' hands for over a year.

DATED this 31st day of July, 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 31st day of July, 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

Alun D. Elmin **DCRR** LEON GREENBERG, ESQ.
Nevada Bar No.: 8094
DANA SNIEGOCKI, ESQ.
Nevada Bar No.: 11715
2965 South Jones Boulevard, Suite E3
Las Vegas, Nevada 89146
Tel: (702) 383-6085
Eax: (702) 385-1827 **CLERK OF THE COURT** Fax: (702) 385-1827 leongreenberg@overtimelaw.com dana@overtimelaw.com 6 Attorneys for Plaintiffs 8 **DISTRICT COURT** 9 CLARK COUNTY, NEVADA 10 MICHAEL MURRAY and MICHAEL RENO, Individually and on behalf of others Case No.: A-12-669926-C 11 similarly situated, Dept. No. 12 Plaintiffs, 13 VS. 14 A CAB TAXI SERVICE LLC and A CAB, LLC, and CREIGHTON J. NADY, 15 16 Defendants. 17 18 DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS 19 20 Hearing Date: February 8, 2017 Hearing Time: 9:00 a.m. 21 22 Leon Greenberg, Esq., Leon Greenberg Professional Corporation. Attorney for Plaintiffs: 23 24 Attorney for Defendants: Esther C. Rodriguez, Esq. Rodriguez Law Offices, P.C. 25 Mark K. Wall, Esq. Hutchinson & Steffen, LLC 26 27 28

I.

FINDINGS

- 1. This matter came before the Discovery Commissioner on "Plaintiffs' Motion to Compel Compliance with Subpoena" filed January 6, 2017.
- 2. The items of discovery sought to be compelled by plaintiffs' motion consisted of materials in the possession of Kamer Zucker Abbott (the "KZA" firm). The KZA firm had represented defendants in a prior United States Department of Labor investigation involving defendants' compliance with the federal minimum wage, this case concerning defendants' compliance with the Nevada state minimum wage during an overlapping time period.
- 3. The KZA firm was duly served with a subpoena and identified, as set forth in defendants' opposition at Exhibit "C," three items, Def Priv 1 through 3. Plaintiffs only addressed at the hearing the production of Def Priv 1 which is described by defendants as an "Internal analysis of driver time 12/01/11-12/23/11."
- 4. Defendants presented to the Discovery Commissioner a one page sample of Def Priv 1 which contained lines of information listing what appeared to be the times certain class members started and stopped working each shift.
- 5. Upon considering the argument of counsel, and the sample presented by defendants of Def Priv 1, the Discovery Commissioner finds that Def Priv 1 is not properly withheld from discovery as attorney work product materials. Based upon the one sample page, there is no evidence that the materials contain any notations, thoughts or impressions of defendants' attorneys. Such materials are not claimed by defendants to be attorney client communications and the Discovery Commissioner finds defendants have not established such materials are attorney work product or otherwise protected from discovery. Based upon the record before the Court, the Discovery Commissioner concludes such materials are compilations of defendants' records of the shifts worked by class members and are properly subject to disclosure.

	6.	An issue is raised whether these materials, even if they were privileged
from p	produc	tion at one time, have ceased to remain so privileged owing to their
disclo	sure to	a third party, the United States Department of Labor, which would
consti	tute a	waiver of privilege such. Counsel for the parties make varying
repres	entatio	ons about that issue. The Court finds that no determination of such issue
which	woul	d require competent testimony from the KZA firm, is necessary or will be
made	as the	Court finds the Def Priv 1 materials are not privileged in the first
instan	ce.	

- The Court also finds that defendants need to advise plaintiffs' counsel if 7. Def Priv 1 is available to be provided as an Excel computer file. If any cost is associated with the production of such material in that form plaintiffs shall bear such cost.
- The Court also finds it will suspend compliance by defendants with its 8. findings until five (5) days after the District Judge adopts this Report and Recommendation.

II.

RECOMMENDATIONS

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IT IS HEREBY RECOMMENDED that pertaining to Plaintiffs' Motion to Compel Compliance with Subpoena" filed January 6, 2017, the item identified as Def Priv 1 in defendants' opposition at Exhibit "C" shall be produced to the plaintiffs' counsel. Defendants may redact any notations, thoughts, or impressions of defendants' attorneys, aithough the example presented in Court

IT IS FURTHER RECOMMENDED that defendants shall advise plaintiffs' counsel if Def Priv 1 is available to be provided as an Excel computer file. If any cost is associated with the production of such material in that form plaintiffs shall bear such cost.

IT IS FURTHER RECOMMENDED that compliance by defendants with the

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Murray v. A. Cab
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findings and recommendations of this Report is suspended until five (5) days after the District Judge adopts this Report and Recommendation.

DATED this day of March, 2017.

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Page 4 of 7

Case Name: Murray v. A Cab, LLC, et al. Case No.: A-12-669926-C The Discovery Commissioner, met with counsel tor the parties, having 3 discussed the issues noted above and having reviewed any materials proposed in 4 support thereof: hereby submits the above recommendations. 6 Approved as to form and content: Submitted by: RODRIGUEZ LAW OFFICES, P.C. EON GREENBERG PRØFESSIONA! CORPORATION 10 11 ESTHER C. RODRIGUEZ, ESQ. LEON GREENBERG, ÉSQ. Nevada Bar No.: 8094 Nevada Bar No.: 6473 0161 Park Run Drive, Suite 150 Las Vegas, Nevada 89145 Nevada Bar No.: 11715 2965 South Jones Boulevard, Suite E3 Las Vegas, Nevada 89146
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leongreenberg@overtimelaw.com
dana@overtimelaw.com
Attorneys for Plaintiffs Fax (702) 320-8401 info@rodriguezlaw.com Attorneys for Defendants 15 16 17 18 19 20 21 23 24 25 26 27

1	Case Name: Murray v. A Cab, LLC, et al. Case No.: A-12-669926-C
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3	NOTICE
4	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
5	objections.
6	The Commissioner's Report is deemed received three (3) days after
7	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).
8	the Clerk's office. E.D.C.R. 2.34(f).
9	A copy of the foregoing Discovery Commissioner's Report was:
10	Mailed to Plaintiff/Defendant at the following address on the day of . 2017:
11	address on the day of, 2017:
12	Placed in the folder of counsel in the Clerk's
13	office on the day of, 2017:
14	Electronically served counsel on Mach 9, 2017, Pursuant to N.E.F.C.R. Rule 9.
15	Tarodant to Minimize Tarodant
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17	By Commissioner Designee
18	Commissioner Designee
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1	Case Name: Murray v. A Cab, LLC, et al. Case No.: A-12-669926-C
3	ORDER
4	The Court, having reviewed the above report and recommendations
5	prepared by the Discovery Commissioner and,
6	The parties having waived the right to object thereto,
7	No timely objections having been received in the office of the Discovery Commissioner pursuant to E.D.C.R. 2.34(f),
8	Having received the objections thereto and the written arguments in support of said objections, and good cause appearing,
10	* * *
11	AND_{Σ}
12	IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted.
13 14	IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted as modified in the following
15	manner attached hereto.
16	IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report and Recommendations is set for, 2017, at a.m.
17 18	Dated this Af day of Masse, 2017.
19	land Mond
20	DISTRICT COURT JUDGE
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EXHIBIT 2

EXHIBIT 2

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1	TRAN	
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3		L DISTRICT COURT
4		INAL DIVISION JNTY, NEVADA
5		
6	MICHAEL MURRAY, et al,) CASE NO. A-12-669926
7	Plaintiffs,) DEPT. NO. I
8	VS.)
9	A CAB TAXI SERVICE, LLC, et al,	
10	Defendants.)
11	BEFORE THE HONORABLE KENN	/ ETH CORY, DISTRICT COURT JUDGE
12	THURSDAY	, MAY 18, 2017
13	TRANSCRIPT RE:	
14	ALL PEND	ING MOTIONS
15	1000101010	
16	APPEARANCES:	
17	For the Plaintiffs:	LEON GREENBERG, ESQ. DANA SNIEGOCKI, ESQ.
18	For the Defendants:	ESTHER C. RODRIGUEZ, ESQ.
19		MICHAEL K. WALL, ESQ.
20	ALSO PRESENT:	CREIGHTON J. NADY
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24	RECORDED BY: Lisa Lizotte, Court Rec	corder
l l		

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the Court has questions.

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THE COURT: Okay.

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THE COURT: I was not aware of that.

MS. RODRIGUEZ: Your Honor, I would like to be heard on the sanctions issue --

THE COURT: Sure.

MS. RODRIGUEZ: -- because I brought this issue up before the Discovery Commissioner and unfortunately it was never addressed. It bothers me and it is a real problem in this lawsuit, as well as my understanding is in the lawsuits -- the other lawsuits that Mr. Greenberg has brought in the Eighth Judicial District Court, in that every pleading he files with the court, particularly with the Discovery Commissioner, every single one he asks for sanctions against me personally, against Mr. Wall, against my client.

THE COURT: Uh-huh.

MS. RODRIGUEZ: And to me, being a member of the Bar for 20 years, sanctions are an extreme measure when there has been some very bad behavior. I've never been sanctioned in 20 years. I can tell Your Honor that I get calls quite frequently from my colleagues that he has terrified because he threatens these sanctions over and over and over. And I think his motive is if you ask for them enough times, eventually you're going to get them. I think they're improper. He's been using them as a bully tactic. I think Your Honor is aware that he's misrepresented to the Nevada Selection on the Judicial Commission where I've applied for a judge position twice. He submitted correspondence indicating already that I have been sanctioned, when I have not been sanctioned.

MS. RODRIGUEZ: And the Discovery Commissioner many moons ago sanctioned A Cab for a deposition that they felt -- that she felt was unnecessary. It remains to be seen whether that deposition was unnecessary or not because it's come -- we've both relied on it quite frequently, so I think it was a necessary deposition. That was of James Morgan. But Mr. Greenberg continues to reiterate to everyone from the Judicial Commission to Governor Sandoval that that sanction was a sanction against me. And, you know, he's got everybody shaking in their shoes about these sanctions and it puts me in a very difficult position of either wanting to protect myself and not file motions which I believe are with good basis and I've argued as to why they're a good basis, they're not frivolous motions, or protecting my client, doing my job, advocating for my client, because every time I advocate for my client he threatens me with sanctions.

I think they're not proper in this instance and I would ask the Court to address those with Mr. Greenberg, that you can't be asking for sanctions every single time you're filing a motion, to be used in this fashion as a bully. It's really a bullying tactic, is why he's threatening these sanctions constantly.

THE COURT: Well, I would not propose to discuss this with Mr. Greenberg, other than to say I suppose what's sauce for the goose is sauce for the gander. It is conceivable, at least, that if someone was doing that sort of thing that they might get sanctioned. I am not -- I'm not at all saying that I feel inclined to tell Mr. Greenberg that he should not ask for sanctions if he thinks they're warranted. I'm here to litigate the issues, whatever they may be. It is obviously more costly and prolongs the litigation if you have bad blood between the attorneys and then you wind up dealing with the case inside the case and it probably is something that is better left

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2	THE COURT: Okay. All right. Yeah, yeah, yeah.
3	MR. GREENBERG: We did discuss that a fair amount, I believe.
4	THE COURT: Okay. All right, we got them covered. Thank you.
5	MR. GREENBERG: Thank you, Your Honor.
6	MS. RODRIGUEZ: Thank you.
7	(PROCEEDINGS CONCLUDED AT 12:59 P.M.)
8	* * * * *
9	
10	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.
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12	Liz Sarcia
13	Liz Garcia, Transcriber LGM Transcription Service
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EXHIBIT 3

EXHIBIT 3

DISTRICT COURT CLARK COUNTY, NEVADA

Other Civil Filing	COURT MINUTES	June 05, 2017
A-12-669926-C	Michael Murray, Plaintiff(s)	
	vs.	
	A Cab Taxi Service LLC, Defendant(s)	

June 05, 2017 3:00 AM All Pending Motions

HEARD BY: Cory, Kenneth COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

JOURNAL ENTRIES

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

COURT ORDERS, Plaintiffs' Re-Notice of Motion to Bifurcate Issue of Liability of Defendant Creighton J. Nady from Liability of Corporate Defendants or Alternative Relief GRANT for reasons urged by Plaintiff. Plaintiff to prepare the Order.

COURT ORDERS, Defendant's Motion for Leave to Amend is DENIED WITHOUT PREJUDICE. If the Court were to grant the Motion, it would simply have to severe determination of that cause of action from the Complaint in this case. Plaintiff to prepare the Order.

COURT ORDERS, Plaintiff's Countermotion DENIED WITHOUT PREJUDICE. Additionally, COURT ORDERS, Plaintiff's anti-SLAPP Motion is DENIED as presently MOOT in light of the Court's denial of the Motion for Leave to Amend. Defendant to prepare the Order

Counsel are reminded of the Court's stern admonition at the 05/18/17 hearing to quit fighting amongst themselves and litigate their clients cases first.

CLERK'S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtimelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

PRINT DATE: 06/27/2017 Page 1 of 1 Minutes Date: June 05, 2017

EXHIBIT 4

EXHIBIT 4

Rodriguez

LAW OFFICES, P.C.

www.rodriguezlaw.com

July 31, 2017

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

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

Dear Ms. Sniegocki:

I am receipt of Plaintiffs' Motion to Impose Sanctions which I interpret to be pertaining to the issue of "j-roll," and documents which I believe have been in your possession for over a year. I am surprised to receive such a motion in that firstly, I thought this issue had been put to rest following our discussions wherein I indicated that my client confirmed there were no additional responsive documents. I am further disturbed by your request for sanctions yet again, following the Court's instruction that the parties attempt to get along in this litigation.

Upon receipt of your motion, I again reviewed the DCRR of hearing 1/25/17, which your office drafted, and confirmed that it indicates the Discovery Commissioner declined to order an additional sworn statement on the "j-roll" issue. Your motion complains that defendants have not provided "any sworn affidavit by Mr. Nady." If you believe I am interpreting the DCRR incorrectly, and you will point to the provision of the DCRR indicating an obligation to do so, I will take prompt action to comply.

In this same DCRR, the Commissioner handwrote that defendants were to confirm whether or not they had produced the records for the timeframe prior to January 1, 2013 reflecting the total hours worked per pay period and the format in which it had been produced. She further detailed for defendants to confirm whether these records exist, and confirm whether the hours worked by each member of the class during this time frame (2010-2013) can be calculated based on the trip sheets and the payroll records. She did not indicate the format in which this communication was to be made by Defendants to Plaintiffs; and I believed that our talking about it and discussing it was the best method of communication. Unfortunately, it appears that you were not satisfied, and proceeded to instead file the instant motion.

Therefore, let me communicate the information once again in writing. I have confirmed (as you should be able to do as well) that Defendants did produce the tripsheets and payroll information for the time period of October 2010 through January 1, 2013. The tripsheets were produced to your office on an external harddrive as you requested on February 8, 2017. The payroll records were produced in the format you requested as excel spreadsheets over a year ago on June 13, 2016. As you are aware, the tripsheets contain the starting time for each driver on each shift, as well as the ending time for each shift, as well as the break times for each driver.

Dana Sniegocki, Esq. July 31, 2017 Page 2 of 2

Thus, the hours worked by each member can be calculated accurately from these documents. Further, the payroll information also produced to you reflects what each driver was paid for each respective payperiod.

Again, if you disagree that you have not received this information; or that it does not reflect the data as described, please communicate with me so that we can put this issue to rest. Finally, I have also advised you during our in-person meetings at the hearings and depositions of this matter, my client indicates there are no separate documents known as "j-roll."

If you believe you are missing something further, please advise me and I will further investigate. Finally, please advise this week if you will be withdrawing your motion pertaining to this issue, and that a responsive pleading will not be required by Defendants. Thank you.

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

Esther C. Rodriguez, Esq.

El Rodriguez

ECR:srd

EXHIBIT 5

EXHIBIT 5

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY, and MICHAEL RENO,) Case No.: A-12-669926-C
Individually and on behalf of) Dept. No.: I
Others similarly situated,)
)
Plaintiff,)
vs)
A CAB TAXI SERVICE LL, A CAB, LLC)
And CREIGHTON J. NADY,)
Defendants.)
	_)

RECORDED DEPOSITION OF PMK A CAB TAXI SERVICE LLC & A CAB,

LLC

CREIGHTON NADY

Taken on November 22, 2016

At 9:41 a.m.

