

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 05:05 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 XLI of LII**

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

HUTCHISON & STEFFEN, PLLC

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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 XLI 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

	A	B	C	D	E	F
359	3941	Harrison	Andrew	\$297.76	\$43.89	\$341.65
360	24039	Hart	Brandi	\$162.45	\$23.95	\$186.40
361	3656	Harun	Idris	\$114.58	\$16.89	\$131.47
362	3515	Hasen	Akmel	\$557.40	\$82.16	\$639.56
363	3742	Haskell	William	\$4,896.30	\$721.73	\$5,618.03
364	2206	Hay	Mark	\$3,837.98	\$565.73	\$4,403.72
365	3808	Hays	Larry	\$2,293.24	\$338.03	\$2,631.27
366	109457	Hearne	Stephen	\$188.99	\$27.86	\$216.85
367	110194	Henderson	Lloyd	\$467.13	\$68.86	\$535.98
368	3933	Hendricks	Mark	\$352.95	\$52.03	\$404.97
369	3634	Herbert	Christopher	\$1,177.50	\$173.57	\$1,351.06
370	3763	Herga	Ryan	\$408.57	\$60.22	\$468.79
371	3283	Hernandez	Luis	\$1,247.20	\$183.84	\$1,431.04
372	3094	Hernandez	Norberto	\$608.82	\$89.74	\$698.56
373	101555	Hernandez	Rene	\$272.18	\$40.12	\$312.30
374	107072	Hernandez-Ocampo	Amilcar	\$219.91	\$32.42	\$252.33
375	3100	Hilbert	Edward	\$1,307.11	\$192.67	\$1,499.78
376	112038	Hill	Douglas	\$294.63	\$43.43	\$338.06
377	2913	Hill	Fred	\$165.97	\$24.46	\$190.43
378	109792	Hinds	Monroe	\$304.22	\$44.84	\$349.06
379	2097	Hinks	Dana	\$1,119.76	\$165.06	\$1,284.82
380	3765	Hirsi	Kamal	\$533.66	\$78.66	\$612.33
381	2464	Hodge	Lee	\$1,173.17	\$172.93	\$1,346.10
382	2490	Hoffman	Gery	\$30.38	\$4.48	\$34.86
383	2017	Holcomb	Dalton	\$1,162.76	\$171.40	\$1,334.16
384	3864	Holler	Alfonso	\$586.05	\$86.39	\$672.43
385	3809	Hollis	James	\$252.73	\$37.25	\$289.98
386	3509	Holloway	Maynard	\$94.89	\$13.99	\$108.88
387	3822	Holt	John	\$2,920.16	\$430.44	\$3,350.60
388	3653	Hooper	Donald	\$709.80	\$104.63	\$814.43
389	3026	Hoopes	Bryant	\$110.98	\$16.36	\$127.33
390	2022	Hopkins	Robert	\$191.91	\$28.29	\$220.20
391	3607	Hoschouer	Christina	\$1,321.54	\$194.80	\$1,516.33