Evolve Downtown

400 South 4th Street, Suite 300

Las Vegas, Nevada 89101

Page 82

- 1 the court to produce all records it that had showing
- 2 the time that drivers were working?
- 3 A: Yes.
- Q: Is there some reason in response,
- 5 to your knowledge, of that directive you did not
- 6 produce the J roll?
- 7 MS. RODRIGUEZ: I'm going to object it
- 8 misstates his testimony.
- 9 A: I think everything that we had,
- 10 including a J roll, was presented. It might be in a
- 11 different name than you're accustomed to, and it
- 12 might be in a different name than the J roll. Maybe
- 13 it's part of QuickBooks and it's part of that. But
- 14 I'm going to assume, as we have instructed our people
- 15 and me to produce everything, that we have produced
- 16 everything and as with payroll. So do I think we
- 17 didn't give you something? No, we certainly didn't
- 18 hide anything. I'm under oath when I'm saying this.
- 19 I understand that.
- Q: So Mr. Nady, what I understand is
- 21 that there was no intention by A Cab to not produce
- 22 the J roll...
- A: I'm saying we have produced it all
- 24 and you're saying we haven't, so we have a
- 25 disagreement. We have given you everything we have

- 1 that we do our payroll.
- Q: Well, have you discussed with
- 3 anyone the production of J roll materials in this
- 4 case?
- 5 MS. RODRIGUEZ: Again, outside of
- 6 discussions with counsel. I'm going to instruct him
- 7 no to answer that, Leon, if that's what you're
- 8 asking.
- 9 Q: Counsel, I will break the question
- 10 up, because it is not privileged to the extent that
- 11 it involves discovery that the defendant has been
- 12 instructed to provide. Mr. Nady, besides your
- 13 counsel, have you had any conversations with anyone
- 14 at A Cab about producing J roll spreadsheets?
- 15 A: Probably I've informed Donna to
- 16 give you everything that we have. I think that the
- 17 name J roll is what our problem is here. I don't
- 18 think that the J roll is a separate document. I
- 19 think it's basically our payroll, as I stated
- 20 earlier. They just call it the J roll, but I think
- 21 it's nothing more than in the QuickBooks. And
- 22 QuickBooks has a whole bunch of stuff in it that
- 23 might look to me when we're inputting it as a
- 24 spreadsheet, so I couldn't be mistaken on that. But
- 25 I don't think there's anything you don't have. I am

Rodriguez Law Offices, P.C. 10161 Park Run Drive, Suite 150

Case Number: A-12-669926-C

AA004337

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1	Murray v. A Cab, LLC, et al; District Court Case A-12-669926-C	
2	attorneys, Leon Greenberg and Dana Sniegocki of Leon Greenberg Professional Corporation.	
3	Defendants were represented at the hearing by their attorneys, Esther C. Rodriguez of Rodriguez	
4	Law Offices, P.C., and Michael K. Wall of Hutchison & Steffen, LLC.	
5	The Court having, read all the pleadings and papers on file herein, hearing the arguments of	
6	the parties, and good cause appearing,	
7	IT IS HEREBY ORDERED that Plaintiffs' Counter-Motion for Sanctions and Attorneys'	
8	Fees IS DENIED WITHOUT PREJUDICE.	
9	IT IS HEREBY ORDERED that Plaintiffs' Anti-SLAPP Motion IS DENIED WITHOUT	
10	PREJUDICE.	
11	DATED this 27 day of /www., 2017.	
12	1 Alland	
13	DISTRICT COURT JUDGE	
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15		
16	Submitted by: Approved as to form and content:	
17	RODRIGUEZ LAW OFFICES, P. C. LEON GREENBERG PROFESSIONAL CORPORATION	
18	22.1 A X - 0	
19	By: Esther C. Rodriguez Esq. LEON GREENBERG, ESQ.	
20	Nevada State Bar No. 8473 Nevada Bar No.: 8094 10161 Park Run Drive, Suite 150 DANA SNIEGOCKI, ESQ.	
21	Las Vegas, Nevada 89145 Attorneys for Defendants Nevada Bar No.: 11715 2965 South Jones Boulevard, Suite E3	
22	Las Vegas, Nevada 89146 Attorneys for Plaintiffs	
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Electronically Filed 11/2/2017 6:57 PM Steven D. Grierson CLERK OF THE COURT **DECL** 1 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 4 (702) 385-1827(fax) leongreenberg@overtimelaw.com 5 dana@overtimelaw.com 6 Attorneys for Plaintiffs **DISTRICT COURT** 7 **CLARK COUNTY, NEVADA** 8 MICHAEL MURRAY, and MICHAEL Case No.: A-12-669926-C RENO, Individually and on behalf of others similarly situated, I 10 Dept.: Plaintiffs, 11 DECLARATION OF PLAINTIFFS' COUNSEL 12 VS. LEON GREENBERG, ESQ. A CAB TAXI SERVICE LLC, A CAB, Re: Motion for Partial Summary LLC, and CREIGHTON J. NADY, 14 Judgment Defendants. 15 16 17 Leon Greenberg, an attorney duly licensed to practice law in the State of 18 Nevada, hereby affirms, under the penalty of perjury, that: 19 1. I, along with Dana Sniegocki, have been appointed class counsel in this case 20 for the plaintiff class. That class is composed of defendants' current and former taxi 21 driver employees. 22 On the Request for Partial Summary Judgment 23 2. Pursuant to this Court's orders, and the discovery process in this case, 24 defendants have provided to my office two excel files: One entitled "10-10-2012 thru 25 6-27-2014 ssn.xlsx" which was created on October 03, 2016 at 6:25:15 p.m. and 26 modified on that date at 6:25:26 p.m. and is 14,633,039 bytes in size and the other 27 entitled "06-28-2014 thru -5-27-2016 ssn.xlsx" which was created on October 03, 2016

at 5:35:01 p.m. and modified on that date at 5:35:28 p.m. and is 18,912,120 bytes in size. In producing those files defendants have advised that they contain the full payroll details for the class members for the time period October 10, 2012 through May 27, 2016 from the defendants' Quickbooks software. Defendants have confirmed they use that software to produce their payroll for the class members. I provided those two Excel files, in the exact same form as provided to my office by defendants' counsel and not further modified in any fashion, to Charles Bass, the consultant hired by my office to summarize those files and compile certain information from those files.

- 3. Annexed as Ex. "B" is an accurate copy of the report of plaintiff's expert, Dr. Terrence M. Clauretie, Ph.D., dated July 18, 2017. That report, and the two Excel files referenced therein, "2013-2015 Payroll Analysis" and "A-Cab All" have been provided to defendants' counsel.
- 4. Annexed as Ex. "C" is an accurate copy of deposition testimony of defendant Nady, pages 66, 117-124, 128-129 taken on November 22, 2016 and pages 94 and 150-154, taken on August 18, 2015.
- 5. I have examined the "2013-2015 Payroll Analysis" Excel file discussed in Dr. Clauretie's Ex. "B" report and in the plaintiffs' motion. That file contains a table (spreadsheet) entitled "2013-2015" which is a "per pay period table." That table lists, on each line, one pay period for one employee, and lists 14,200 such individual pay periods (14,200 lines). It performs, on each line, arithmetic functions on the information contained on that line to calculate the minimum wages owed, if any, for the pay period. Those arithmetic functions (equations) are visible in the particular cells of each line (if one places the cursor over the cell). That file also contains a table (a separate spreadsheet) entitled "2013-2015 per EE." That table tallies, on a single line, the amount of all minimum wages owed, if any, for an employee as shown on all of the employee's lines (pay periods) in the "per pay period table" (the "2013-2015" table) of the file. There are 583 such employees who have that tally made for them in the "2013-2015 per EE" table.

- 6. Because plaintiffs only seek partial summary judgment based upon a portion of the Quickbooks payroll records examined by, and calculations performed in, the "2013-2015 Payroll Analysis" Excel file, I have prepared two excerpts of that file and printed them for use as Exhibits to that motion.
- 7. Annexed as Ex. "D" is a document that is 375 pages long and is printed from the "per payroll period" table (the "2013-2015" table) of the "2013-2015 Payroll Analysis" Excel file. I did not print into this document certain portions of that "per payroll period" table because they are not relevant to the partial summary judgment motion and would make this already lengthy document far longer. I omitted from this document the payroll check number that appeared at Column "A" on every line of that "per payroll period" table. I also omitted from this document calculations made in that "per payroll period" table in Columns "N" and "O" that attempted to determine the amount of minimum wages owed based upon the employee's insurance premium cost.
- 8. Annexed as Ex. "E" is a document that is 19 pages long and is printed from the "per employee" table (the "2013-2015 per EE" table) of the "2013-2015 Payroll Analysis" Excel file. This document does not contain certain portions of that "per employee" table because they are not relevant to the partial summary judgment motion and would make this already lengthy document longer. I omitted from this document information for 35 employees who were owed less than \$10.00 under every minimum wage analysis conducted by the "2013-2025 Payroll Analysis" Excel file and that appears in Ex. "D" and Ex. "E." The three such minimum wage analysis that do appear in this document are at Column "D," the \$7.25 an hour minimum wage rate for all pay periods; Column "E," the \$8.25 an hour minimum wage rate for all pay periods; and Column "F," the \$8.25 an hour minimum wage rate for all pay periods prior to the class member qualifying for health insurance (the "insurance waiting period" time) and the \$7.25 an hour minimum wage rate for all later pay periods. I also omitted from this document calculations made in Columns "N" and "O" of that "per employee" table that attempt to determine the amount of minimum wages owed based upon the employee's insurance premium cost.

- 9. Annexed as Ex. "F" is an accurate copy of deposition testimony of defendant Nady, page 118, taken on June 16, 2017.
- 10. Annexed as Ex. "H" is an accurate copy of defendants' Supplement to Rebuttal Expert Witness Disclosures furnished on September 13, 2017, confirming that they have paid their expert witness, Scott Leslie, CPA, \$47,203 through September 9, 2017. Mr. Leslie's expert witness costs to the defendants are now at least an additional \$1,000 or more over that amount, as he has now attended three depositions since September 9, 2017 consuming at least five hours of his time.
- 11. Annexed as Ex. "I" is an accurate copy of pages 1 and 20-23, and Exhibits 3 to 7 thereof, of the Rebuttal Expert Witness report of Scott Leslie, CPA, furnished by defendants' counsel.
- 12. Annexed as Ex. "J" is an accurate copy of an Order of the United States District Court in the case of *Tallman v. CPS Security* making a award of certain attorney's fees.

On the Request for an Interim Fee Award

13. I have reviewed the contemporaneous attorney time records maintained by my office. As of the date of this declaration those records indicate that I, personally, have expended over 850 hours of my time on the prosecution of this case and my associate, and class co-counsel, Dana Sniegocki has expended over 500 hours of time on the prosecution of this case, for a total of over 1,350 hours. My office's records also indicate that my office has advanced expenses in excess of \$35,000 in connection with the prosecution of this case. Those expenses, summarized, are:

In excess of \$27,200 for expert witness and technical consultant costs;
In excess of \$6,200 for court reporter fees;
In excess of \$500 for court filing fees;
In excess of \$1,200 for postage and printing costs in connection with the dispatch of class notice;
(Total of the above is \$35,200)

14. In connection with a previous sanctions award of \$3,238.65 against

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defendants I was awarded attorney's fees at a rate of \$400 an hour in this case. Ex. "G" is a copy of that prior Order of the Court. I am a member of the Nevada, California, New York, New Jersey and Pennsylvania Bars and was first admitted to the practice of law in 1993. I have been engaged in a full time, and continuous, litigation practice since my admission to the bar. I have over 23 years of experience litigating class action and wage and hour cases and have been appointed class counsel or co-class counsel in over 30 cases. I have recently been awarded fees of \$720 an hour for my work by the United States District Court of Nevada and the Ninth Circuit Court of Appeals. Ex. "K" Order.

15. The prosecution of this case has been made very difficult by the obstructive and improper conduct of defendants during the pre-trial discovery proceedings in this case. It took the conducting of numerous depositions, and motions, to force the defendants to provide any even marginally proper discovery on the class claims (the defendants willfully withholding and refusing to provide such discovery until they were sanctioned by the Court, Ex. "G"). I had to, over defendants' vigorous and protracted opposition, secure class certification in this case. After this case was class certified, defendants requested another District Judge of this Court certify the same claims for a collusive class settlement in another, later filed, lawsuit. This Court, in this action, issued an injunction on an OST to prohibit such improper actions by defendants. Defendants then appealed that injunction, forced Class Counsel to respond to that appeal, and then did not bother to file a reply brief on that appeal (well aware that the appeal was frivolous and brought solely to burden Class Counsel). Defendants have also sought to sue Class Counsel as a third-party defendant in this case (such frivolous request being denied by the Court). The great expenditure of time incurred by my office in the prosecution of this case is entirely the result of defendants' conduct and their refusal to voluntarily disclose the relevant facts and cooperate with the litigation process.

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1	I have read the foregoing and affirm the same is true and correct.
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3	Affirmed this 2nd day of November, 2017
4	/s/ Leon Greenberg Leon Greenberg
5	Leon Greenberg
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EXHIBIT "A"

Electronically Filed 7/14/2017 5:53 PM Steven D. Grierson **CLERK OF THE COURT**

ODM

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Esther C. Rodriguez, Esq. Nevada Bar No. 6473

RODRIGUEZ LAW OFFICES, P.C.

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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,

Defendants.

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

ORDER DENYING PLAINTIFFS'

MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs' Motion for Partial Summary Judgment came on for hearing before this Court on May 18, 2017, at 10:15 a.m., and for follow-up argument following additional briefing on May 25, 2017, at 1:00 p.m. Plaintiffs were represented at both hearings by their attorneys, Leon Greenberg and Dana Sniegocki of Leon Greenberg Professional Corporation. Defendants were represented at both hearings by their attorneys, Esther C. Rodriguez of Rodriguez Law Offices, P.C., and Michael K. Wall of Hutchison & Steffen, LLC.

following reasons:

75 (7) 15

Rodriguez Law Offices, P.C.

161 Park Run Drive, Suite 150

1. Plaintiffs motion seeks partial summary judgment regarding the amount of some of the damages that plaintiffs claim defendants have admitted is due to them based on the Minimum Wage Act ("MWA") for past, unpaid minimum wages for the time period January 1, 2013, through December 31, 2015. Plaintiffs' argument is based on records obtained from defendants during discovery, and the deposition testimony of defendant Creighton J. Nady. Plaintiffs' witness, Charles Bass, has analyzed these numbers, and has provided what plaintiffs characterize as a summary that satisfies NRS 52.275. Defendants dispute that Bass' declaration qualifies as a summary under the statute. Plaintiffs have neither disclosed Mr. Bass as an expert witness nor provided a report from him.

Having considered the pleadings and motion papers on file herein, and the arguments of

counsel at the hearings, the Court denies plaintiffs' motion for partial summary judgment for the

- 2. Plaintiffs claim that no expert witness is necessary to grant their motion for partial summary judgment because the records review and calculations of Mr. Bass are simple arithmetic, and his conclusion are just a compilation of the data available from the records and a "summary" contemplated by NRS 52.275. Defendants counter that expert testimony is required to determine the amount of damages, that no amount of damages has been conceded, that plaintiffs have presented numerous and conflicting damages figures based on Mr. Bass' "arithmetic," that Mr. Bass' methodologies are flawed and his calculations are incorrect, and that the amount of damages is a factual issue that cannot be resolved on summary judgment based on the records now before this Court.
- 3. At the first hearing, the Court concluded that Mr. Bass had not been disclosed as an expert witness, and that it was not clear to the Court whether Mr. Bass' conclusions were expert in nature, or merely mathematical calculations, as argued by plaintiffs. The Court requested and received supplemental briefing and materials related to this issue.

4.	Having reviewed the materials presented, including the sample figures provided by
plaintiffs' co	ounsel allegedly showing how the damages could be calculated as a matter of
mathematics	s, the Court concludes that it cannot grant the motion for partial summary judgment.
The Court no	otes that from the presentation made by plaintiffs in the last letter from plaintiffs'
counsel and	the attachments, the Court could not arrive at a simple calculation and could not
understand h	now Mr. Bass' damages numbers were accomplished. It appeared to the Court that it
would requii	re the services of an expert to help the Court or the trier of fact to understand the
calculations.	

- 5. The Court concludes that there are genuine issues of fact remaining for trial to a trier of fact, among other things, to determine what the correct calculation would be under any of the scenarios that have been put forward by the plaintiffs. Specifically, plaintiffs have presented numbers in their claimed "summary" of defendants' records which plaintiffs claim can be arrived at by simple mathematics. There is dispute from defendants about whether plaintiffs can even use those numbers and arrive at correct calculations, but plaintiffs have argued that defendants should not be heard to complain if plaintiffs use defendants' numbers from their own documents. But even were the Court to accept that argument, when the Court goes to the calculation, the Court cannot get from the raw numbers provided by Mr. Bass and by counsel to a final calculation.
- 6. The Court concludes that getting to a final calculation takes more in the form of an evidentiary nature, more of an evidentiary presentation than simply taking numbers off of this column and that column and performing simple arithmetic.
- 7. At the hearing, the Court noted that the time for designation of experts and their reports on both sides had passed, but that there was time to reopen expert discovery and to still maintain the presently scheduled February trial date. Therefore, on the Court's own motion, the Court reopened discovery for the purposes solely of having both sides have an opportunity to designate experts and file reports, and to designate rebuttal experts if deemed necessary.

THEREFORE, plaintiffs' motion for partial summary judgment is denied without prejudice. Expert discovery is reopened as indicated above, and the following deadlines are established:

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- (a) Initial Expert Designations are due on or before June 30, 2017.
- Rebuttal Expert Designations are due on or before July 31, 2017. (b)
- (c) Discovery will close on September 29, 2017.
- Dispositive Motions are due on or before October 30, 2017. (d)

All other trial deadlines remain as previously set.

IT IS SO ORDERED.

DATED this \mathcal{Z} day of _

Submitted by:

RODRIGUEZ LAW OFFICES, P. C.

Esther C. Rodriguez, Esq.

Nevada State Bar No. 6473 10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

Attorneys for Defendants

Approved as to form and content:

LEON GREENBERG PROFESSIONAL CORPORATION

declined

LEON GREENBERG, ESQ.

Nevada Bar No.: 8094

DANA SNIEGOCKI, ESQ. Nevada Bar No.: 11715

2965 South Jones Boulevard, Suite E3

Las Vegas, Nevada 89146 Attorneys for Plaintiffs

DISTRICT COURT CLARK COUNTY, NEVADA

A-12-669926-C Michael Murray, Plaintiff(s)
vs.
A Cab Taxi Service LLC, Defendant(s)

September 05, 2017 Chambers Motion

HEARD BY: Cory, Kenneth COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

JOURNAL ENTRIES

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

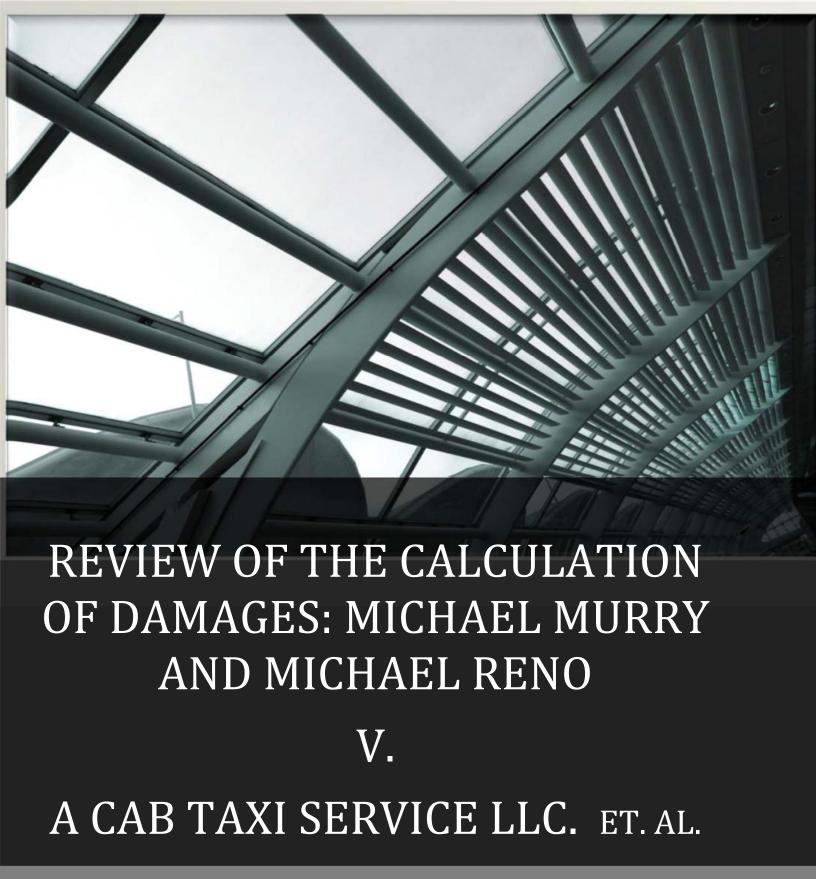
The Motion will be treated as a Motion to Modify or Clarify the Court's Order entered on July 17, 2017, and to that extent, the Motion is GRANTED to include the following to be inserted in paragraph 5, and after the first sentence:

This conclusion is without prejudice to Plaintiffs, through the use of experts or otherwise, to demonstrate to the court the lack of a genuine issue of fact regarding the calculation of damages.

CLERK S NOTE: The above minute order has been distributed to: Lean Greenberg, Esq. (leongreenberg@overtirnelaw.com), Esther Rodriguez, Esq. (esther@rodriguezlaw.com), and Michael Wall, Esq. (mwall@hutchlegal.com). /mlt

PRINT DATE: 09/05/2017 Page 1 of 1 Minutes Date: September 05, 2017

EXHIBIT "B"



Terrence M. Clauretie, Ph.D. July 18, 2017

I. ASSIGNMEMT

I have been asked by Ms. Sharon Nelson and Mr. Leon Greenberg to review the calculation of damages made in this case by Mr. Charles Bass. The purpose of the review will be to indicate if, in my opinion, the calculations have been made appropriately, within a standard of reasonableness for such calculations, to produce results that may be relied upon for a court in determining damages, and if I have suggestions for any modifications to the results obtained by Mr. Bass.

II. PURPOSE OF THE BASS CALCULATIONS

It is my understanding the plaintiffs in this action allege an underpayment of wages by the defendants to their employees in violation of minimum wage legislation in the State of Nevada. Mr. Charles Bass was retained to calculate the alleged underpayment. He has done so by taking information from the defendants' wage payment records regarding the amount of wages paid to those employees each pay period and by applying various assumptions and calculations to those records. One portion of his calculations covers approximately 583 employees (cab drivers) and, as he advised me, examines every complete two week payroll period for those taxi drivers that started on or after January 1, 2013 and that ended on or prior to December 31, 2015. Those calculations are contained in the "2013-2015 Payroll Analysis" Excel file that I discuss, *infra*, and that I am providing with this report. I am advised during all of the

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¹ Damage calculations were also made on approximately 527 drivers in the 2010 to 2012 time period.

time periods discussed in this report the State of Nevada required employers to pay a minimum wage of \$7.25 per hour to those employees for whom the employer made available certain health insurance and \$8.25 per hour to those employees for whom such health insurance was not made available. Furthermore, I have been told by counsel in this case that a "shortage" of pay below the minimum requirements for a particular employee for a particular "pay period" cannot be offset by an "overage" in a previous or subsequent pay period. It is also my understanding that employees did not have available from the employer any health insurance for an initial "probationary" or waiting period of time.²

To reach conclusions about the amount of unpaid minimum wages owed to the drivers Mr. Bass used Excel software. He created various Excel spreadsheets to perform certain calculations on information taken from the defendants' payroll records, from information provided by defendants and plaintiffs' attorneys, and from information taken from the computer files created from the Cab Manager software used by the defendants. As discussed, *infra*, during certain years reviewed the Cab Manager records contain information that infers the times drivers started and ended each of their work days. It also, for the entire 2010 through 2015 time period reviewed, indicates if a driver drove, or was recorded as being assigned to drive, a particular taxi cab on a particular date. It is my understanding that all of the information and computer files used by Mr. Bass were acquired from the defendants

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 $^{^2}$ I am not in a position to opine on the assumptions made by Mr. Bass on the length of such waiting period.

during the discovery process in this case. Ultimately Mr. Bass placed the information he collected and processed into two different Excel files that I examined and that provide the basis for the conclusions I make in this report.

One of the Excel files that Mr. Bass created and that I have used to reach the conclusions in this report is the "ACAB-ALL" file. Mr. Bass advises that file contains all of the information he collected for the taxi drivers for the time period October 8, 2010 through December 31, 2015. That file is constructed to allow a calculation of the minimum wages owed, if any, to each driver for each pay period in several different ways:

- (1) For the period January 1, 2013 through December 31, 2015 (in the "2013-2015" tab) it performs that calculation based upon the hours recorded for each pay period for each driver in the payroll records and also does so based upon the times it is inferred from the Cab Manager system's records that the driver began and ended each work shift;
- [2) For the period January 1, 2013 through December 31, 2015 it can perform that calculation based upon the driver's shift length times as inferred from the records of the Cab Manager system with each shift's length either increased, or decreased, by a uniform amount as specified in Cell O2 (the "O2 Variable") of the spreadsheet in the 2013-2015 tab. This allows such a calculation (which appears in columns Z through AD) to incorporate an assumption that drivers did not actually work for 1 hour, or some other uniform period of time, during

each shift because they were taking a 1 hour meal break or other amount of non-working break time between their Cab Manager inferred shift start and end times;

(3) For the period January 1, 2013 through December 31, 2015, and separately for the period October 8, 2010 through December 31, 2012, it can perform that calculation by applying a uniform shift length to each shift the taxi driver is recorded to have worked in the Cab Manager records, *e.g.*, by assuming every shift worked during the pay period by the employee was the same constant length. This calculation is performed by specifying the desired shift length to be assumed in cell N2 of the "2010-2012" tab and by specifying the desired shift length to be assumed in cell N2 of the 2013-2015 tab (the "N2 Variable"), which generates those calculations in columns Z through AD in the 2013 to 2015 tab and T through X in the 2010 to 2012 tab.

The "ACAB-ALL" file also compiles, from the 2013-2015 and 2010-2012 tabbed spreadsheets "per employee" totals that appear in the spreadsheets tabbed at "2013-2015 per EE" and "2010-2012 per EE." Those two latter spreadsheets are linked, respectively, to the 2013-2015 and 2010-2012 tabbed spreadsheets and update their compiled per employee calculations based upon any changes to the N2 or O2 Variables.

The other Excel file created by Mr. Bass and upon which I rely is the "2013-2015 Payroll Analysis" Excel file. Mr. Bass advises me this file includes the information from defendants' payroll records for the period January 1, 2013 through December 31, 2015. That file calculates the unpaid minimum wages (if any) owed to each driver for each pay period (except for drivers and pay periods that are excluded, as detailed *infra*) at \$7.25 an hour, at \$8.25 an hour, and at a combination of both rates, based defendant's payroll records and, to the extent it uses both of those rates, certain assumptions about when each of those rates should be used for a particular pay period. Those calculations appear at columns T through X of the spreadsheet at the "2013-2015" tab of that file and the spreadsheet at the "2013-2015 per EE" tab of that file compiles at columns D through H for each employee the totals of columns T through X, respectively, of the "2013-2015" tabbed spreadsheet for that employee's pay periods.

The 2013-2015 Payroll Analysis file indicates that if the hours of work each pay period in the payroll records are assumed to be accurate the drivers, collectively, for the pay periods reviewed, are owed \$175,057 at a constant \$7.25 an hour minimum wage rate, \$651,567 at a constant \$8.25 an hour minimum wage rate, and amounts between those figures under various assumptions that Mr. Bass has used to apply those two rates during different time periods. I understand that Mr. Bass, in a declaration submitted to the Court in February of 2017, further examined the records he summarized in the 2013-2015 Payroll Analysis file and determined that if drivers owed less than \$10.00 were excluded from that analysis, the remaining drivers were

collectively owed \$174,423 at a constant \$7.25 an hour minimum wage rate and \$648,521 at a constant \$8.25 an hour minimum wage rate.

As discussed in more detail, *infra*, I have examined the 2013-2015 Payroll Analysis Excel file and the calculations (formulas) that Mr. Bass has embedded into that file. Based upon that examination I can state that (1) The arithmetical results set forth in columns T through X of the spreadsheet at the "2013-2015" tab of that file are accurate calculations of the minimum wage amounts owed, if any, based upon the other information in that spreadsheet, for the payroll period examined on each line at \$7.25 an hour, at \$8.25 an hour, and under the assumptions used by Mr. Bass that apply either a \$7.25 or \$8.25 an hour rate during the pay period; and (2) The arithmetical results set forth in columns D through H of the spreadsheet at the "2013-2015 per EE" tab of that file accurately compiles the totals, for the employee identified on each line of such spreadsheet, of the minimum wage amounts calculated to be owed, if any, and contained in columns T through X, respectively, of that file's "2013-2015" tabbed spreadsheet for that same employee for all of that employee's pay periods analyzed in the latter spreadsheet.

As discussed in more detail, *infra*, I have examined the ACAB-ALL Excel file and the calculations (formulas) that Mr. Bass has embedded into that file. Based upon that examination I can state, as I have in respect to the 2013-2015 Payroll Analysis Excel file, that the arithmetical results set forth in that file are accurate. By that statement I mean the formulas used by Mr. Bass in that file (both in the per pay period

spreadsheets at the "2013-2015" and "2010-2012" tabs and the per employee compilation spreadsheets at the "2010-2012 per EE" and "2013-2015 per EE" tabs) perform the proper calculations on the information contained in those files. That also means any information that may be inserted into the N2 or O2 variables will be linked to and recalculate the per employee values in the EE files.

III. DECLARATION OF MR. CHARLES BASS

Mr. Bass provided a declaration to the court on January 11, 2017 whereby he outlined the steps and assumptions for his calculation of damages as well as summary tables of damages for each employee that are now in the 2013-2015 Payroll Analysis Excel file. The declaration sans tables is attached to this report. The steps and assumptions in the calculations contained in the declaration can be summarized as follows: Mr. Bass utilized three essential files provided by the defendants to create the calculations he discusses in that declaration. Two files contained payroll information, including employee identification numbers, paycheck information such as time period covered, compensation amounts, deductions, and so forth, but not the names of the employees. These two files covered a time period from October 10, 2012 through June 27, 2014 and June 28, 2014 through May 27, 2016. I have been advised by plaintiffs' counsel that the foregoing records for the payroll periods commencing after January 1, 2013 contain "QTY" amounts which are recorded as the Payroll Item "Minimum Wage Subsidy" in those files. I am further advised by plaintiffs' counsel

that defendants claim such QTY amounts are the hours the employee worked during the corresponding payroll period. A third file was a "Driver Contact" file that, essentially identified drivers by name and identification number and allowed the information in the two payroll files to be assigned to a particular named employee. He then utilized information from these three files in a series of steps that involved merging files, sorting and merging relevant data, purging irrelevant data, applying assumptions regarding health insurance coverage, and making and summarizing calculations of damages for the period starting in January of 2013 based solely upon the payroll records and the hours of work per pay period stated in those payroll records. The series of steps are outlined in the declaration. Also, as stated, included in the declaration is the final table of damages. Not included in the declaration are the "intermediate" tables created by the steps summarized in the declaration.

IV. REVIEW PLAN

To fulfill my assignment I met with Mr. Bass four times. On those occasions he and I, having access to his entire work product, went over the steps included in his declaration. I reviewed the steps, the reasons for the steps, the resulting "intermediate" tables, the reasonableness of the intermediate calculations, and the reasonableness of the final calculation of damages. At each stage I include in this report representative segments of the "intermediate" table of results.

A. First Visit: July 5, 2017

STEP ONE; REVIEW OF THE TWO INITIAL EXCEL FILES; 10-10-12 thru 6-27-14xlsx and 06-28-14 thru 05-27-16xlsx.

Figure one shows a segment of one of the two files.

FIGURE ONE

C	D	E	F	G	Н	1	J	K	L
Num	Date	Name Account #	SSN/Tax ID	Payroll Item	Qty	Sales Price	Amount	Pay Period Begin Date	Pay Period End Date
25371	10/19/2012	3624	***-**-6329	Driver Commission	1.00	660.36	660.36	09/29/2012	10/12/2012
25372	10/19/2012	3806	***-**-6626	Driver Commission	1.00	689.02	689.02	09/29/2012	10/12/2012
25373	10/19/2012	15968	***.**.9599	Driver Commission	1.00	862.67	862.67	09/29/2012	10/12/2012
25374	10/19/2012	1076	***-**-9681	Driver Commission	1.00	825.05	825.05	09/29/2012	10/12/2012
25375	10/19/2012	3281	***.**.4942	Driver Commission	1.00	708.86	708.86	09/29/2012	10/12/2012
25376	10/19/2012	3523	***-**-4259	Driver Commission	1.00	124.25	124.25	09/29/2012	10/12/2012
25377	10/19/2012	2826	***.**-2469	Driver Commission	1.00	869.30	869.30	09/29/2012	10/12/2012
25378	10/19/2012	3265	***-**-1707	Driver Commission	1.00	601.02	601.02	09/29/2012	10/12/2012
25379	10/19/2012	3525	***.**-9509	Driver Commission	1.00	568.40	568.40	09/29/2012	10/12/2012
25380	10/19/2012	3812	***-**-6567	Driver Commission	1.00	822.78	822.78	09/29/2012	10/12/2012

It shows the data as explained in the first step of the Bass declaration. The important information is driver ID³, the payroll item and the dollar amount, and the dates for the pay period beginning and end. There are approximately 136,000 lines in this file. There are approximately sixty different "payroll items" (column G, see exhibit) with their own section in the spreadsheet, some of which do not represent compensation to the drivers. A particular driver will occur on several of these "payroll items.". However, some of the "payroll items" are irrelevant to the task at hand which was to determine the total gross earnings, excluding tips, of the employee during each pay period. Examples of irrelevant entries include: Federal withholding, unemployment

³ As indicated above, data from the "driver contact" file can be used to match the driver ID with a name.

insurance, loan advances to a driver, deductions for loan advances, deductions for child support, wage garnishments, dental plans, Nevada and Federal unemployment deductions, and so forth. The typical payroll sections that were included in compensation are: Bonus, minimum wage subsidy, overtime, driver commission, credit card swipe, incentive #1, #2, #4, #5, and driver reimbursements. A complete list, according to Mr. Bass is included in the second exhibit of column G to this report (payroll items included in compensation).

These two files were basically the same except for the time period. Mr. Bass indicated in his declaration and to me that he combined the two tables in single file, for the purpose of constructing the 2013-2015 Payroll Analysis Excel file and ACAB-ALL Excel file. For his construction of the 2013-2015 Payroll Analysis Excel file he eliminated dates (column D) earlier than January 1, 2013. In his construction of both of those Excel files he eliminated all lines for which he could not match the driver ID# with a driver name from the "driver contact" file. He also eliminated all lines for which the "payroll" item was not a part of the driver's gross earnings for the pay period. This exclusion also included the payroll item "tips supplemental" because it was his understanding that the Nevada minimum wage law indicates that any "shortfall" in minimum wage payments from an employer cannot be made up from the employee's tip income. I am advised by plaintiffs' counsel that defendants have confirmed that the payroll item "tips supplemental" corresponds to the amount of tips the employee received, or was credited with receiving, during the payroll period.

On this first visit with Mr. Bass we went over these adjustments to the first two tables and reviewed the resulting table. The resulting table had approximately 64,000 lines (driver payroll dates). Figure two shows a selection from this table for a particular individual, Mr. Peter S. Arnold who worked for the company from September 2014 through January 30, 2015. The seventh column shows the various income items from the payroll data that were considered to determine the total income. For example, for the pay period ending 10/17/2014 he had three income items: credit card swipes for \$1.00, driver commission for \$273.74 and minimum wage subsidy for \$11.04 for a total of \$285.78 (line three). The start date and, if appropriate, an end date for each driver was provided by the defendant in this case. Figure three shows a section of the list of approximately 583 cab drivers that includes the Peter Arnold start and end dates. These dates are consistent for him with those dates in Figure Two.

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⁴ The value of "9" in a row marks the end to the pay period in question.