	A	B	C	D	E	F
392	109584	Hosley	Tracie	\$185.20	\$27.30	\$212.50
393	2560	Houlihan	Beth	\$59.77	\$8.81	\$68.57
394	2191	Howard	Robert	\$658.09	\$97.01	\$755.10
395	2863	Howard	Thomas	\$325.57	\$47.99	\$373.56
396	31648	Hu	Karl	\$137.49	\$20.27	\$157.76
397	3849	Huerena	Samuel	\$51.18	\$7.54	\$58.72
398	2289	Huffman	Britton	\$1,911.79	\$281.81	\$2,193.60
399	2400	Hughes	Jerry	\$4,056.02	\$597.87	\$4,653.90
400	3780	Hunter	James	\$320.69	\$47.27	\$367.96
401	3120	Huntington	Walter	\$1,078.23	\$158.94	\$1,237.17
402	27788	Hurd	Donald	\$1,786.78	\$263.38	\$2,050.15
403	3782	Hurley	Robert	\$246.55	\$36.34	\$282.89
404	2751	Hurtado	Hubert	\$6,197.96	\$913.61	\$7,111.57
405	3835	Hussien	Leykun	\$568.36	\$83.78	\$652.14
406	3529	Hyman	Irving	\$56.35	\$8.31	\$64.65
407	17189	Imran	Muhammad	\$104.12	\$15.35	\$119.46
408	3187	Isaac	Edsel	\$263.62	\$38.86	\$302.48
409	108273	Isanan	Claro	\$199.02	\$29.34	\$228.35
410	107191	Ivanov	Yordan	\$74.55	\$10.99	\$85.54
411	2114	Ivey	Timothy	\$1,505.32	\$221.89	\$1,727.21
412	3928	Jackson	Anthony	\$495.57	\$73.05	\$568.62
413	108839	Jackson	Frederick	\$3,154.65	\$465.01	\$3,619.66
414	3701	Jackson	Willie	\$3,577.43	\$527.33	\$4,104.76
415	107992	Jacobi	Donald	\$1,157.97	\$170.69	\$1,328.66
416	20466	Jafarian	Moharram	\$13.55	\$2.00	\$15.55
417	3020	Jarmosco	John	\$224.90	\$33.15	\$258.06
418	2483	Javelona	Mario	\$3,199.71	\$471.65	\$3,671.36
419	2412	Jelancic	Vladko	\$1,773.01	\$261.35	\$2,034.36
420	3851	Jellison	Charles	\$513.14	\$75.64	\$588.77
421	2083	Jennings	Stanley	\$331.46	\$48.86	\$380.32
422	3315	Jimenez	Michael	\$3,504.64	\$516.60	\$4,021.24
423	3109	Jin	Casey	\$2,255.12	\$332.41	\$2,587.54
424	3539	Johnson	Brian	\$81.93	\$12.08	\$94.00

	A	B	C	D	E	F
425	3898	Johnson	Cary	\$91.90	\$13.55	\$105.44
426	3151	Johnson	Kennard	\$2,649.47	\$390.54	\$3,040.02
427	3844	Johnson	Richard	\$162.40	\$23.94	\$186.34
428	2127	Johnson	Rodney	\$206.39	\$30.42	\$236.81
429	3602	Johnson	Tony	\$377.73	\$55.68	\$433.41
430	1058	Jones	Doug	\$223.09	\$32.88	\$255.98
431	2253	Jones	Glenn	\$4,106.08	\$605.25	\$4,711.34
432	2639	Jones	James	\$247.93	\$36.55	\$284.48
433	3784	Joseph	Leroy	\$2,570.69	\$378.93	\$2,949.62
434	3239	Joseph	Loradel	\$172.42	\$25.41	\$197.83
435	2849	Justice	Jason	\$479.91	\$70.74	\$550.65
436	3919	Kabbaz	David	\$76.92	\$11.34	\$88.26
437	111813	Kadir	Tura	\$23.88	\$3.52	\$27.39
438	106642	Kadri	Abdelkrim	\$10.24	\$1.51	\$11.75
439	3772	Kaiyoorawongs	Chaipan	\$3,065.66	\$451.89	\$3,517.55
440	101942	Kalimba	Gaston	\$530.48	\$78.19	\$608.67
441	29542	Kang	Chong	\$219.01	\$32.28	\$251.30
442	3631	Karner	Adam	\$1,141.88	\$168.32	\$1,310.20
443	3819	Keba	Woldmarim	\$998.90	\$147.24	\$1,146.14
444	3303	Keber	Yilma	\$116.56	\$17.18	\$133.74
445	2482	Keith	Marcus	\$190.51	\$28.08	\$218.60
446	106153	Keller	Roger	\$390.90	\$57.62	\$448.52
447	3531	Kelley	Jared	\$253.10	\$37.31	\$290.41
448	2736	Kenary	Brian	\$4,804.46	\$708.20	\$5,512.65
449	3484	Kern	Gary	\$10,171.83	\$1,499.37	\$11,671.20
450	3637	Key	Roy	\$174.71	\$25.75	\$200.46
451	3651	Khan	Zaka	\$53.04	\$7.82	\$60.86
452	105794	Kimler	Ryan	\$198.87	\$29.31	\$228.19
453	3798	King Jr.	John	\$179.87	\$26.51	\$206.39
454	2901	Kingsley	David	\$49.73	\$7.33	\$57.06
455	111283	Kissel	Sean	\$51.23	\$7.55	\$58.78
456	3893	Klein	Phillip	\$3,633.02	\$535.52	\$4,168.54
457	3837	Knight	Tyree	\$262.37	\$38.67	\$301.04

	A	B	C	D	E	F
458	3215	Koch	Frederick	\$379.05	\$55.87	\$434.93
459	3630	Kogan	Martin	\$7,609.17	\$1,121.62	\$8,730.80
460	3273	Kolasinski	Aemon	\$595.28	\$87.75	\$683.03
461	2789	Krouse	Stephen	\$1,187.50	\$175.04	\$1,362.54
462	103826	Kull Jr.	William	\$135.94	\$20.04	\$155.98
463	3662	Kunik	Robert	\$301.44	\$44.43	\$345.87
464	3878	Laico	Paul	\$102.52	\$15.11	\$117.63
465	111231	Lant	Mark	\$694.00	\$102.30	\$796.29
466	3535	Lantis	Glen	\$1,045.93	\$154.17	\$1,200.10
467	3435	Laspada	Brian	\$746.94	\$110.10	\$857.04
468	25362	Lathan	Joseph	\$269.57	\$39.73	\$309.30
469	111290	Lay	Gilbert	\$139.80	\$20.61	\$160.40
470	3013	Lazarov	Vasilije	\$205.51	\$30.29	\$235.80
471	1053	Leacock	Brian	\$2,396.09	\$353.19	\$2,749.28
472	3685	Leal	Jill	\$2,592.70	\$382.17	\$2,974.87
473	2635	Ledbetter	Ernest	\$11.17	\$1.65	\$12.81
474	18960	Lee	Melvin	\$469.33	\$69.18	\$538.51
475	3702	Lee	Thomas	\$2,952.81	\$435.26	\$3,388.06
476	3159	Lefevre	Stephen	\$405.67	\$59.80	\$465.47
477	3666	Legesse	Dereje	\$776.75	\$114.50	\$891.25
478	2160	Leonardo	Vito	\$1,567.29	\$231.02	\$1,798.31
479	3816	Ligus	Thomas	\$219.63	\$32.37	\$252.01
480	25522	Link	Peter	\$1,372.28	\$202.28	\$1,574.56
481	3681	Linzer	Steven	\$42.56	\$6.27	\$48.83
482	15804	Little	Dennis	\$1,016.34	\$149.81	\$1,166.15
483	3267	Liu	David	\$181.81	\$26.80	\$208.61
484	3510	Lloyd	Mark	\$30.64	\$4.52	\$35.15
485	3945	Lombana	Francisco	\$51.80	\$7.63	\$59.43
486	3858	Lonbani	Khosro	\$829.71	\$122.30	\$952.02
487	111405	Lopez-Silvero	Fidel	\$81.02	\$11.94	\$92.96
488	3752	Lorenz	Dierdra	\$866.03	\$127.66	\$993.69
489	3813	Lovelady	Warren	\$11.90	\$1.75	\$13.65
490	2963	Lovett	Patrick	\$598.72	\$88.25	\$686.98