FIGURE TWO

\$100	57,747,24		\$157.88	\$1918	\$152.78	\$304.37	\$307.37	\$307.37	\$500	\$59.50		\$71.05			\$137.53	273	\$160.70	\$171.70	\$171.70		\$118.38	\$141.63	\$200	\$171.83	\$173.83	\$173.83	\$160.45	\$162.45
\$100	577.74	\$285.78	\$157.88	\$161.88	\$16.78	\$304.37	\$307.37	\$307.37	\$500	8888	05895	\$7105	\$30.46	\$91.46	\$137.53	22.3	\$169.70	\$171.70	\$171.70	\$116.38	\$118.38	\$14163	800	\$17183	\$173.83	\$173.83	\$160.45	\$162.45
		6			6			6				6			0		Г		6			6				6		
		6			6			6				6			6				6			6				6		
10/10/2014	10/10/2014	10/10/2014	10242014	10242014	10242014	1107/2014	11/07/2014	11/07/2014	11/21/2014	11/21/2014	11/21/2014	11/21/2014	12052014	12052014	12052014	12/19/2014	12/19/2014	12/19/2014	12/19/2014	01/02/2015	01/02/2015	01/02/2015	01/16/2015	01/16/2015	01/16/2015	01/16/2015	01/30/2015	01/30/2015
09/27/2014	09272014	99272014	10/11/2014	10/11/2014	10/11/2014	10252014	10252014	10252014	11/08/2014	1108/2014	11/08/2014	1108/2014	11/2/2014	11/22/2014	11/22/2014	12062014	12062014	12/06/2014	12/06/2014	12/20/2014	12/20/2014	12202014	01/03/2015	01/03/2015	01/03/2015	01/03/2015	01/17/2015	01/17/2015
100	273.74	10,01	157.88	4.00	050	304.37	3.00	00:0	2.00	54.50	4.00	7.55	90.46	1,00	46.07	275	166.95	200	000	116.38	200	23.25	200	169.83	2.00	0000	160.45	200
8	273.74	0.28	157.88	400	100	304.37	300		5.00	54.50	400	0.77	90'46	100	243	275	56.93	200		116.38	200	1.19	200	169.83	200		160.45	200
100	100	39.44	100	100	22.45	100	100	38.71	100	100	100	9.80	100	100	18.96	100	100	100	19.93	100	100	19.54	100	100	100	19.72	100	18
CC Swipe @ 0.25	Driver Commission	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	CC Swipe @ 0.25	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	CC Swipe @ 0.25	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	CC Swipe @ 0.25	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5
Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter
Amold	Amoid	Amoid	Amoid	Amold	Amoid	Amold	Amold	Amoid	Amoid	Amoid	Amold	Amold	Amold	Amoid	Amold	Amoid	Amold	Amold	Amold	Amold	Amold	Amoid	Amold	Amold	Amold	Amold	Amold	Amold
8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S
14405 10/17/2014	14405 10/17/2014	14405 10/17/2014	14687 10/31/2014	14687 10/31/2014	14687 1031/2014	14943 11/14/2014	14943 11/14/2014	14943 11/14/2014	15194 1178/2014	15194 1178/2014	15194 11/28/2014	15194 11/28/2014	15451 12/12/2014	15451 12/12/2014	15451 12/12/2014	15712 1276/2014	15712 12762014	15712 1276/2014	15712 12/26/2014	15958 01/09/2015	15958 01/09/2015	15958 01/09/2015	16210 0123/2015	16210 0123/2015	16210 01/23/2015	16210 01/23/2015	16473 02/06/2015	16473 02/06/2015
14405	14406	14405	14687	14687	14687	14943	14943	14943	15194	15194	15194	15194	1545	1545	1545	15712	15712	15712	15772	15958	15958	15958	16210	16210	16210	16210	16473	16473

FIGURE THREE- START AND END DATES

2:51 PM	A Cab, LLC
11/16/16	Employee Contact List

Abarca, Enrique	01/17/2013	06/17/2013
Anon, Nelson B	08/05/2015	03/15/2016
Antoine, Albert J.	04/20/2006	10/02/2007
Aparicio, Reynaldo C	08/19/2015	09/30/2015
Apodaca, Orlando J	04/15/2015	04/18/2016
Appel, Howard J.	10/30/2007	05/25/2011
Applegate, Angela M	11/10/2010	12/14/2010
April, Richard P.	01/04/2007	01/12/2007
Araissi, Ahmed L.	05/06/2008	07/08/2008
Arana, Simeon A.	11/16/2007	12/20/2007
Arar, Isam K	07/27/2011	
Arathoon, Eric A	06/01/2009	09/07/2009
Araya, Binyam R.	04/25/2006	08/07/2006
Archer, Bert J	11/29/2013	01/21/2014
Archuleta, Alex	03/18/2008	01/06/2010
Arega, Asefa D.	07/10/2008	02/13/2009
Arell, Roger D	06/15/2011	06/30/2011
Arellano, Miguel A	03/09/2011	01/15/2014
Arena, Francis J	11/07/2012	02/10/2013
Arfa, Mohsen	09/05/2007	10/30/2007
Argirov, Aleksandar D.	11/21/2005	08/25/2006
Armendinger, Shane P.	03/25/2015	11/20/2015
Armstrong, Eva R.	11/14/2007	03/18/2008
Arnold, Peter S	09/25/2014	02/10/2015

Once the gross earnings are calculated for each driver for each two-week pay period it is necessary to obtain the number of hours worked during each of those pay periods to determine if the driver is owed any unpaid minimum wages. There are two sources of such "hours worked" data provided by the defendant. One is the work hours that defendants claim were accurately recorded in the payroll records (the "QTY amounts of the "Minimum Wage Subsidy") starting in January of 2013. That is the hours worked information that was used by Mr. Bass to create the 2013-2015 Payroll Analysis file.

The other source of hours worked information used by Mr. Bass, and that he incorporated into the ACAB-ALL Excel file, is derived from the Cab Manager records. Mr. Bass advises that the Cab Manager files he reviewed for the time period starting October 8, 2010 and through December 31, 2015 contain information on 205,953 shifts of taxi cab operation, with each such shift record also indicating the identity (name and/or employee ID number) of the driver associated with that taxi's operation.

Mr. Bass also advises that the Cab Manager records, for the time period after January of 2013 and through December of 2015 contained, for each shift worked, certain time note information from which he has inferred a start and end time, and calculated a resulting shift length, for the employee's work shift. He has done so by using as the shift start time the "initial print" time for the shift in the Cab Manager record, on the basis that "print" activity (the printing of a trip sheet) was performed when the driver first reported for work. On some occasions the Cab Manager record lacked that time, and in those circumstances he used the "Cab Start" time for the shift,

which he understands was the time the cab was turned on for the shift, as the shift

start time. If neither of those times were available he used the first "Trip Start" time,

which he understands was the time Cab Manager recorded the driver as starting to

transport their first paying fare for the shift. For the shift end times he used the time

recorded in the Cab Manager records as the "Driver Checkout" time, which he

understood to be the time the driver had finished all of his duties for the shift and was

free to leave; if that time was not available he used the "Cab Finish" time, which he

understands to be the time the cab was turned off for the shift; and if neither of those

two times were available he used the last "Trip Finish" time recorded, which he

understands to be the time the shift's last fare paying passenger concluded their taxi

ride.

As I discuss, *infra* and *supra*, by using the Cab Manager "shift" data, meaning

the "shifts worked per pay period" which exists for the entire 2010 through 2015

period, and the "inferred shift length" data which exists for the 2013 through 2015

time period, the ACAB-ALL Excel file allows one to calculate the minimum wages

owed to the taxi drivers in a variety of arithmetically sound methods.

B. Second Visit: July 7, 2017

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AA004367

On this second visit we went over the two sources of the per driver hours reported by the defendant for the period January 1, 2013 through December 31, 2015. The file containing hours of work recorded in the payroll records (the QTY amounts recorded as a "minimum wage subsidy" payroll item) contained about 71,500 lines for which there was a driver's name. Figure four shows the payroll data for Mr. Peter Arnold. For the period ending 10/10/2014 it indicates that he worked 39.44 hours. For the period ending 10/24/2014 the record indicates he worked 22.45 hours. For the period ending 11/01/2014 the record indicates that the hours worked was 38.71. The earnings and hours worked for these pay periods are used, for each driver, to determine the hourly compensation (compensation divided by hours worked). If the estimated hourly compensation is below the relevant minimum wage then the "shortfall" can be calculated as damages. If it is greater than the relevant minimum wage then the damages are calculated as zero.

FIGURE FOUR-PARTIAL LIST FOR MR. PETER ARNOLD-HOURS RECORDED IN THE PAYROLL RECORDS

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⁵ As discussed, supra, I have been advised by plaintiffs' counsel that the defendants have identified the QTY amounts listed as Minimum Wage Subsidy is the record of hours worked for the pay period as recorded in the payroll records.

Check No	Date	Account #	Last Name	First Name	SSN/Tax ID	Payroll Item	Qty	Sales Price	Amount	Pay Period Begin Date	Pay Period End Date	Total PP
14405	10/17/2014	8812	Arnold	Peter	***.**.9916	CC Swipe @ 0.25		1.00	1.00	9/27/14	10/10/14	\$1.00
14405	10/17/2014	8812	Arnold	Peter	***.**.9916	Driver Commission	1.00	273.74	273.74	9/27/14	10/10/14	\$274.74
14405	10/17/2014	8812	Arnold	Peter	***.**.9916	Z_Minimum Wage Subsidy	39.44	0.28	11.04	9/27/14	10/10/14	\$285.78
14687	10/31/2014	8812	Arnold	Peter	***.**.9916	Driver Commission	1.00	157.88	157.88	10/11/14	10/24/14	\$157.88
14687	10/31/2014	8812	Arnold	Peter	***.**.9916	Incentive #5		4.00	4.00	10/11/14	10/24/14	\$161.88
14687	10/31/2014	8812	Arnold	Peter	***.**.9916	Z_Minimum Wage Subsidy	22.45	0.04	0.90	10/11/14	10/24/14	\$162.78
14943	11/14/2014	8812	Arnold	Peter	***.**.9916	Driver Commission	1.00	304.37	304.37	10/25/14	11/7/14	\$304.37
14943	11/14/2014	8812	Arnold	Peter	***.**.9916	Incentive #5		3.00	3.00	10/25/14	11/7/14	\$307.37
14943	11/14/2014	8812	Arnold	Peter	***.**.9916	Z_Minimum Wage Subsidy	38.71		0.00	10/25/14	11/7/14	\$307.37
15194	11/28/2014	8812	Arnold	Peter	***.**.9916	CC Swipe @ 0.25		5.00	5.00	11/8/14	11/21/14	\$5.00
15194	11/28/2014	8812	Arnold	Peter	***.**-9916	Driver Commission	1.00	54.50	54.50	11/8/14	11/21/14	\$59.50
15194	11/28/2014	8812	Arnold	Peter	***.**.9916	Incentive #5		4.00	4.00	11/8/14	11/21/14	\$63.50
15194	11/28/2014	8812	Arnold	Peter	***.**.9916	Z_Minimum Wage Subsidy	9.80	0.77	7.55	11/8/14	11/21/14	\$71.05
15451	12/12/2014	8812	Arnold	Peter	***.**.9916	Driver Commission	1.00	90.46	90.46	11/22/14	12/5/14	\$90.46
15451	12/12/2014	8812	Arnold	Peter	***.**.9916	Incentive #5		1.00	1.00	11/22/14	12/5/14	\$91.46
15451	12/12/2014	8812	Arnold	Peter	***.**-9916	Z_Minimum Wage Subsidy	18.96	2.43	46.07	11/22/14	12/5/14	\$137.53
15712	12/26/2014	8812	Arnold	Peter	***.**-9916	CC Swipe @ 0.25		2.75	2.75	12/6/14	12/19/14	\$2.75
15712	12/26/2014	8812	Arnold	Peter	***.**.9916	Driver Commission	1.00	166.95	166.95	12/6/14	12/19/14	\$169.70
15712	12/26/2014	8812	Arnold	Peter	***.**.9916	Incentive #5		2.00	2.00	12/6/14	12/19/14	\$171.70
15712	12/26/2014	8812	Arnold	Peter	***.**.9916	2_Minimum Wage Subsidy	19.93		0.00	12/6/14	12/19/14	\$171.70
15958	01/09/2015	8812	Arnold	Peter	***.**.9916	Driver Commission	1.00	116.38	116.38	12/20/14	1/2/15	\$116.38
15958	01/09/2015	8812	Arnold	Peter	***.**.9916	Incentive #5		2.00	2.00	12/20/14	1/2/15	\$118.38
15958	01/09/2015	8812	Arnold	Peter	***-**-9916	2_Minimum Wage Subsidy	19.54	1.19	23.25	12/20/14	1/2/15	\$141.63
16210	01/23/2015	8812	Arnold	Peter	***.**-9916	CC Swipe @ 0.25		2.00	2.00	1/3/15	1/16/15	\$2.00
16210	01/23/2015	8812	Arnold	Peter	***.**.9916	Driver Commission	1.00	169.83	169.83	1/3/15	1/16/15	\$171.83
16210	01/23/2015	8812	Arnold	Peter	***.**.9916	Incentive #5		2.00	2.00	1/3/15	1/16/15	\$173.83
16210	01/23/2015	8812	Arnold	Peter	***.**.9916	Z_Minimum Wage Subsidy	19.72		0.00	1/3/15	1/16/15	\$173.83

Figure five, which is an excerpt from an Excel table created by Mr. Bass, shows the hours worked inferred from the Cab Manager files on a reoccurring 7 day (weekly) basis, again for Mr. Peter Arnold. I have discussed and reviewed with Mr. Bass how he created that Excel table. The methodology he documented to me in respect to its creation was sound and free from any arithmetical errors. That methodology resulted in the placement in figure five in the column titled "Week Hours" that appears as the second most left listed column of the hours worked by Mr. Arnold for the weeks ending 09/30/2014 and 10/07/2014 as 23.77 and 23.25 respectively. The total of those hours for the two-week period is 47.02. We will show that in the final calculation of damages, Mr. Bass used the payroll hours and inferred cab manager work hours to calculate two different sets of loss numbers for this individual.

FIGURE FIVE-NEXT PAGE

Avg Hrs per Shift	11.88	11.62	2.60	11.93	11.77	11.59	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Week	23.77	23.25	2.60	23.85	23.55	23.18	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Shift	2	2	-	2	2	2	-	-	-	-	-	-	-
Week	-	-	-	-		-		-		-	-		
Avg Hrs per Shift	11.77	11.50	2.60	11.95	11.82	11.67	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Week	11.77	11.50	2.60	11.95	11.82	11.67	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Shift		-	1	-		-		-		1	-	-	-
Shift Hours	11.77	11.50	2.60	11.95	11.82	11.67	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Weeknum	40	41	42	43	44	45	47	48	49	S	51	52	53
Day of Week +1	4	4	4	4	9	9	7	2	2	2	2	2	2
Day Trip Count	15	18	4	19	19	19	15	15	14	16	14	12	13
Last Shift	9/30/14	10/7/14	10/14/14	10/21/14	10/30/14	11/6/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
First Shift	9/28/14	10/5/14	10/14/14	10/19/14	10/26/14	11/2/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
ast Shift Calc	9/30/14	10/7/14	10/14/14	10/21/14	10/30/14	11/6/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
First Shift Calc L	9/30/14	10/7/14	10/14/14	10/21/14	10/30/14	11/6/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
Initial Print	9/30/14 12:03	10/7/14 12:16	10/14/14 12:00	10/21/14 12:00	10/30/14 12:01	11/6/14 12:00	11/16/14 12:02	11/23/14 12:00	11/30/14 12:02	12/7/14 12:00	12/14/14 12:01	12/21/14 12:00	12/28/14 12:01
Shift_Date	9/30/14	10/7/14	10/14/14	-		11/6/14	11/16/14			12/7/14		12/21/14	
First Name Shift_Date	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter
Last	Arnold	rmold	Arnold	Arnold	Arnold			Arnold		Arnold	Arnold	Arnold	Arnold
Employe	8812 A	8812 A	8812 A	8812 A	8812 A	8812 Arnold	8812 Arnold	8812 A	8812 Arnold	8812 A	8812 A	8812 A	8812 A

We now turn to the final calculation of damages file from Mr. Bass, ACAB-ALL. In this file Mr. Bass calculates damages for the period 2010-2012 and 2013-2015 in two separate spreadsheets. Here, again I focus on the calculation for the first pay periods for Mr. Peter Arnold.

Figure Six shows the calculation of the damages for Mr. Arnold employing the hours set forth in the payroll records. First, note that for the two-week period ending 10/07/2014 the total work hours set forth in the payroll records is 39.44. This amount comes from line three in figure four above. The total compensation for this period is \$285.78. This is consistent with line three of figure two. Had he been paid a minimum wage of \$7.25 per hour his total compensation should have been \$285.94 (=7.25 x 39.44). He was actually paid \$285.78 or sixteen cents less as indicated in the column "Minimum Wage Owed at \$7.25 an Hour for all Hours."

The ACAB-ALL Excel file, in addition to properly calculating the amount of minimum wages owed to Mr. Arnold for all hours of his work based upon the information contained in that file, at either a \$7.25 or \$8.25 an hour rate, also makes three other minimum wage calculations that assume *either* a \$7.25 an hour or an \$8.25 an hour rate depending upon certain conditions. Those three "conditional" calculations (they are "conditional" because they will result in the application of the \$7.25 an hour rate unless certain conditions based upon other information contained in the file are met, in which event they use the \$8.25 an hour rate), which I discuss below, are arithmetically correct. Those three conditional calculations are also presented, with the same column descriptions, in the 2013-2015 Payroll Analysis

Excel file, they are also arithmetically correct in that file and function in that file in the exact same fashion as I discuss below.

The column entitled "Minimum Wages Owed at \$8.25 an Hour for Pay Periods Prior to Date Qualified for Insurance and at \$7.25 an Hour after that date" uses a formula that references the date contained in Column "F" of the same line. The Column "F" date, which is titled "Date Became Qualified for Health Insurance" (the "Qualification Date") is the date that Mr. Bass, using information provided to him, has determined is the earliest date at which the employee could participate in the defendants' health insurance plan. The formula used in the column "Minimum Wages Owed at \$8.25 an Hour for Pay Periods Prior to Date Qualified for Insurance and at \$7.25 an Hour after that date" examines whether the pay period was entirely before the Qualification Date. If it was entirely before the Qualification Date the amount (if any) of minimum wages owed that appears in that column is calculated at \$8.25 an hour, if it was not that number is calculated at \$7.25 an hour.

The column entitled "Minimum Wages Owed at \$8.25 an Hour for All Pay Periods where Insurance Premium Cost for Employee Only Coverage was More than 10% of Wages and at \$7.25 an Hour for all Other Pay Periods" uses a formula that compares whether a specified amount is more than 10% of the "Total Wages Paid" amount that appears on that same line. Mr. Bass advises that such specified amount in that formula is the insurance premium the employee was required to pay to receive "employee only" health insurance coverage under the employer's insurance plan. If that specified amount is more than 10% of that line's "Total Wages Paid" amount the amount (if any) of minimum wages owed that appears in that column is calculated at

\$8.25 an hour. If that specified amount is less than 10% of that line's "Total Wages Paid" amount, the amount (if any) of minimum wages owed that appears in that column is calculated at \$7.25 an hour.

In the case of Mr. Arnold, for the period examined in Figure Six, he fails both of those conditional (insurance qualification and insurance premium cost) tests that I discuss in the foregoing two paragraphs. As a result, he is shown as owed \$39.60 under both conditions, just as if it was assumed he had to be paid \$8.25 an hour irrespective of any such conditions.

The third and final conditional calculation performed by the ACAB-ALL Excel file is in the column titled "Net Minimum Wage Owed When Both Insurance Qualification Date and Insurance Premium Cost Considered." The number that appears in this column is the greater of the other two conditional calculations performed on the same line and that I discuss above. In Mr. Arnold's case for the period examined in Figure Six this is again \$39.60, the same number that appears under both the first and second conditions since he has failed both conditions and been determined under all of the assumptions used to be entitled to \$8.25 an hour for the pay period.

FIGURE SIX NEXT PAGE

Net Minimum Wages Owed When Both Insurance Qualification Date and Insurance	Premium Cost Considered		\$39.60		\$22.43		STI 39
Minimum Wages Owed at \$8.25 an Hour for All Pay Periods where Insurance Premium Cost for Employee Only Coverage was More than 10% of Wages and at \$7.25 an Hour for	all Other Pay Periods		239.60		\$2243		871.99
	Hour after that date		239.60		\$22.43		\$11.99
	Hour for all Hours		239.60		\$2243	_	SH1.99
Minimum Wages Owed at \$7.25 an	Hour for all Hours		\$0.16		800		80.00
Total Cab Manager Hours Minus	Payroll		7.58		400		8.02
Cab	Avg Hrs per Shift	11.88	90	1193	11.11	1 2	
	Nages Paid		39.44 \$285.78		22.45 \$162.78		38.71 \$307.37
Hours for Pay	Period From Payroll Records		39.44		22.45		38.71
Hours For Pay Period if One Hour is Subtracted from Each			47.02		28.45		46.73
for September 2	St Man		4		~		46
Hour Hour Hour Hour Hour Hour Hour Hour	S	23.77	_	26.45		E E E	99
Hours For Pay Period From Cab Running Manager Cab	as Manager Adjusted Hours	335 4702	200		- 12	23.18 46.73	46
Hours For Pay Period From Cab Running Manager Cab	as Manager Adjusted Hours		200	33.85	1 111		94
Hours For Pay Period From Cab Running Manager Cab	Cab Manager as Manager Records Adjusted Hours	335	ישנ ישנ	23.85	1 111	318	4
Shifts Hours for Pay Period Worked Hours for Pay From Cab Running From Cab	Cab Manager as Manager Records Adjusted Hours	335	ישנ ישנ	23.85	1 111	318	4
Shifts Hours for Pay Period Worked Hours for Pay From Cab Running From Cab	eriod Manager Manager as Manager do Manager do Date Shifts Records Records Adjusted Hours	7. 12 2. 13. 13. 13. 13. 13. 13. 13. 13. 13. 13	01014 4 101/10/14 10 100 100 100 100 100 100 100 100 10	121/14 2 3 23.85 23.85	3 124/14 3 3 255 3355 3355 3355 3355 3355 3355	1/6/14 2 4 23.18 23.18	4 100
Shifts Pay Period Worked Hours for Pay Period Worked Hours for Pay From Cab Running Cab From Cab Period From Manager Cab	Period Manager Manager Cab Manager as Manager End Date Shifts Records Records Adjusted Hours	9,10/14 2 2 3.7 13.10/10 10/10 10 10 10 10 10 10 10 10 10 10 10 10 1	01014 4 101/10/14 10 100 100 100 100 100 100 100 100 10	121/14 2 3 23.85 23.85	3 124/14 3 3 255 3355 3355 3355 3355 3355 3355	1/6/14 2 4 23.18 23.18	4 100
Shifts Pay Period Worked Hours for Pay Period Worked Hours for Pay From Cab Running Pay Cab From Cab Period From Manager Cab	Period Period Manager Manager Cab Manager as Manager Start Date End Date Shifts Records Records Adjusted Hours	9,10/14 2 2 3.7 13.10/10 10/10 10 10 10 10 10 10 10 10 10 10 10 10 1	01014 4 101/10/14 10 100 100 100 100 100 100 100 100 10	121/14 2 3 23.85 23.85	3 124/14 3 3 255 3355 3355 3355 3355 3355 3355	1/6/14 2 4 23.18 23.18	4 100
Date Became Qualified Qualified Norked Hours for Pay From Cab Running for Pay Pay Cab From Cab Running	Period Period Manager Manager Cab Manager as Manager Start Date End Date Shifts Records Records Adjusted Hours	77.55 77.65 2 2 2 14/959 14/829 20.55 20.55 4 20.55 14/701 14/201	4 4 12/1/14 19/12/14 19/12/14 14 14 14 15 15 15 15 15 15 15 15 15 15 15 15 15	10/19/14 10/21/14 2 3 23.85 23.85	12/1/14 10/1/14 10/24/14 3 3 cc 2	11/2/14 11/6/14 2 4 23.18 23.18	4 NI/LIT 10/52/01 10/1/CI
Date Became Qualified Qualified Yorked Hours for Pay From Cab Running for Pay Pay Cab From Cab Running	Health Period Period Manager Manager Cab Manager as Manager Insurance Start Date End Date Shifts Records Records Adjusted Hours	9,10/14 2 2 3.7 13.10/10 10/10 10 10 10 10 10 10 10 10 10 10 10 10 1	Peter 12/1/14 9/27/14 10/10/14 4	Peter 10/19/14 10/21/14 2 3 23.85 23.85	Peter 12/1/14 10/11/14 10/24/14 3	Peter 11/2/14 11/6/14 2 4 23.18 23.18	Peter 12/1/14 10/25/14 11/7/14 4

Figure seven shows the calculation of damages using the hours from the Cab Manager file. For the first two-week period for Mr. Arnold, recall the total hours from this file was 47.02.

FROM CAB MANAGER

	num Wages Owed .25 an Hour for all Hours	Minimum Wages Owed at \$8.25 an Hour for all Hours	Minimum Wages Owed at \$8.25 an Hour for Pay Periods Prior to Date Qualified for Insurance and at \$7.25 an Hour after that date	Minimum Wages Owed at \$8.25 an Hour for All Pay Periods where Insurance Premium Cost for Employee Only Coverage was More than 10% of Wages and at \$7.25 an Hour for all Other Pay Periods	Net Minimum Wages Owed When Both Insurance Qualification Date and Insurance Premium Cost Considered
	\$55.09	\$102.11	\$102.11	\$102.11	\$102.11
	\$28.98	\$55.43	\$55.43	\$55.43	\$55.43
	520.50	555.45	r 555.45	, , , , ,	, , , , , ,
4			Maria de la companya		
	\$31.45	\$78.18	\$78.18	\$78.18	\$78.18

So, assuming the loss is based on a minimum wage of \$7.25 per hour the total compensation should be $47.02 \times $7.25 = 340.89 . The actual compensation was \$285.78 leaving a shortfall of \$55.09. Assuming a minimum wage of \$8.25 per hour the total compensation should have been $47.02 \times $8.25 = 387.91 resulting in a shortfall of \$102.11. Figure seven applies the same conditional calculations that I fully

discuss above in reference to figure six. Those conditional calculations at figure seven are also arithmetically correct. As discussed, *supra*, and documented in the 2013-2015 Payroll Analysis file, assuming that the defendant's payroll records are fully accurate in respect to the hours the drivers worked each pay period for the defendants, and are also fully accurate in respect to the total amount of gross earnings (excluding tips) they earned from the defendants each pay period, the drivers are, collectively, owed, with mathematical certainty, \$175,057 at a constant \$7.25 an hour minimum wage rate, \$651,567 at a constant \$8.25 an hour minimum wage rate, and amounts between those figures using the three conditional calculations that I discuss, *supra*. I qualify the foregoing statement to make clear I am referring to the drivers and payroll periods actually examined by the 2013-2015 Payroll Analysis file, as Mr. Bass advises certain pay periods and drivers (identified in that file by the under the tabs NoCabManager spreadsheets Excluded, NoPayroll, OneHourPayroll) have been excluded from that calculation.

In respect to the foregoing statements, and all of the statements in this report, I am opining only on (1) The arithmetical correctness of the calculations performed in the two Excel files I am relying upon for my conclusions; and (2) The correctness of the methodology that Mr. Bass has explained to me and used to place various information into those two Excel files from their source materials and how he has performed his calculations. I cannot offer any opinion on whether the source materials that are incorporated into those two Excel files are accurate records. Nor do I offer any opinion on the correctness of the assumptions used by Mr. Bass in the two conditional calculations I discuss in reference to figure six, *e.g.*, the "insurance

qualification date" and "insurance premium cost" assumptions. I only attest to the arithmetical correctness of the calculations he has performed using those assumptions.

C. Third Visit: July 11, 2017

On this third visit Mr. Bass and I went over the calculations that involved the health insurance provisions. I have discussed those calculations above in my discussion of figure six.

As explained in my discussion at figure six, first, note that there are five calculations in the ACAB-ALL Excel file for each of the two sets of hours worked: payroll department and cab manager. In each of the five sets the first two calculations are, essentially, not calculations of damages. They are illustrative numbers as if the damages were calculated only on the basis of a minimum wage of \$7.25 per hour for all driver-pay periods (first number) and as if the damages were calculated at \$8.25 per hour for all driver pay period (second number). However, since the proper calculation of damages will often reflect a combination of damages at \$7.25 for some hours and \$8.25 for some hours (when no health insurance is available to the employee) the calculation of damages represented by the two conditional calculations (insurance qualification date and insurance premium cost) which I discuss above are the proper minimum wages damages that should be used. In addition, the truly proper measure of damages is the one that considers the *greater* effect of each condition during each pay period. This is because during certain pay periods the employee may be "qualified" to receive the health insurance but the premium cost may to too great (or vice versa). Accordingly, the ultimate and proper full measure of damages, under both of the Excel files that I am relying upon for this report, is set forth in the "third" conditional calculation, the one entitled "Net Minimum Wage Owed When Both Insurance Qualification Date and Insurance Premium Cost Considered." Using that most proper, and full measure, of damages, it is established, from the defendants' payroll records, that it is mathematically certain the drivers whose circumstances are examined in the 2013-2015 Payroll Analysis file are owed \$317,250, as also detailed in the 2013-2015 employee (EE) detail file for the payroll periods reviewed in that file and set forth in the spreadsheet at the "2013-2015" tab of that file.

V. COMPARISON OF CALCULATION OF LOSS IN THE 2010-2012 VERSUS 2013-2015 TIME PERIODS AND CALCULATING DAMAGES BASED UPON MODIFIED SHIFT LENGTHS OR CONSTANT ASSUMED SHIFT LENGTHS

Mr. Bass indicted to me that there was no data from the defendants regarding the number of hours worked by each driver for the period prior to January 1, 2013, either from the perspective of the payroll records or the cab manager records. As a result he built into the ACAB-ALL Excel file a variable that would assume, for each driver, a constant number of hours for each shift they worked, as shown by the Cab Manager Records. This variable (at Cell N2 of the spreadsheet at the 2010-2012 tab

of the file) also allows the insertion of the average hours per shift from the Cab Manager data for the period 2013-2015, which was 11.03 hours. The use of average hours per shift to calculate damages in the earlier period (2010-2012) could result in a biased estimate of damages. This is because the loss attributed to drivers that worked less than the assumed average could be increased with no commensurate offset from drivers that worked more than the average. To test this possibility I recalculated the damage estimates in the 2013-2015 period (for the cab manager data) assuming for each driver shift the average hours (11.03) for all driver shifts in this time frame. Figure nine shows these re-calculations.

FIGURE NINE-RECALCULATION OF DAMAGES ASSUMING EACH DRIVER-SHIFT COMPRISED THE AVERAGE FOR ALL DRIVERS- 11.03 HOURS FROM CAB MANAGER DATA

TOTAL MINIMUM WAGES OWED USING AS HOURS WORKED 11.03 HOURS FOR EVERY SHIFT								
\$1,040,103.36	\$1,945,074.50	\$1,178,714.53	\$1,127,394.13	\$1,248,094.89				
Minimum Wages Owed at \$7.25 an Hour for all Hours	Minimum Wages Owed at \$8.25 an Hour for all Hours	Minimum Wages Owed at \$8.25 an Hour for Pay Periods Prior to Date Qualified for Insurance and at \$7.25 an Hour after that date	Minimum Wages Owed at \$8.25 an Hour for All Pay Periods where Insurance Premium Cost for Employee Only Coverage was More than 10% of Wages and at \$7.25 an Hour for all Other Pay Periods	Net Minimum Wages Owed When Both Insurance Qualification Date and Insurance Premium Cost Considered				

Table one shows the comparison of assuming the average of 11.03 hours per shift to using the actual Cab manager hours per shift. The results indicate very little bias from assuming the average hours. For the last three damage calculations the use of average hours increased the estimate of damages by 1.22%, 2.07%, and 1.50% respectively. The last column in table one shows the 2010-2012 damage calculations adjusted for the use of averages.

TABLE ONE
COMPARISON OF DAMAGE CALCULATIONS: 2013-2016 AVERAGE HOURS PER SHIFT VS. ACTUAL HOURS PER SHIFT
CAB MANAGER HOURLY DATA

2013-2015 2010-2012 ACTUAL HOURS AVERAGE HOURS 11.03 DAMAGE CALCULATION RATIO ADJUSTED 1 \$1,021,854 \$1,040,103 1.01785872 \$1,250,701 \$1,228,757 2 \$1,932,169 \$1,945,075 1.00667954 \$2,032,265 \$2,018,780
DAMAGE CALCULATION RATIO ADJUSTED 1 \$1,021,854 \$1,040,103 1.01785872 \$1,250,701 \$1,228,757
1 \$1,021,854 \$1,040,103 1.01785872 \$1,250,701 \$1,228,757
2 \$1 022 160 \$1 045 075 1 00667054 \$2 032 265 \$2 018 780
2 \$1,932,109 \$1,943,073 1.00007934 \$2,032,203 \$2,010,700
3 \$1,164,454 \$1,178,715 1.01224694 \$1,535,583 \$1,517,004
4 \$1,104,554 \$1,127,394 1.02067803 \$1,466,280 \$1,436,574
5 \$1,229,607 \$1,248,095 1.0150357 \$1,654,459 \$1,629,952

As discussed, *supra*, the ACAB-ALL Excel file contains two variables on the 2013-2015 tabbed spreadsheet and one variable for the 2010-2012 spreadsheet. The 2013-2015 variable in Cell O2 modifies by the inserted positive or negative amount the length of the shifts that have been inferred from the Cab Manager data, which then causes a like adjustment (greater if shift length is increases, smaller if it is decreased) in the damages calculated by the spreadsheet. The remaining two variables work to assign a "uniform" length to every shift for every pay period and cause a recalculation of damages based upon that assumed, and universal, shift length.

The use of the foregoing described variables would allow a fully accurate damages calculation to be made using the ACAB-ALL Excel file based upon a determination by the Court at trial of either (1) The average length of every single shift worked by every taxi driver; and/or (2) An amount by which every inferred shift working time taken from the 2013-2015 Cab Manager should be increased or decreased. All that would be necessary would be to insert the trial Court's findings on those issues into the appropriate cell on the spreadsheets and the resulting damages, under those findings, will be calculated as I have described elsewhere in this report.

I have also examined the formulas and other referenced information used to arrive at the figure of 9.21 set forth in Cell A1 and the figure 11.03 set forth in Cell A2 of the ACAB-ALL Excel file 2013-2015 tabbed spreadsheet, which figures are described, respectively, as "Average Hours per Shift in Payroll Records" and "Average Hours per Shift in Cab Manager." That examination verifies that such numbers are the correct average shift lengths for the total of the Cab Manager shifts reviewed in that spreadsheet (122,452, as set forth at Cell K2) as taken from Column "L" ("Hours for Pay Period From Cab Manager Records"), which average is in Cell A2, and as taken from Column "P" ("Hours for Pay Period From Payroll Records"), which average is in Cell A1.

VI. SUMMARY

My review of the calculations of damages in this case leads me to believe that the

calculations were made consistent with the assumptions regarding the application of

the State of Nevada minimum wage laws. I find that the calculation of damages were

reasonable given the data provided by the defendant and the methodology followed

by Mr. Charles Bass. The calculation of damages based on the cab manager data for

hours worked is greater than those base on the payroll department for the simple

reason that the hours worked are greater for the former than for the latter. Thus, for

any given amount of compensation in a given pay period, the per hour calculation of

compensation would be less using the greater number of hours worked. And, of

course, the shortfall from the minimum wage would be commensurately greater.

VII. COMPENSATION

I charge \$350 per hour for all non-testimony work and \$450 per hour for all

testimony. I have allocated eighteen hours to this report.

VIII. ATTACHMENTS

In addition to the materials relied upon I have attached:

1. Curriculum Vitae

2. Case History

3. Invoice

Respectfully Submitted,

Dated: July 18, 2017

Terrence M. Clauretie, Ph.D.

Turence M. Clauretie

EXHIBITS

ELARTION OF CHARLES BASS

THE SUMMARIZATION THAT I PERFORMED

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

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

- (A) The total amount of "non-tip" earnings those records show were paid to each individual each pay period; and;
- (B) The amount, if any, that those "non-tip" earnings in each pay period were below either \$7.25 an hour or \$8.25 an hour for the hours that those records show each individual worked during the pay period.

THE INFORMATION THAT I SUMMARIZED

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

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

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

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

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

- Column "F" which is titled "SSN/Tax ID" I am advised that this 4 digit number is the last 4 numbers of the employee's social security number.
- 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 on that line of the Excel file as part of the paycheck identified by the number in Column "C";
- Column "H" which is titled "Qty" Except when Column "G" contains the
 Payroll Item "Minimum Wage Subsidy" this column contains either a
 zero, a 1, or no entry. When Column "G" contains the Payroll Item
 "Minimum Wage Subsidy" this column may also contain a number larger
 than 1 expressed with two decimals. 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;
- Column "I" which is titled "Sales Price" This column contains either a positive or negative number or a percentage expressed as a positive or negative amount. I did not use the information in this column in creating

the Exhibit "B" and "C" summaries.

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

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

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

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

- 5. After performing the steps I describe in paragraph 4 the amount of gross wages, meaning non-tip compensation, that was paid each pay period to each employee, was added up. To do that I deleted from the Excel file I was working with all lines where Column "G" which is the "Payroll Item" had on the same line in Column "J" a negative number as an "Amount," meaning that line was detailing a payroll deduction. I also deleted from the Excel file all lines where Column "G" stated that the "Payroll Item" was "Tips Supplemental." 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 "Amount" (Column "C") information and the "Payroll Item" (Column "G") information in numeric and alphabetical order.
- 6. After eliminating all of the lines from the Excel files that contained deductions from the employee paychecks, or that recorded the payment of tips, I determined the total amount of gross wages paid to each employee in each paycheck. Each paycheck number would appear on a line with the "Payroll Item" in Column "G" being listed as "Minimum Wage Subsidy" and every paycheck number would also appear on at least one other line as well. Most of the paychecks would have more than two Excel lines for the paycheck number other than the "Minimum Wage Subsidy" line with each of those other lines showing a different kind of pay being made as part of that paycheck, commonly both "Driver Commission" and "Incentive" pay being listed in the "Payroll Item" in Column "G." I would use the totaling function of the

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

- 7. Every paycheck in the Excel file I was summarizing had a "Pay Period Begin Date" and "Pay Period End Date" in Columns "K" and "L" in that Excel file. I placed in Column "C" of Exhibit "2" as the "Pay Period End Date" the date listed in Column "L" of that Excel file. In Exhibit "2" there is a 14 day gap (or two week payroll period) for every "Pay Period End Date" for every individual, except when the paycheck issued was the final one for that person, in which event the payroll period may be shorter than 14 days.
 - In each line of Exhibit "2," in addition to specifying the "Total Wages

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

9. In each line of Exhibit "2" I also placed in Column "H" as the "Total Hours Worked" for the 14 day period ending on the Column "C" "Pay Period End Date." That "Total Hours Worked" number comes from the "Qty" amount in Column "H" of the Excel files I was summarizing when that "Qty" amount was on the same line with a Column "G" Payroll Item described as "Minimum Wage Subsidy" for the same pay period including the Column "C" "Pay Period End Date" in Exhibit "2." 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: Abraham Ali, Leroy Bradley, Tracy Brimhall, Alfred Catoggio, Leonardo Coizeau, Scott Dorsch, Jasminka Dubric, Steven Essakow, Michael Griffith, James Hunter, Timothy Ivey, David Kingsley, Brian Leacock, Ronald Linn, Ahmed Mahmoud, Luis Antonio Magana, Arleny Nobels, Francis O'Grady, Renee Pearson, Marvin Reid, Anthony Romano, James Rosenthal, George Schwartz, Jepthy Smith, Samuel Wood and Lora Woolard.