	A	B	C	D	E	F
491	1065	Lovin	Charles	\$422.42	\$62.27	\$484.68
492	3295	Lowe	John	\$767.67	\$113.16	\$880.82
493	3006	Loyd	Gary	\$3,050.25	\$449.62	\$3,499.87
494	3326	Lucero	Arturo	\$1,825.80	\$269.13	\$2,094.93
495	3339	Luo	Yue	\$490.93	\$72.36	\$563.29
496	3778	Macato	Jaime	\$2,859.72	\$421.53	\$3,281.26
497	20936	Madi	Adam	\$137.47	\$20.26	\$157.74
498	24918	Magana	Luis	\$749.60	\$110.49	\$860.10
499	3224	Magazin	Milorad	\$33.12	\$4.88	\$38.00
500	107940	Maharit	Khamkhung	\$63.98	\$9.43	\$73.41
501	2912	Mahmud	Omar	\$2,459.87	\$362.59	\$2,822.46
502	2738	Mahoney	Kevin	\$638.30	\$94.09	\$732.39
503	3096	Mainwaring	David	\$4,352.12	\$641.52	\$4,993.64
504	2757	Majors	John	\$10,258.22	\$1,512.10	\$11,770.32
505	3312	Mandefro	Nebiyu	\$1,046.39	\$154.24	\$1,200.63
506	22809	Manitien	Ted	\$13.83	\$2.04	\$15.87
507	3890	Manor	Quincy	\$1,544.98	\$227.74	\$1,772.72
508	3583	Maras	Maria	\$2,614.23	\$385.35	\$2,999.58
509	106666	Martinez	Arturo	\$63.48	\$9.36	\$72.83
510	110053	Martinez	Francisco	\$1,713.26	\$252.54	\$1,965.80
511	3866	Martinez-Ramirez	Eduardo	\$1,043.05	\$153.75	\$1,196.79
512	100287	Martins	Julio	\$298.27	\$43.97	\$342.24
513	1033	Masetta	Ronald	\$593.06	\$87.42	\$680.48
514	3088	Massey	Michael	\$752.45	\$110.91	\$863.36
515	3325	Mastilovic	Branislav	\$296.04	\$43.64	\$339.68
516	3698	Mastrio	Angelo	\$287.39	\$42.36	\$329.75
517	110618	Mastrio	Pamela	\$234.23	\$34.53	\$268.76
518	110108	Mathis	George	\$297.42	\$43.84	\$341.26
519	3669	Maza	Inez	\$349.93	\$51.58	\$401.51
520	111284	McCall	Melvin	\$169.85	\$25.04	\$194.88
521	111199	McCarroll-Jones	Claudia	\$17.52	\$2.58	\$20.11
522	2587	McCarter	Patrick	\$3,893.89	\$573.97	\$4,467.86
523	3690	McCarthy	John	\$4,182.28	\$616.49	\$4,798.77