10. Exhibit "2" shows the amounts, if any, that the "Total Wages Paid" in Column "G" were, for the "Total Hours Worked" in Column "H," below a \$7.25 or \$8.25 an hour minimum wage for the 14 day pay period (or in when the paycheck is the last one for the employee a payroll period that may be shorter than 14 days).

Using Excel formulas I placed in every line an amount in Column "I" that is the "Amount Owed at \$7.25 an Hour Minimum Wage," which is determined by multiplying the "Total Hours Worked" in Column "H" by \$7.25 and then subtracting the "Total Wages Paid" in Column "G." If that calculation yields a positive number, such positive number is the amount of unpaid minimum wages owed for the pay period at \$7.25 an hour and is set forth as an amount owed, in Column "I." If that calculation yields a negative number, or a zero, nothing is owed for that pay period under that calculation and a \$0.00 is recorded in Column "I." The same calculation is performed in Exhibit "2" Column "J" except that \$8.25 is multiplied by the "Total Hours Worked" in Column "H," that process resulting in the amount owed, if any, in

unpaid minimum wages at \$8.25 an hour.

- are performed but at an \$8.25 an hour rate for "new hires" for 90 days or 60 days and then after such period at a \$7.25 an hour rate. A "new hire" is an employee whose first paycheck is dated after March 4, 2013. If their first paycheck is issued before May 2, 2014 the "new hire" is calculated to be owed minimum wages at \$8.25 an hour for their first 90 days of employment, meaning their first six paychecks issued 14 days apart (covering six pay periods of 14 days each), and minimum wages at \$7.25 an hour for all later 14 day pay periods. If their first paycheck is issued after May 2, 2014 the "new hire" is calculated to be owed minimum wages at \$8.25 an hour for their first 60 days of employment, meaning their first four paychecks issued 14 days apart (covering four pay periods of 14 days each), and minimum wages at \$7.25 an hour for all later 14 day pay periods of 14 days each), and minimum wages at \$7.25 an hour for all later 14 day pay periods.
- 12. Exhibit "3" is a "per person" summary that compiles, using the Excel software and from the Exhibit "2" Excel file I created, the total amount, if any, in unpaid minimum wages owed to each employee listed in Exhibit "3" as calculated on each line of Exhibit "2" that corresponds to such employee and under each of the three assumptions performed in Exhibit "2." The result is that Exhibit "3" sets forth for each employee the total owed at Column "J" at a \$7.25 an hour minimum wage for all hours; at Column "K" at a \$8.25 an hour minimum wage for all hours; and at Column "L" at an \$8.25 an hour minimum wage for 60 or 90 days for new hires and afterwards 11.

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

13. I have no personal relationships with plaintiffs' attorneys nor any of the parties to this case and no personal interest in the outcome of this case. I have been paid my normal hourly consulting rate for the services I have rendered in preparing the Exhibit "2" and "3" summaries and assisting plaintiffs' counsel in this matter.

That normal hourly rate is \$50.00 an hour and I have been paid, to date, by plaintiffs' counsel a total amount of \$4,975.00 for my services in this case.

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

Affirmed this // day of January, 2017

Charles M. Bass

PAYROLL ITEMS (COLUMN G)

Bonus

Hourly rate

Minimum wage subsidy

Overtime

Driver commission

CC swipe

Incentive #1

Incentive #2

Incentive #4

Incentive#5

Supervisor consulting pay

Tips supplemental

Reimburse cc more than book

Reimburse data entry error

Reimburse overpaid cash machine

Reimburse taxi passenger

Reimburse wrong meter reading

Federal withholding

Medicare employee

Social security employee

Federal unemployment

Medicare company

Social Security company

NV unemployment compensation

Career enhancement program

Dental plan

Sec 125 medical

Tips out

Vision insurance

Cash loan

Cash loan fee

Child support

Employee advance principal

Employee draw fees

Tax levy

Wage garnishment

PAYROLL ITEMS INCLUDED IN COMPENSATION (COLUMN G)

Bonus

CC Swipe @ 0.25

Driver Award Bonus

Driver Award Program

Driver Commission

Driver referral

Driver Vacation Pay

Holiday Bonus

Holiday Pay

Hourly Rate

Incentive #1

Incentive #2

Incentive #4

Incentive #5

Incentive #6

Longevity Pay

Minimum Wage Subsidy

Overtime

Postcard Incentive

Profit Sharing

R/C Bonus @ 0.25

Reimb-CC More Than Book

Reimb-Data entry error

Reimb-Didn't Enter Gas CPO

Reimb-Manual CC Not Entered

Reimb-Overpaid Cash Machine

Reimb-Taxipass Error

Reimb-Triad Error

Reimbursement-Fines paid

Reimbursement-NW

Reimb-Verifone Error

Reimb-Wrong meter readings

Sick Pay Office

Supervisor Counseling Pay

Supplies

Uniform Cleaning Allowance

Vacation Wages

Vacation Wages Office

We Did Good Bonus

X-Tra Cabs/X-Tra Pay

CASE NAME	CASE	JURISDICTION	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
CHSE IVINIE		SCRISDICTION	DEFENDANT	MITORIEI WINE	_	/
	NUMBER		DEFENDANT		TESTIMONY	DATE ADDED AFTER
						OCTOBER, 2013
AAMG Marketing Group LLC v. Allegiant Air, et. al.	A-11-640358-C	8 th Judicial District	Defendant	Stovall & Associates	Deposition, Trial	Damages
Abanobi, Christopher v. Hinebaugh, Shannon	A-15-712968-C	8 th Judicial District	Plaintiff	R. Todd Terry	Deposition	Damages, 11/01/2016
Abeyta, Helen v. Ralphs Grocery	A506028	8 th Judicial District	Defendant	Brady, Vorwerck, Ryder & Caspino	Deposition, Trial	Damages
Ackers, Andrea v. Hermosillo-Davalos	A492718	8th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Acuna v. Busby	A468730	8th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Alarcon, Marcela v. Drummond, Terry Wayne	A-15-712824-C	8 th Judicial District	Plaintiff	Craig Drummond	Deposition	Damages, 06/03.2016
Alkazoff, Renee v. Sothern Foods Group	A555910	8th Judicial District	Plaintiff	Richard Harris	Deposition	Damages
Allen, Corey v. Silver Miner's Property	A623797	8th Judicial District	Plaintiff	Tanasi, Richard E.	Deposition	Damages
Partners					-	-
Allison, Joseph v. Rowe, Jeffrey	A575222	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Alverez, Rene v. A NLV Cab Company	A-13-678755-C	8 th Judicial District	Plaintiff	Ganz & Hauf	Deposition	Damages
Amador v. Kerry Malin et al.	A464465	8 th Judicial District	Plaintiff	Jerry H. Mowbray, Esq.	Dep. & Trial	Damages
Amante v. Ford Motor Co.	A459611	8 th Judicial District	Plaintiff	Lawrence Smith, Esq.	Deposition	Damages
Ambler-Marzola, Kristina v'. Shunichi,	A-15-715902-C	8 th Judicial District	Plaintiff	Richard Harris Law Firm	Deposition	Damages, 08/23/2016
Robert						
Amora, Stephanie V. Paris Las Vegas Propco, LLC. Et. al.	A665922	8 th Judicial District	Plaintiff	Robert Cottle	Deposition	Damages
Amirikhani v. Helmick	A496839	8 th Judicial District	Plaintiff		Deposition	Damages
Archambault, Leo v. Stachink, Mylene	08A565843	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Arellano v. Park North, LLC	A425066	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Arenas-DeCastillo v. Ricardo Nunez- Moreno	A515482	8 th Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Arencibia, Ryan v. Diperno, Michele	08A565526	8 th Judicial District	Plaintiff	Brian Harris	Deposition	Damages
Arnold, Linda v. Skyline Restaurant & Casino	A465357	8 th Judicial District	Plaintiff	Leslie Stovall	Trial	Damages
Arnold, Linda v. Skyline Restaurant & Casino	A465357	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Annesley, John v. Ellman, Norma	A522182	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Artuz, Christine v. Hastings, Russell	A-09-590069-C	8 th Judicial District	Plaintiff	Mainor, Eglet	Deposition	Damages
Ashbaugh, Denise v. Jones, Brian	A529805	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Ashe, Lamar v. Gerritsen, Marc	A675220	8 th Judicial District	Plaintiff	Vannah & Vannah	Trial	Damages, 04/01/2016
Ashford, Peggy	A-10-620068-C	8 th Judicial District	Plaintiff	Robert Cottle	Deposition	Damages
Asmussen v. Feit	A470577	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
ASQ, Inc. v. Colonial Bank	A406878	8 th Judicial District	Defendant	Edward Coleman, Esq	Deposition	Damages
Athow, Tina v. Gafford, Harry	A560484	8 th Judicial District	Plaintiff	Kieth Galliher	Deposition	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013
Bacon, Thomas v. Lair, Racheal	A572449	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages, Trial 05/08/2014
Bagan, Sandra v. Schindler Elevator Corporation	A-13-692107-C	8 th Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 06/02/2015
Bailey, Brian v. Underwood, Jeremy M. et. al.	CV2011-019986	Superior Court, Sate of Arizona	Plaintiff	Vannah & Vannah	Deposition	Damages/ 06/02/2014
Baker, Shirley v. Gillis, Gerald	A533286	8 th Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages
Balisteri, Jamie v. Cesare, Cindy	A-09-592-144-C	8 th Judicial District	Plaintiff	Harris & Harris	Deposition	Damages
Bank of America v. Robert V. Jones, et al.	A406648	8 th Judicial District	Plaintiff	Robert Kistler, Esq. Gordon & Silver	Deposition & Trial	Damages
Banner, Panix v. Don King Productions	A422631	8 th Judicial District	Plaintiff	Harry Marquis, Esq.	Trial	Damages
Baracco, Margarte v. Wal-Mart Stores	2:07-CV-01415- LDG-RJJ	U.S. District Court District of Nevada	Plaintiff	Vannah & Vannah	Deposition	Damages
Barfield v. Sierra Health Ser.	A414252	8 th Judicial District	Plaintiff	Lawrence Springburg, Esq.	Deposition	Damages
Barnard, Virginia v. Goldberg, Michael	A524294	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Barnes, John v. Campaige Place LTD	A541931	8 th Judicial District	Plaintiff	Jensen (Christiansen)	Deposition	Damages
Barton, James v. Dettloff, Mitchell	A466568	8 th Judicial District	Plaintiff	Richard Harris	Deposition	Damages
Baron, Sarah v. Kogut, Kelly	A494998	8 th Judicial District	Plaintiff	Lanny Waite	Deposition	Damages
Batiz v. David Robinson, Alamo Financing	CV-S-05-0294- PAL	United States District Court NV	Plaintiff	Mainor Eglet & Cottle	Deposition	Damages
Beck v. Jones	A486859	8 th Judicial District	Plaintiff	Robert Eglet, Esq.	Trial	Damages
Beckstead, Traci v. Martin, Hazen E.	A581968	8 th Judicial District	Plaintiff	Matt Hoffmann	Deposition	Damages
Beemer, Christine v. Robert P. Chiascione et. al.	A-14-697250-C	8 th Judicial District	Plaintiff	Bruce Woodbury	Deposition	Damages, 01/22/2016
Behroozi, Nasrin v. New Albertson, Inc.	2:11-cv-00579- JMCV-RJJ	United States District Court, District of Nevada	Plaintiff	Gazda & Tadayon	Deposition	Damages
Bell, Sherrie v. Target Corporation	2:14-cv-01795- RFB-VCF	United States District Court, District of Nevada	Plaintiff	Daniel Simon	Deposition	Damages, 08/13/2015 and 02/13/2017
Benge, Robert v. Toledo, Gabriel Lee	A-14-707916-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 04/21/2016
Berganza V. AAPI Consolidated	A478637	8 th Judicial District	Plaintiff	Robert Murdock	Deposition	Damages
Bergeron, Diane v. Woldemarian, Alazor	A538507	8 th Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages
Bernstein-Lorenz	2:11-cv-01034- JCM-CWH	US District Court, District of Nevada	Plaintiff	Vannah	Deposition	Damages
Bernstein Elizabeth v. Weise, Phillip	A565892	8 th Judicial District	Plaintiff	Arin & Associates	Deposition	Damages
Berry, John v. Elazar, Moshe	A526936	8 th Judicial District	Plaintiff	Ganz & Hauf	Trial	Damages
Bianhi, Jessica v. Ponce, Monica R.	A13-674377-C	8 th Judicial District	Plaintiff	Richard Harris	Deposition	Damages, 04/16/2014
Blalock, Louis v. Hendrickson, Gregg C.	A520537	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Blanchette, Mark v. Wynn resorts Holding LLC	A-12-661080-C	8 th Judicial District	Plaintiff	Jolly, Urga et al	Deposition	Damages
Blanco, Irma v. Allore, Michael F.	2:14-cv-00801- JAD-CWH	United States District Court, District of Nevada	Plaintiff	Robert Cottle	Deposition	Damages, 02/27/2015
Blenker, Teresa v. Zimmerman, Randy	A520628	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Bobby Long v. Philys Reller	A461076	8 th Judicial District	Plaintiff	Adam Ganz, Esq.	Dep. & Trial	Damages
Bombardier, Mario v. Winder, Daniel	A-09-592401-C	8 th Judicial District	Plaintiff	David Fassett	Deposition	Damages
Brady, Ron v. Hirata, Lyle et. al.	A511214	8 th Judicial District	Plaintiff	Patti & Sgro	Deposition	Damages

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER
	NUMBER		DEFENDANT		TESTIMONY	OCTOBER, 2013
Breen v. Cohen	A444793	8 th Judicial District	Defendant	Lon Burke, Esq.	Deposition	Damages
Brenda Page v. Ascar Eztedar, M.D.	A382167	8 th Judicial District	Plaintiff	Eckely Keach, Esq.	Deposition	Damages
Brewer, Nadezhda v. Bartles, Raymond	A-14-708617-C	8 th Judicial District	Plaintiff	Gutierrez, Ayon	Deposition	Damages, 10/12/2015
Brittell v. Wells Cargo	A479435	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Britton, Tracy v. The Vons Companies	2:09-cv-00126- RCJ-PAL	United States District Court-Nevada	Palintiff	Vannah & Vannah	Deposition	Damages
Brue, Betty v. Wal-Mart Stores	2:09-cv-00585- LKD-RJJ	United States District Court-Nevada	Palintiff	Mainor, Eglet & Cottle	Deposition	Damages
Brown, Kevin v. Sam's West, Inc, et. al.	2:15-cv-01964- LDG-CWH	United States District Court-Nevada	Palintiff	R. Todd terry	Deposition	Damages, 06/02/2017
Brundage, Diane v. Boyd, George	A-12-669594-C	8 th Judicial District	Plaintiff	Christiansen Law Office	Deposition	Damages, 10/15/2015
Brutski, Edward v. Sanchez, Jesus	A646184	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Bryan, Dennis v. McFall, Paul	A491945	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Buckley, Michelle v. Mickalson, Gary Lee, et. al.	A-12-673882-C	8 th Judicial District	Plaintiff	Eglet Law Firm	Deposition	Damages, 02/03/2015
Buenrostro, Lidia v. Wal-Mart Stores, Inc.	2:13-cv-00437- MMD-PAL	United States District Court NV	Plaintiff	Eglet Wall Christiansen	Deposition	Damages/11/04/2013
Bunker, Cherrie v. Ford Motor Co.	2:11-cv-01286- PMP-RJJ	United States District Court District of Nevada	Plaintiff	Chad Dennie	Deposition	Damages
Burdick, Martha v. Ramirez, Maria	A-11-651103-C	8 th Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition, trial	Damages trial 05/15/2014
Burke v. The Prudential Insurance Company	CV-S-04-0750-	United States District	Plaintiff	Carolyn Ellsworth, Esq.	Deposition	Damages
of America	JCM GWF	Court NV				
Burns, Brian v. David Mattingly	A540088	8 th Judicial District	Plaintiff	Crockett	Deposition, Trial	Damages
Burnside, Melissa v. Fowler, Wayne	A519537	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition, Trial	Damages
Burton, Richard v. Bowers, Michael	A559855	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Bussick, Rick v. Trainor, et. al.	A-11-651627-C	8 th Judicial District	Plaintiff	William Brenske	Trial	Damages, 07/14/2016
Calabrese, Tony v. M.J. Dean Construction, et. al.	A523625	8 th Judicial District	Plaintiff	Matt Callister, Paola M. Armeni	Trial	Dmages, 11/19/2015
Caldwell, Leilaunii v. Rios, Henry, Rebel Oil Co.	A551500	8 th Judicial District	Plaintiff	David Fassett	Deposition	Damages
Camp v. Honda Motor Co.	A362879	8 th Judicial District	Plaintiff	Howard Needham, Esq.	Deposition	Damages
Campbell, Rhyn v. Black, Bradley	A650529	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Campbell, Timothy v. Turner, Jonathon	YC055206	County of Los Angeles, Southwest District	Plaintiff	Paul Powell	Deposition	Damages
Canev, Petar v. Aguila-Mayer, Tony	A512996	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Carbonell v. Rouliani	A527198	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Carrion, Rosa v. U.S. department of veteran's Affairs.	2:13-cv-00419- RFB-NJK	United States District Court, District of Nevada	Plaintiff	Steven M. Burris	Deposition	Damages 03/13/2015
Carl Aspgren v. Billie Barns	A390949	8 th Judicial District	Plaintiff	Jury Trial in Progress	Trial	Damages
Carmosino, Joanne v. Union Pacific Railroad	A636732	8 th Judicial District	Plaintiff	George Bochanis	Deposition	Damages
Carpet Liquidators Warehouse, et. al. v. TVI, inc. et. al.	A566804	8 th Judicial District	Plaintiff	Mortenson & Raffie	Deposition	Damages
Carro, Jon v. Castillo-Salmeron	A568141	8 th Judicial District	Plaintiff	Mainor & Eglet	Deposition	Damages

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013
Carrillo, Maria & Varas, Enedina v. Mahosky, Keith, et. al.	A-14-696074-C	8 th Judicial District	Plaintiff	Harris & Harris	Deposition	Damages, 07/30/2015
Carver, Twana v. Las Vegas Trans. Restaurant	A523146	8 th Judicial District	Defendant	Lee Roberts	Trail	Damages
Case, Leslie v. Palacios, Jason	A539064	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Cassidy, Jerri v. Lanzkowsky, Davis et. al.	A-11-651331-C	8 th Judicial District	Plaintiff	William Brenske	Deposition	Damages
Castanada, Mary v. Tomaro. Arther	A-15-725453-C	8 th Judicial District	Plaintiff	Jonathan R. Hicks	Deposition	Damages, 02/15/2017
Castro, Elvia v. Airgas Carbonic, Inc.	50 2006CA006448 XXXX MB AE	15 th Judicial Circuit in and for Palm Beach County, Florida	Plaintiff	Steven G. Calamusa, Gordon & Doner Palm Beach Gardens, FL	Deposition	PUNITIVE DAMAGES 10/20/2014
Catha, Laura v. Ahern rentals	A-12-661278-C	8 th Judicial District	Plaintiff	Eglet Wall Christiansen	Depoisiton	Damages, 07/11/2014
Cazares, Adriana v. Andrinyak, Laszlo	A-15-712586	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 03/18/2016
Ceja, Ruben v. Caberra, Raul, et. al.	A-13-680560-C	8 th Judicial District	Plaintiff	Lloyd Baker	Depositian	Damages, 03/05/2015
Chalson v. Alltel	A407769	8 th Judicial District	Defendant	Roger Wirth, Esq.	Deposition	Damages
Chavez-Castillo, Vincente v. Howard, Melvin	A-16-733986-C	8 th Judicial District	Plaintiff	Cottle Law Firm	Deposition	Damages, 05/05/2017
Cheryl Grant v. Lehua Enter.	A385194	8 th Judicial District	Plaintiff	Richard Meyers, Esq.		Damages
Childress, Laura v. American Hardware Ins.	A548716	8 th Judicial District	Plaintiff	William Brenske	Deposition	Damages
Childs, Patricia v. Cherry, D	A503879	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Christian v. Cunningham	A451833	8 th Judicial District	Plaintiff	Peter Christiansen, Esq.	Deposition	Damages
Cicchini, Michael v. McNulty, Patrick, MD. Et. Al.	A553091	8 th Judicial District	Plaintiff	Pengilly, Robbins & Slater	Deposition	Damages
City of Las Vegas Downtown Development v. Moldon	A344462	8 th Judicial District	Defendant	Charles R. Gardener, Esq.	Deposition	Damages
Clayton, Sharon v. Rebel Oil Co.	A566869	8 th Judicial District	Defendant	Cliff Marcek	Deposition	Damages
CMI v. 1-2-3-4-5	A456331	8 th Judicial District	Plaintiff	Avece M. Higbee, Esq.	Trial	Damages
Coble v.		Arbitration	Plaintiff	Cisneros	Arbitration	Damages
Collins, Jeremy v. Dixon, Joseph Allen	000500291	5 th Judicial District of Washington County, Utah	Plaintiff	Daniel Simon	Deposition	Damages
Conger, David v. Quinones, Hector	A521272	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Conner, Pete v. Brookshire	A430916	8 th Judicial District	Plaintiff	Daniel S. Simon, Esq.	Dep. & Trial	Damages
Cooper, Kim v. Ford Motor Corp	A466566	8 th Judicial District	Plaintiff	Harris Law Firm	Deposition	Damages
Cooper, Tifany v. Naomi s. Ransome, California Hotel & Casino,, et. al.	A590099	8 th Judicial District	Defendant	Bruce Woodbury	Deposition	Damages
County of Clark v. 4444 South Valley View	A579233	8 th Judicial District	Defendant	Brian Padgett	Deposition	Value of property
Courtney, David v. Robinson, Cynthia	A-14-707621-C	8 th Judicial District	Plaintiff	Harris and Harris	Deposition	Damages
Courtney Lee v. Verali	A495282	8 th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Coyne, Darren v. Barassi, Nick	A537232	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages`
Coyote Springs Investment LLC V. Brightsource Energy, Inc.	A-11-651966-B	8 th Judicial District	Plaintiff	Kaempfer, et. al.	Deposition, Trial	Damages/12/20/2013
Crabtree, Andrew v. El Rey Motel, Inc	Civil No. 050500600	5 th Judicial Court of Iron County, State of Utah	Plaintiff	Brain Harris	Deposition	Damages

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER
	NONIDER				1ESTIMON1	OCTOBER, 2013
Cozart, Robert v. Miner, Deborah, et. al.	A-13-678848-C	8th Judicial District	Plaintiff	Eglet law Firm	Deposition	Damages, 02/16/2015
Crawley, Antionette v. M&M Construction	A555111	8th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Cremen, Tanver v. HRHH Hotel/Casino	A-13-677762-C	8th Judicial District	Plaintiff	Robert Murdock	Deposition	Damages, 11/04/2015
Crisologo, Erlinda v. Benkirane, Soukaina	A-11-648042-C	8th Judicial District	Plaintiff	Prince & Keating	Deposition	Damages
Crocetti v. Cone	A383119	8th Judicial District	Plaintiff	Robert Eglet, Esq.	Trial	Damages
Cross, Justin v. Ziegler, Michael	A548611	8th Judicial District	Plaintiff	R. Travis Jameson	Deposition	Damages
Cruz, Joevonne v. McCurtain, Gary, et. al.	A-212-671196-C	8 th Judicial District	Plaintiff	Eglet Wall Christiansen (withdrew)	Deposition	Damages 06/10/2014
Curry, Susan v. Hicks, Brian	A558609	8 th Judicial District	Plaintiff	Adam Ganz	Deposition	Damages
Cutler, Charlyne v. Drabant, Ashley	A528527	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Curtis Lee v.Union Pac. RR	A455119	8th Judicial District	Plaintiff	Daniel T. Foley, Esq.	Deposition	Damages
Daclan, Johnny v. Primm South Real Estate	A-09-598089-C	8 th Judicial District	Plaintiff	Laurence Springberg	Deposition	Damages
Daenzer, Sandra Lee v. Wal-Mart Stores, Inc.	2:13-cv-02124- GMN-VCF	U.S. District Court for District of Nevada	Plaintiff	G. Dallas Horton	Deposition	Damages
Dagel, Sandra v. Dollar Rent A Car Systems	A456047	8 th Judicial District	Plaintiff	Mainer, Eglet & Cottle	Deposition	Damages
Damaso, Cesar v. Chafin	A446238	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Dana, Rebecca v. Rodriguez, Jorge	A-12-663021-C	8 th Judicial District	Plaintiff	Arin & Associates	Deposition	Damages
Danielson, Catherine v. John Graves Propane of Arizona	A567766	8 th Judicial District	Plaintiff	William Brenske	Deposition	Damages
Danilovic, Mariana v. Villefort, Denise	BC-494739	Superior Court of the State of California for the County of Los Angeles	Plaintiff	David R. Lira	Deposition	Damages, 03/16/2015
Davila, Steven v. Zurich American Insurance Co.	A597830	8 th Judicial District	Plaintiff	Brian Harris	Deposition	Damages
Davis, Eden v. Reddy, Gautham	A-11-646202-C	8 th Judicial District	Plaintiff	Harrison, Davis Steakley Morrison, PC, Waco, TX.	Deposition, Trial	Damages 06/09/2014
De la Riva, Martha (guardian) v. Halki, John. MD et. al.	CV10-01093	Dept. No. 6	Plaintiff	Jerry Mowbray	Deposition	Damages
DeLacruz, Laorain v. Dein, Nicole	A596433	8 th Judicial District	Plaintiff	Roger Cram (Vannah)	Deposition	Damages
Delance, Jessica v. Homegoods, Inc	A-13-674491-C	8 th Judicial District	Plaintiff	Eglet Law Firm	Deposition	Damages, 09/19/2014
Delegado v. Terrible Herbst	A437408	8 th Judicial District	Plaintiff	Imanuel B. Arin, Esq.	Trial	Damages
Dennett, William v. Treasure Island, LLC, et. al.	A-13-678847-C	8 th Judicial District	Plaintiff	Eglet Law Group	Deposition	Damages, 03/30/2015
Dennis, Carmen v. Steckler Medical Institute	A-11-647259-C	8th Judicial District	Plaintiff	Patti, Sgro, Lewis	Deposition	Damages, 02/10/2015
De Rosa, Susan v. Blood Systems, Inc.	2:13-CV-0137- JCM-(NJK)	U.S. District Court for District of Nevada	Plaintiff	Matt Callister	Deposition	Damages
Diana Francis v. Vaughn Smith	A479173	8 th Judicial District	Plaintiff	Nathan M. Costello, Esq.	Deposition	Damages
Dipaola, Lorraine v. Camden USA, Inc.	A513720	8th Judicial District	Plaintiff	Vannah & Vannah	Deposition, Trial	Damages
Dixon, Pamela v. Cooper, Carmella	A-12-665727-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition, Trial	Damages
Dougherty v. Temple	A502369	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Douglas Jones v. Southwest Airlines	A433503	8 th Judicial District	Plaintiff	Matthew R. Vannah, Esq.	Deposition	Damages
Drexel, Jodi v. Grieder, John	A587109	8 th Judicial District	Plaintiff	Brian Harris	Deposition	Damages
Dropps, Marlon v. Bivens.	A494333	8 th Judicial District	Plaintiff	Arin	Deposition	Damages

CASE NAME	CASE	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF	DESCRIPTION,
	NUMBER		DEFENDANT		TESTIMONY	DATE ADDED AFTER OCTOBER, 2013
Doucette, Glenda v. Garcia, Diane	A552664	8 th Judicial District	Plaintiff	Olson, Cannon, Gormley, et. al.	Deposition, Trial	Damages
Dragisic, Kathy V. Timlin, John C. et. al.	A-1—658074-C	8th Judicial District	Plaintiff	James Crockett	Deposition	Damages
Dunham, Heather Lee v. Kelsey, Russel Tro	CV-C-15-398	4 th Judicial District State of Nevada, County of Elko	Plaintiff	Claggett & Sykes	Deposition	Damages, 02/16/2017
Dunn, Carole v. Turner, Floyd	A524123	8th Judicial District	Plaintiff	Mainor, Brad	Deposition	Damages
Dupree v. Karen Street a California Limited LTD Partnership	A472834	8 th Judicial District	Plaintiff	Daniel S. Simon, Esq.	Deposition	Damages
Durant, Ronnell v. Ramparts, Inc.	A-09-606207-C	8 th Judicial District	Plaintiff	Keith Galliher	Deposition	Damages
Dutoit, Barbara v., Findley, Cole et. al.	A-11-647670-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Ealy, Zeolia v. Regional Transportation Commission of Southern Nevada	A-10-615208-C	8 th Judicial District	Plaintiff	Richard Harris Law Firm	Deposition	Damages
Earthguard v. Clark County	A406630	8 th Judicial District	Plaintiff	Matthew Callister, Esq.	Deposition	Damages
Eastep, Danny v. Flores, Francisco et. al.	A504928	8 th Judicial District	Plaintiff	Mainor & Eglet	Deposition	Damages
Edgar, Alicia v. Quest Diagnostics, Inc.	A511862	8 th Judicial District	Plaintiff	Richard Harris	Deposition	Damages
Edwards v. Elite Marine, LLC	A419733	8 th Judicial District	Plaintiff	Robert Vannah, Esq.	Deposition & Trial	Damages
Eicholtz v. J.C.Penney	A485509	8 th Judicial District	Plaintiff	Brian K. Harris, Esq.	Deposition	Damages
Estes, Grant v. Gonzalez, Carlos	A679544	8 th Judicial District	Plaintiff	Eglet Law Group	Deposition	Damages
Estupinan v. Knowlton	A504352	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Evans v. Butte	A515985	8 th Judicial District	Plaintiff	Mitchell Cobeaga	Deposition	Damages
Hampton, David v. Rexroat	A483361	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Erica Jackson v. Tarr-Harrison Family Limited Partnership	A486611	8 th Judicial District	Plaintiff	Michelle L. Anderton, Esq.	Trial	Damages
Erickson, Barabara	A-11-632975-C	8th Judicial District	Plaintiff	Harris & Harris	Deposition	Damages
Erwin Bohlmann v. Byron John Printz, Ash, Inc.	A344401	8 th Judicial District	Defendant	Paul Eisinger, Esq.	Deposition	Damages
Esau v. Nevada Speedway	A447246	8th Judicial District	Plaintiff	Murdock & Associates	Deposition	Damages
Estate of Ledesma v. Cano	A432086	8th Judicial District	Plaintiff		Deposition	Damages
Evans, Candra v. Tighipour-Khiabani et. al.	A588612	8th Judicial District	Plaintiff	Ganz & Hauf	Deposition	Damages
Faehnrich, betty v. Center for Behavioral Health Las Vegas	A-13-691692-C	8 th Judicial District	Plaintiff	Steven Burris	Deposition	Damages, 09/30/2015
Farmer, Derrik v. Bullen, Larry, et. al.	A-12-663612-C	8th Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition	Damages
Faubion v. Arata	A427617	8th Judicial District	Plaintiff	Matthew Vannah, Esq.	Deposition	Damages
Favela-Sanchez v. GGPIvanhoeII, Inc. et. al.	A09587011	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
FDIC V. Corey Johnson, et. al.	2:12-CV-209	U.S. District CT. for the District of Nevada	Plaintiff	John Turner	Deposition	Rebuttal Report
Figueroa, David v. Soto, Francisco	A-13-677978	8 th Judicial District	Plaintiff	Richard Harris	Deposition	Damages, 08/06/2014
Filon, Susan v. Demus, Betty	A-13-686607	8 th Judicial District	Plaintiff	Patti Sgro Lewis Roger	Deposition	Damages, 08/26/2015
Fisler, Dawn v. Thomas, Oshalee	A569021	8 th Judicial District	Plaintiff	Mathew Dunkley	Deposition	Damages
Forsberg v. University Medical	A440583	8 th Judicial District	Plaintiff	Mark A. Lobello, Esq.	Deposition	Damages
Foster v. Tenneson	A459546	8 th Judicial District	Plaintiff	Timothy L. Palazzo, Esq.	Deposition	Damages
Foster v. Texas Station	A452392	8 th Judicial District	Plaintiff	Ralph A. Schwartz, Esq.	Deposition	Damages
Fowler, Ava v. DeLee, Frank	A568152	8 th Judicial District	Plaintiff	Christine Jensen	Deposition, Trial	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013
Fowler v. Mandalay Bay Corporation	A488094	8 th Judicial District	Plaintiff	Bradley S.Mainor, Esq.	Deposition, Trial	Damages
France, David v. Perez, William	A615038	8 th Judicial District	Plaintiff	Leslie Stovall	Deposition	Damages
Franco, Deanna v. Pruitt, Meredith	A-11-633114-C	8 th Judicial District	Plaintiff	Eglet Wall	Deposition	Damages
Frederick, Jeffrey v. Villa-Roma, Celso	A534766	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Fuentes v. Mark Thomas et.al.	A440648	8 th Judicial District	Plainitff	Glenn Paternoster, Esq.	Trial	Damages
Fuss v. Delta Gulf Corp.	A469493	8 th Judicial District	Plaintiff	Steven Burris, Esq.	Deposition	Damages
Gaiptman, Joan v. Lin, Meng	A611975	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Galacia, Sandra v. Almeyda-Perez, Julian	A-12-664469-C	8 th Judicial District	Plaintiff	Laurence Springberg	Deposition	Damages/ 11/20/2013
Gallo, Frack v. Mirage Casino	A519764	8th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Gannon, Christina v. Ludlow, William, et. al.	A560374	8th Judicial District	Plaintiff	Leslie Stovall	Deposition, Trial	Damages
Garboski, Joanne v. CLS Nevada, LLC	A-09-602903-C	8th Judicial District	Plaintiff	Dan Foley	Deposition	Damages
Garcia, Ludavina and Romeo	A-698507-C	8 th Judicial District	Plaintiff	Parker Scheeer Lagomarsino	Deposition	Damages 07/07/2015
Garcia, Rose v. Underbrink	A51461	8th Judicial District	Plaintiff	Immanuel Arin	Deposition	Damages
Garreans, Lori v. State Farm Insurance Co.	A479903	8 th Judicial District	Plaintiff	Ralph Schwartz, Esq.	Deposition	Damages
Gary Dobbs v. Michael Knowlden, et al.	A481744	8 th Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Gaspar, Adeline v. Marketon, Inc.	A-13-681036	8th Judicial District	Plaintiff	De Castroverde Law Office	Deposition	Damages, 09/02/2014
Geirer v. Sloan	D245940	8 th Judicial District	Plaintiff	Daniel Marks, Esq.	•	Damages
Gentry, James v. Veolia Transportation	A-13-683274-C	8 th Judicial District	Plaintiff	Jason Cook/Mcgahee	Deposition	Damages, 02/06/2015
Gentry v. Wal-Mart	A455908	8 th Judicial District	Plaintiff	Kristina R. Americo, Esq.	Deposition	Damages
George v. Tlumack	A398374	8 th Judicial District	Plaintiff	Alfred Osborne, Esq.	Trial	Damages
Gerard, James v. Squish Pest Control, Inc.	A-15-723280-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 03/13/2017
Giarrusso v. Nevada State Board of Medical Examiners	CV-S-05-0640- RLH-PAL	United States District Court	Plaintiff	Patti & Sgro	Deposition	Damages
Gibson, Sharon v. Petsmart, Inc.	2:06-cv-01634- JMC-LRL	United States District Court	Plaintiff	Norberto Cisneros	Deposition	Damages
Giezie, Robert v. Valley health Systems, LLC	2:12-CV-00036- ECR-GWF	United States District Court	Plaintiff	Ivy Gage	Deposition	Damages
Giglio, Debbie v. FGA, Inc. et. al.	A523058	8 th Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition, Trial	Damages
Gill, Diana v. Vivas, Roman, et. al.	A-11-646101-C	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Goben, Beverly v. Walmart Stores, Inc.	2:12-cv-00086- JCM-VCF	United States District Court	Plaintiff	Robert Cottle	Deposition	Damages
Goldstein v. Motor Cargo	A464963	8th Judicial District	Plaintiff	Richard Harris, Esq.	Deposition	Damages
Gomez, Michael v. Holsbeck, Jerry &	A-09-602180-C	8 th Judicial District	Plaintiff	Killip, William	Deposition	Damages
Capurro Trucking						
Gonzales, Blanca v. Smith's Food & Drug Centers	A509790	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Gonzales, Elvia v. Cashman Equipment Co.	A-11-647859-C	8 th Judicial District	Plaintiff	David Churchill	Deposition	Damages
Gonzales v. Suburban Lounge	A-11-047839-C A432186	8 th Judicial District	Defendant	Imanuel Arin, Esq.	Deposition	Damages Damages
8	A432186 A510922	8 th Judicial District	Plaintiff	Glen Lerner		Ü
Goodman, Evan v. Mirage Casino Hotel Gordon, Chris v. Sunrise Mountainview	A510922 A-10-612611-C	8 th Judicial District	Plaintiff	Harris Law Firm	Deposition	Damages
Hospital					Deposition	Damages
Gorgun, Gabrial v. Southern Hills Hospital	A570053	8 th Judicial District	Plaintiff	Ivy Gage	Deposition	Damages
Green, Robert v. GE and Armstrong	A528384	8 th Judicial District	Plaintiff	Crockett & Myers	Deposition	Damages