	A	B	C	D	E	F
524	3654	McConnell	Therral	\$873.55	\$128.77	\$1,002.32
525	3743	McCoubrey	Earl	\$1,347.94	\$198.69	\$1,546.63
526	107427	McDougle	Jeffrey	\$124.87	\$18.41	\$143.27
527	3111	McGarry	James	\$1,615.01	\$238.06	\$1,853.07
528	3745	McGowan	Sean	\$228.69	\$33.71	\$262.40
529	3547	McGregor	Matthew	\$1,725.05	\$254.28	\$1,979.33
530	2178	McIntyre	Kelly	\$1,180.66	\$174.03	\$1,354.69
531	3722	McNeece	James	\$147.35	\$21.72	\$169.07
532	25641	McSkimming	John	\$901.92	\$132.95	\$1,034.87
533	2054	Mears	John	\$22.75	\$3.35	\$26.11
534	3098	Medlock	Michael	\$93.32	\$13.76	\$107.08
535	3345	Mekonen	Solomon	\$557.43	\$82.17	\$639.60
536	3066	Melesse	Abebe	\$529.55	\$78.06	\$607.60
537	3665	Melka	Tariku	\$27.31	\$4.03	\$31.34
538	2596	Meloro	Paul	\$5,177.64	\$763.21	\$5,940.84
539	3262	Mengesha	Alemayehu	\$861.06	\$126.92	\$987.99
540	3568	Menocal	Pedro	\$1,029.70	\$151.78	\$1,181.48
541	2838	Mersal	Beth	\$2,597.07	\$382.82	\$2,979.89
542	102328	Meyer	Ronald	\$53.72	\$7.92	\$61.64
543	26609	Mezzenasco	Pedro	\$1,523.84	\$224.62	\$1,748.45
544	3542	Michaels	Terry	\$110.59	\$16.30	\$126.89
545	110334	Michilena	Luis	\$66.26	\$9.77	\$76.03
546	2959	Miller	Darryl	\$5,060.89	\$746.00	\$5,806.88
547	2875	Miller	Florence	\$87.31	\$12.87	\$100.17
548	30196	Miller	Jason	\$983.37	\$144.95	\$1,128.32
549	3275	Miller	John	\$472.50	\$69.65	\$542.15
550	22514	Miller	Michelle	\$88.70	\$13.08	\$101.78
551	17855	Milliron	Darrol	\$3,924.93	\$578.55	\$4,503.48
552	3314	Milton	Shawn	\$959.25	\$141.40	\$1,100.64
553	3620	Mindyas	James	\$855.65	\$126.13	\$981.78
554	3904	Mirkulovski	Danny	\$550.09	\$81.09	\$631.18
555	2933	Mitchell	Jimmy	\$4,570.58	\$673.72	\$5,244.30
556	31966	Mitrikov	Ilko	\$2,414.03	\$355.84	\$2,769.86

	A	B	C	D	E	F
557	104887	Miyazaki	Nisaburo	\$912.41	\$134.49	\$1,046.90
558	2759	Moffett	Larry	\$1,118.37	\$164.85	\$1,283.23
559	3317	Mogeeth	Ehab	\$323.43	\$47.67	\$371.10
560	3318	Mohr	Donald	\$135.02	\$19.90	\$154.92
561	105284	Monforte II	Peter	\$5,074.87	\$748.06	\$5,822.92
562	3882	Monteagudo	Oscar	\$937.81	\$138.24	\$1,076.04
563	3735	Montoya Villa	Francisco	\$1,112.68	\$164.01	\$1,276.69
564	3913	Moore	Aileen-Louise	\$328.57	\$48.43	\$377.01
565	2110	Moore	Jerry	\$1,471.54	\$216.91	\$1,688.45
566	30777	Moore	Jimmy	\$1,597.64	\$235.50	\$1,833.13
567	3664	Moreno	James	\$5,220.56	\$769.53	\$5,990.09
568	3626	Moretti	Bryan	\$1,422.89	\$209.74	\$1,632.63
569	3411	Morley	David	\$1,610.99	\$237.47	\$1,848.45
570	2162	Morris	Robert	\$2,890.99	\$426.14	\$3,317.13
571	8321	Morris	Thomas	\$4,599.67	\$678.01	\$5,277.68
572	106703	Mosely	David	\$1,143.38	\$168.54	\$1,311.92
573	3282	Mosley	Rory	\$177.21	\$26.12	\$203.33
574	3785	Mostafa	Ahmed	\$500.20	\$73.73	\$573.93
575	28917	Motazedi	Kamran	\$181.66	\$26.78	\$208.44
576	27059	Mottaghian	Joseph	\$30.98	\$4.57	\$35.54
577	107704	Muhtari	Abdulrahman	\$615.74	\$90.76	\$706.50
578	3518	Muldoon	Thomas	\$345.81	\$50.97	\$396.78
579	2735	Mumma	Donald	\$388.18	\$57.22	\$445.40
580	3847	Murawski	Richard	\$1,593.10	\$234.83	\$1,827.93
581	3856	Murray	Mark	\$23.74	\$3.50	\$27.24
582	2717	Murray	Melinda	\$523.81	\$77.21	\$601.02
583	2018	Murray	Michael P.	\$770.33	\$113.55	\$883.88
584	2642	Murray	MichaelJ	\$2,654.68	\$391.31	\$3,045.99
585	2018	Murray	MichaelP	\$4,393.97	\$647.69	\$5,041.65
586	3255	Mutia	Junno	\$173.69	\$25.60	\$199.29
587	107440	Nantista	Peter	\$212.28	\$31.29	\$243.57
588	3859	Nazarov	Mikael	\$2,736.49	\$403.37	\$3,139.86
589	3804	Ndichu	Simon	\$366.18	\$53.98	\$420.16

	A	B	C	D	E	F
590	102656	Nedyalkov	Atanas	\$321.59	\$47.40	\$369.00
591	3530	Negashe	Legesse	\$1,792.40	\$264.21	\$2,056.60
592	3335	Negussie	Berhanu	\$177.66	\$26.19	\$203.85
593	111494	Nemeth	Zoltan	\$353.54	\$52.11	\$405.65
594	3593	Netrayana	Kanchalee	\$82.59	\$12.17	\$94.76
595	25190	Ngo	Tuan	\$1,607.52	\$236.95	\$1,844.47
596	3545	Nichols	Keith	\$937.37	\$138.17	\$1,075.54
597	2990	Nick	Harry	\$1,427.52	\$210.42	\$1,637.94
598	1098	Nicol	Thaddeus	\$2,390.59	\$352.38	\$2,742.98
599	3122	Niculescu	Adrian	\$1,081.63	\$159.44	\$1,241.06
600	3823	Nigussie	Gulilat	\$620.79	\$91.51	\$712.30
601	28989	Nolan	Eamonn	\$107.87	\$15.90	\$123.77
602	3000	Nolan	Jeffrey	\$455.61	\$67.16	\$522.77
603	3639	Norberg	Christopher	\$996.85	\$146.94	\$1,143.79
604	3876	Norvell	Chris	\$4,691.89	\$691.60	\$5,383.49
605	2713	Novaky	Adam	\$811.29	\$119.59	\$930.88
606	3841	Ocampo	Leonardo	\$967.99	\$142.69	\$1,110.68
607	30295	Ogbazghi	Dawit	\$1,075.06	\$158.47	\$1,233.53
608	109172	O'Grady	Francis	\$404.46	\$59.62	\$464.08
609	3836	Ohlson	Ryan	\$924.94	\$136.34	\$1,061.28
610	3753	Olen	Virginia	\$2,224.07	\$327.84	\$2,551.91
611	3748	Oliveros	Mario	\$671.02	\$98.91	\$769.93
612	3868	Olson	Eric	\$514.53	\$75.84	\$590.38
613	3271	O'Neill	Terry	\$84.85	\$12.51	\$97.35
614	3644	Ontura	Tesfalem	\$259.20	\$38.21	\$297.41
615	3308	Orellana	Byron	\$829.67	\$122.30	\$951.96
616	3934	Orr	Mark	\$147.62	\$21.76	\$169.38
617	104938	Ortega	Paul	\$47.24	\$6.96	\$54.20
618	3863	Ortega	Saul	\$439.49	\$64.78	\$504.27
619	3894	O'Shea	Kevin	\$163.81	\$24.15	\$187.96
620	25832	Osterman	Victor	\$683.24	\$100.71	\$783.95
621	3783	Overson	Michael	\$636.00	\$93.75	\$729.74
622	3789	Oyebade	Vincent	\$116.31	\$17.14	\$133.45

	A	B	C	D	E	F
623	3717	Ozgulgec	Tunc	\$1,626.46	\$239.75	\$1,866.20
624	3618	Pak	Kon	\$374.87	\$55.26	\$430.13
625	3099	Pannell	Norbert	\$167.92	\$24.75	\$192.68
626	106025	Paone	Chris	\$1,093.84	\$161.24	\$1,255.08
627	2810	Paranhos	Eurico	\$1,750.43	\$258.02	\$2,008.45
628	3597	Pariso	David	\$5,508.79	\$812.02	\$6,320.81
629	109637	Park	Danny	\$38.85	\$5.73	\$44.58
630	16676	Parker	Gary	\$1,387.79	\$204.57	\$1,592.35
631	3750	Parker	Shawnette	\$713.53	\$105.18	\$818.70
632	3884	Parmenter	William	\$1,713.94	\$252.64	\$1,966.58
633	3659	Paros	Nicholas	\$14.71	\$2.17	\$16.88
634	19858	Passera	Charles	\$65.93	\$9.72	\$75.64
635	3624	Patry	Michael	\$2,583.67	\$380.84	\$2,964.51
636	2647	Patterson	Robert	\$489.44	\$72.15	\$561.59
637	3932	Patton	Dorothy	\$43.03	\$6.34	\$49.37
638	112811	Peace	Kimberly	\$241.57	\$35.61	\$277.18
639	29536	Peacock	Paula	\$118.57	\$17.48	\$136.04
640	3806	Pearson	Jon	\$1,150.94	\$169.65	\$1,320.59
641	31112	Peer	Yuda	\$1,613.84	\$237.89	\$1,851.73
642	3396	Penera	Eric	\$298.45	\$43.99	\$342.44
643	2776	Pepitone	Leonard	\$1,687.56	\$248.75	\$1,936.31
644	3834	Perrotti	Dominic	\$421.61	\$62.15	\$483.75
645	111257	Petculescu	Ciprian	\$28.97	\$4.27	\$33.24
646	15968	Peterson	Kenneth	\$978.12	\$144.18	\$1,122.30
647	1076	Peterson	Steven	\$3,638.58	\$536.34	\$4,174.92
648	3736	Petrie	Theodore	\$49.32	\$7.27	\$56.59
649	3740	Petrossian	Robert	\$678.86	\$100.07	\$778.92
650	2440	Pettaway	Marvin	\$589.60	\$86.91	\$676.51
651	2473	Phillips	Gordon	\$3,008.26	\$443.43	\$3,451.69
652	106089	Phillips	Larry	\$881.80	\$129.98	\$1,011.78
653	3281	Phonesavanh	Paul	\$1,217.26	\$179.43	\$1,396.68
654	3523	Pilkington	Margaret	\$2,988.83	\$440.57	\$3,429.40
655	107617	Pineda	Carlos	\$2,994.17	\$441.35	\$3,435.52

	A	B	C	D	E	F
656	2826	Pitts	Amir	\$1,202.20	\$177.21	\$1,379.40
657	2407	Platania	John	\$1,038.00	\$153.01	\$1,191.01
658	3265	Pletz	David	\$5,203.24	\$766.98	\$5,970.22
659	3647	Pohl	Daniel	\$186.19	\$27.45	\$213.64
660	26679	Polchinski	Paul	\$111.37	\$16.42	\$127.78
661	3017	Polk	Craig	\$96.33	\$14.20	\$110.53
662	31149	Pony	David	\$51.52	\$7.59	\$59.11
663	3563	Portillo	Mario	\$593.50	\$87.48	\$680.98
664	3287	Portillo-Sanchez	Carlos	\$417.87	\$61.60	\$479.46
665	1030	Poulton	Todd	\$11.77	\$1.73	\$13.50
666	3129	Povolotsky	Anatoly	\$227.53	\$33.54	\$261.07
667	3152	Prather	Robert	\$445.01	\$65.60	\$510.60
668	3201	Presnall	Darryl	\$2,471.47	\$364.30	\$2,835.77
669	3800	Price	Allen	\$630.95	\$93.00	\$723.95
670	2568	Price	James	\$5,036.02	\$742.33	\$5,778.35
671	3449	Prifti	Ilia	\$418.70	\$61.72	\$480.42
672	26363	Punzalan	Luciano	\$236.08	\$34.80	\$270.87
673	3687	Purdue	Robert	\$312.22	\$46.02	\$358.24
674	2122	Purvis	James	\$58.24	\$8.58	\$66.83
675	3556	Pyles	Joseph	\$682.49	\$100.60	\$783.09
676	3307	Qian	Jie	\$376.94	\$55.56	\$432.51
677	3002	Rabara	Antino	\$698.55	\$102.97	\$801.52
678	107548	Rainey	James	\$219.28	\$32.32	\$251.60
679	3883	Ramirez	Erney	\$760.59	\$112.11	\$872.70
680	2180	Ramos	Lawrence	\$122.19	\$18.01	\$140.20
681	3085	Ramsey	Gary	\$1,312.85	\$193.52	\$1,506.37
682	3525	Rasheed	Willie	\$4,450.03	\$655.95	\$5,105.98
683	3812	Ray	William	\$12.61	\$1.86	\$14.47
684	2857	Reevell	Jeffrey	\$15.47	\$2.28	\$17.75
685	108758	Regans	Mark	\$379.98	\$56.01	\$435.99
686	3615	Reid	Marvin	\$1,520.60	\$224.14	\$1,744.74
687	2805	Reina	Linda	\$77.46	\$11.42	\$88.88
688	2237	Relopez	Craig	\$2,933.59	\$432.42	\$3,366.01

	A	B	C	D	E	F
689	3544	Reno	Michael	\$4,966.19	\$732.04	\$5,698.22
690	2266	Reynolds	James	\$289.68	\$42.70	\$332.38
691	14261	Riipi	Karl	\$126.47	\$18.64	\$145.11
692	109502	Rios-Lopez	Oscar	\$189.76	\$27.97	\$217.73
693	107701	Risby	Clifford	\$1,060.42	\$156.31	\$1,216.73
694	111756	Risco	Pedro	\$554.56	\$81.74	\$636.30
695	3191	Rivas	Victor	\$1,763.13	\$259.89	\$2,023.03
696	104109	Rivero-Vera	Raul	\$288.88	\$42.58	\$331.46
697	101317	Rivers	Willie	\$642.53	\$94.71	\$737.24
698	3575	Roach	Jayson	\$665.36	\$98.08	\$763.44
699	3305	Roberson	Ronnie	\$108.61	\$16.01	\$124.61
700	2842	Roberts	James	\$1,756.75	\$258.95	\$2,015.70
701	104171	Robinson	Mikalani	\$398.94	\$58.81	\$457.75
702	3526	Robinson	William	\$383.59	\$56.54	\$440.14
703	3629	Robles	Mark	\$49.78	\$7.34	\$57.11
704	3744	Rockett Jr.	Roosevelt	\$81.28	\$11.98	\$93.26
705	31847	Rodriguez	Armando	\$30.79	\$4.54	\$35.33
706	3814	Rohlas	Polly	\$3,615.12	\$532.88	\$4,148.00
707	2666	Rojas	David	\$68.35	\$10.07	\$78.42
708	3874	Romano	Anthony	\$1,306.60	\$192.60	\$1,499.20
709	3587	Romero	Ruben	\$687.24	\$101.30	\$788.54
710	3104	Rosenthal	John	\$3,513.66	\$517.93	\$4,031.58
711	3225	Ross	Larry	\$74.22	\$10.94	\$85.15
712	108742	Ross	Lee	\$174.37	\$25.70	\$200.07
713	3850	Rothenberg	Edward	\$239.11	\$35.25	\$274.36
714	3504	Rotich	Emertha	\$2,099.57	\$309.49	\$2,409.06
715	3912	Rousseau	James	\$657.44	\$96.91	\$754.35
716	3021	Rubino	Joseph	\$103.47	\$15.25	\$118.72
717	3693	Ruby	Melissa	\$265.99	\$39.21	\$305.20
718	3477	Ruiz	Travis	\$1,117.07	\$164.66	\$1,281.73
719	3875	Russell	Darrell	\$657.42	\$96.91	\$754.33
720	2965	Russell	Mark	\$1,239.03	\$182.64	\$1,421.67
721	2