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Griese, Mark v. Team Ford, et. a.	A524710	8 th Judicial District	Plaintiff	Daniel Simon	Deposition	Damages
Gray, Mark v. Virtual Construction	A496972	8 th Judicial District	Defendant	Leslie Stovall	Deposition	Damages
Guerrero v. Republic Silver State Disposal	A385149	8 th Judicial District	Plaintiff	John Bertoldo, Esq.	Trial	Damages
Gulli, Nicholas v. Vohs, Jackie, et. al.	A-10-621479-C	8 th Judicial District	Plaintiff	Ganz & Hauf	Deposition	Damages
Gunning, Jerrod v. Foster, Roger	A509153	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Gurshin, Alexis v. Bank of America	2:15-cv-00323- GMN-VCF	U.S. District Court, District of Nevada	Plaintiff	Kathleen England	Deposition	Damages, 05/17/2016
Gutierrez v. Tropicana Hotel & Casino	A-11-638513-C	8 th Judicial District	Plaintiff	Christiansen Law Office	Deposition	Damages
Guzman, Maria v. Lythgoe Welding, LLC	2:12-cv-02027	United States District Court	Plaintiff	Richard Harris	Deposition	Damages
Hamawi v. Zola Williamson	A383974	8 th Judicial District	Plaintiff	Barbara I. Johnston, Esq.	Dep. & Trial	Damages
Hamby, Melissa v. Loe, Judy	A474252	8 th Judicial District	Plaintiff	Gazda & Tadayon	Deposition	Damages
Hamilton, Dina v. Ortega, Elva	A569522	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Hamilton v. Nassif	A492093	8 th Judicial District	Plaintiff	F.K. Cawley, Esq.	Deposition	Damages
Hampton, David v.	A483361	8 th Judicial District	Plaintiff	Lerner, Eglet	Deposition, Trial	Damages
Hancock, Katrina	A-12-667072-C	8 th Judicial District	Plaintiff	Harris & Harris	Deposition	Damages
Hanlon v. Development by TNT, L.P.	A406650	8 th Judicial District	Plaintiff	Joseph Kistler, Esq.	Deposition	Damages
Hansen, Martin v. Shlisky, Susan	A-15-720895-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 01/18/2017
Hanson, Jason v. Michael A. James, et. al.	A582750	8 th Judicial District	Plaintiff	Arin and Associates	Deposition	Damages
Harding v. James R. Gonzales	A492196	8 th Judicial District	Plaintiff	Gerald Gillock, Esq.	Deposition	Damages
Harrison, Geraldine	A-10-6225 17-C	8 th Judicial District	Plaintiff	Eglet Wall	Deposition	Damages
Hawkins X'zavion v. GGP Meadows Mall, LLC.	A-15-717577-C	8 th Judicial District	Plaintiff	David Churchill	Deposition	Damages, 08/30/2016
Hawleym Michelle v. Fishman, Briana	A-10-621734-C	8 th Judicial District	Plaintiff	Glen Lerner and Associates	Deposition	Damages
Hayes-East, Delores v. Summerlin Hospital Medical, et. al.	A540086	8 th Judicial District	Plaintiff	Loventin Estanislao	Deposition	Damages
Hennagan v. Zak; Valley Hospital Medical Center	A385035	8 th Judicial District	Plaintiff	J. Mitchell Cobeaga, Esq.	Deposition & Trial	Damages
Heraty v. Republic State Disposal	A453864	8 th Judicial District	Plaintiff	Steven M. Burris, Esq.	Deposition	Damages
Herrington, Michael v. Gilbreth	A-11-650186-C	8 th Judicial District	Plaintiff	Marcin Lambreth	Trial	Damages 10/29/2013
Hershey v. Henri Specialties	A476598	8 th Judicial District	Plaintiff	Rohav	Deposition	Damages
Hewlett-Parker v. Min Wang	A-12-661471-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages 10/29/2014
Hickle, Kelli v. Mackey, C.	A540257	8 th Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Hicks, John v. D&K Drywall	A473269	8th Judicial District	Plaintiff	Christiansen Law Firm	Deposition	Damages
Hidalgo v. Soto	A420169	8 th Judicial District	Plaintiff	Robert Vannah, Esq.	Trial	Damages
Hill, Delwin v. Dal-Tile	A517771	8 th Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Hill, Kimberly v. Guyer, Kenneth	A498988	8 th Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages
Hilliard, Kenneth v. Robert Lee Price, et. al.	A497338	8 th Judicial District	Plaintiff	Dallas Horton	Deposition	Damages
Hirabayashi v. St. Jude Medical Cardiac Rhythm Management Division	A493206	8 th Judicial District	Plaintiff	BEEN ORDERED SEALED	Deposition	Damages
Hockett, Linda v. Clement Industries	A588346	8 th Judicial District	Plaintiff	Jerome Bowen	Deposition	Damages

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013
Holm, Jeffrey v. Lucky Cab Company	A708126	8th Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 07/19/2016
Hood, Christopher, Debra Hood, Michael Hood v. Clements, William G. et. al.	A535221	8 th Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Hood, Brenda v. Transitional Hospitals Corp of America	A530033	8 th Judicial District	Plaintiff	Bryson	Deposition	Damages
Hohnhorst, Penny v. William Kyle, M.D. et. al.	A557814	8 th Judicial District	Plaintiff	Cliff Marcek	Deposition	Damages
Hough, Tena v. McKeehan, Merle et. al.	A548898	8th Judicial District	Plaintiff	Israel, MEC	Deposition	Damages
Howard v. Waldorf	A418520	8th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Howell, Victoria v. Georgia Santangelo	A-10-609967-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Hudson, Trent v. Lawrence, Brooke	A659589	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 11/22/2013
Hughes, Joey, estate of v. Appledorf, Robert	A-11-647536-C	8th Judicial District	Plaintiff	Peter Christiansen	Deposition	Damages, 08/27/2014
Hunt, Charles v. Wittie, Ezekiel	A563722	8th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Image Commercial Cleaners v. Edward Sheridan	A488775	8 th Judicial District	Plaintiff	Matthew Q. Callister, Esq.	Deposition	Damages
Iannuccilli, Nicholas v. Morelli, Martin	A550393	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Isom v. Ford Motor Co.	A438131	8 th Judicial District	Plaintiff	Robert Cottle, Esq.	Deposition	Damages
Jackson, Carol v. United Artists Theatre Circuit	2:10-CV-00050	United States District Court, Nevada	Plaintiff	Winder, Dan	Deposition	Damages
Jackson, Marianne v. United States of America	2:14-cv-00392- APG-GWF	United States District Court, Nevada	Plaintiff	Leslie Stovall	Deposition	Damages, 04/11/2016
Jackson, Neil v. Wassau Business Insurance	na	na	Plaintiff	Harris Law Firm (South 4 th st.)	Examination Under Oath	Damages
James Drennan v. Maryland Casualty Co.	CV-S-04-0990- PMP PAL	United States District Court NV	Plaintiff	William J. Brim, Esq.	Deposition	Damages
Jeffries, Donna v. Mathis, Eddie, MD	A550624	8 th Judicial District	Plaintiff	Laurance Springberg	Deposition	Damages
Jerry Schlosser v. New Castle Corp. & Excalibur Hotel and Casino	A462029	8 th Judicial District	Plaintiff	Mark Kulla, Esq.	Deposition	Damages
Jimenez, Blanca v. Blue Martini Las Vegas, LLC	A-15-716334-C	8 th Judicial District	Plaintiff	Neil Hyman	Deposition,Trial	Damages, 04/13/2016, 10/12/2016
Johnson, Ann v. Watkins, Joseph	A549584	8 th Judicial District	Plaintiff	Paul Powell	Deposition, Trial	Damages
Johnson, Archie v. Elisio, Lee	A553636	8 th Judicial District	Plaintiff	Roger Cram	Deposition	Damages
Johnson, William v.	A501439	8 th Judicial District	Plaintiff	Robert Eglet	Trial	Damages
Johnson v. Moskal	A501439	8 th Judicial District	Plaintiff		Deposition	Damages
Johnson v. Diamond Const.	A424752	8 th Judicial District		Matthew R. Vannah, Esq.	Deposition	Damages
Johnson-Dismor v. Southwest Medical Associates	A405028	8 th Judicial District	Plaintiff	Robert D. Vannah. Esq.	Deposition	Damages
Jones, Phyllis v. Southern Hills Medical Center	A-11-633059-C	8 th Judicial District	Plaintiff	McKnight, Patrick	Deposition	Damages
Jones, Ryan v. MGM	A543076	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Joseph Dennis v. Gutierrez-Perez, et al.	A463874	8th Judicial District	Plaintiff	Ralph A. Schwartz, Esq.	Deposition	Damages
Joseph Gausch v. Signh, MD.	A376316	8 th Judicial District	Plaintiff	William Brenske, Esq.	Trial	Damages
Joslin, Amy v. Mueller Custom Cabinetry, Inc, et. al.	A-12-667959-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 08/15/2014

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013			
Kadir v. Zachary Yoest & Patricia Yoest	A501060	8 th Judicial District	Plaintiff	Imanuel B. Arin, Esq.	Deposition	Damages			
Karenbeld v. American Eurocopter	A474642	8 th Judicial District	Plaintiff	John M. Cobega, Esq.	Deposition	Damages			
Kashani, Haroun v. The Nielson Co. et. al.	A-13-676193-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 11/10/2015			
Kehr, Milissa v. Trigler, Steven	A618454	8 th Judicial District	Plaintiff	Mainor Wall	Deposition	Damages			
Kempf,v. Catholic Healthcare West, et. al.	A526615	8 th Judicial District	Plaintiff	Laurence Springberg	Deposition	Damages			
Kempton v. Respond, Inc.	A457179	8 th Judicial District	Plaintiff	Matthew L. Johnson, Esq.	Deposition	Damages			
Kenourgios, John v. Collins, Tommy Lee, Republic Solver State Disposal	A-13-690218-C	8 th Judicial District	Plaintiff	Daniel Simon	Deposition	Damages, 05/06/2015			
Kern, v. Reeves	A510794	8 th Judicial District	Plaintiff	Roger Cram	Deposition	Damages			
Kindness, Harold v. Hi Desert Appliance	A513344	8 th Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages			
King, Denise v. Maiza, Salah and Checker Cab Co.	A503658	8 th Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages			
King, Thomas v. Martin, James	A570552	8 th Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages			
Kirt, Gerald v. Smith, Margo, et. al.	A653449	8 th Judicial District	Plaintiff	Stovall & Associates	Deposition, Trial	Damages/11/22/2013			
Kohlman v. Evans	A470268	8 th Judicial District	Plaintiff	Ellen Stoebling, Esq.	Deposition	Damages			
Koehler-Fergen, Debra v. Boyd Gaming Corporation	08A 577678	8 th Judicial District	Plaintiff	Bochannis	Deposition	Damages			
Konrath, Monte v. Falk, Rodney	A536056	8 th Judicial District	Plaintiff	Daniel Carvalho	Deposition	Damages			
Kopolow, Debra v. Larson, David, MD	A534811	8 th Judicial District	Plaintiff	Weller	Deposition	Damages			
Korten-Kimber v. Estate of Raymond Aquilar	A433507	8 th Judicial District	Plaintiff	Patti Wise, Esq.	Deposition	Damages			
Kovach, Inc. v. M.J. dean Construction	A537442	8 th Judicial District	Defendant	R. Christopher Reade	Deposition	Damages			
Kuckenbecker v. McFrugals	A422658	8 th Judicial District	Plaintiff	John Bertoldo, Esq.	Deposition	Damages			
Kwak, Janet v. Harter, Steven, M.D. et. al.	A-14-696506-C	8 th Judicial District	Plaintiff	Clark Seegmiller	Deposition	Damages, 02/27/2017			
LaKamp, Vonda v. Turbine Master, Inc.	A510506	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages			
Lambert, Barbara v. Ryhal, Susan	A540519	8 th Judicial District	Plaintiff	Paul Powell	Deposition	Damages			
Lane, Sandra	A-11-638889-C	8 th Judicial District	Plaintiff	Harris & Harris	Deposition	Damages			
LaPalusa, James v. Mackie, Summer, et. al.	A-11-651848-C	8 th Judicial District	Plaintiff	Robert Cottle	Trial	Damages			
Lasich, Gloria v. Pleasant Hills Villas Apts., et. al.	A538262	8 th Judicial District	Plaintiff	Chrisiansen Law Office	Deposition	Damages			
Lease, Thomas R. v. Stephensen, Mark Todd	A522844	8 th Judicial District	Plaintiff	Neil K. Hyman	Deposition	Damages			
Leavitt, Kami v. Siems, Jon L. MD	A560957	8 th Judicial District	Plaintiff	Kristine Jensen	Deposition	Damages			
Leckburg, Donald v. Celebrity Coaches of America	A563858	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages			
Lee, Roger v. St. Rose Dominican Hospital	A601427	8 th Judicial District	Plaintiff	Tanasi	Deposition	Damages			
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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013
Lee, SAteven C. v. Marten Transport, LTD	2:16-CV-00282- GMN-CWH	U.S. District Court of Neveda	Plaintiff	Bradley Paul Elley	Deposition	Damages, 02/03/2017
Leone, Ugo v. Desert Palace, Inc.	2:08-cv-00879	U.S. District Ct. for Nevada	Plaintiff	Arnold Weinstock	Deposition	Damages
Leveille, Rhonda v. Anderson, E.D. et. al.	A-09-602743-C	8 th Judicial District	Plaintiff	Mainor & Eglet	Deposition	Damages
Lewin v. Ford Motor Co.	A483101	8 th Judicial District	Plaintiff	Cottle	Deposition	Damages
Lewis, Gina v. Santiago-Paet Elvenia	A-11-651934-C	8 th Judicial District	Plaintiff	Matt Hoffmann	Deposition	Damages
Lewis, Frances v. Weast, Kenneth	A707873	8 th Judicial District	Plaintiff	Arin & Associates	Deposition	Damages, 05/26/2016
Lewis, Ray v. Cervantes	A494194	8 th Judicial District	Plaintiff	Powell, Paul	Deposition	Damages
Lewis Rick v. Rebel Oil Co.	A566869	8 th Judicial District	Plaintiff	Cliff Marcek	Deposition, Trial	Damages
Lewis v. Harris	A416747	8 th Judicial District	Plaintiff	Burris & Thomas	Deposition	Damages
Ley-Villa, Julio v. First Transit	A576249	8 th Judicial District	Plaintiff	Ben Swansen	Deposition	Damages
Li, Xin v. Byrd, Jerry Mac	A-14-709130-C	8 th Judicial District	Plaintiff	The702firm	Deposition	Damages, 04/04/2016
Li, Yiwei v. Wei, Baoling	A-13-691025-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 05/11/2015
Lieberman, Jon	A-12-667351	8 th Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition	Damages
Limbrick, Damon v. Paikai, Gaylen et. al.	A653876	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Linares, Claudia v. Ayala, Harry et. al.	A-14-697107-C	8 th Judicial District	Plaintiff	Harris & Harris	Trial	Damages, o3/23/2017
Linares, Rosa v. California Delivery Services, Inc.	A-13-683834-C	8 th Judicial District	Plaintiff	Atkins & Watkins	Deposition	Damages, 09/02/2014
Linder, Ager v. T.J.A., Inc.	A-15-714627-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition, 12/02/2016	
LINDSEY, MICHELLE V. DR. DESAI	A545220	8 th Judicial District	Plaintiff	Daniel Simon	Deposition, Trial	Damages
Lindsie, v Dixon	A543068	8 th Judicial District	Plaintiff	Adam Ganz	Deposition, Trial	Damages
Litke, Norma v. Santos, Alison, Trustee	A610992	8 th Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition	Damages
Liu v. KB Homes	A494122	8 th Judicial District	Plaintiff	Patricia P. Trent, Esq.	Deposition	Damages
Llamas v. Safe Electronics	A582111	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Loeffler-owens v Wal Mart Stores	2:07-cv-00300- KJD-LRL	U.S. District Court	Palintiff	Benson, Bertoldo, & Baker	Deposition	Damages
Logan, Norman v. Wal-Mart Stores, Inc.	2:15-cv-01116- JMC-VCF	U.S. District Court	Palintiff	Richard Harris law Firm	Deposition	Damages, 12/07/2015
Logan v. Lefond	A397436	8 th Judicial District	Plaintiff	Michael A. Koning, Esq.	Deposition	Damages
Lomax et al v. LVMPD, TASER,	A	United States District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
International, Inc.	CV-S-05-01464- PMP-RJJ	Court		, and the second		
Lopez-Olivas, Fanuel v. Luis, Anibal	A-14-706231-C	8 th Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 02/23/2016
Loranty v. Montevista Hosp.	A450780	8 th Judicial District	Plaintiff	Hamilton D. Moore, Esq.	Deposition	Damages
Lovering, Christine v. Jameson, Treshawn	A-15-718268-C	8 th Judicial District	Plaintiff	Daniel Simon	Deposition	Damages, 03/27/2017
Lu, Jianquin v. Nevada Star Cab Corporation	A-10-617751-C	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Lucero v. Griffith	A545033	8 th Judicial District	Plaintiff	Adam Ganz	Deposition	Damages
Lucero v. Laurie Larsen, MD.	A388461	8 th Judicial District	Plaintiff	Roy E. Smith, Esq.	Trial	Damages
Luciano, Robert v. St. Mary's Preferred health Insurance Co.	CV12-01751	2 nd Judicial court of Nevada	Plaintiff	Watson Rounds	Deposition	Damages 07/28/2014
Luker, Ryan v. Gillett Construction, LLC	A535794	8 th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages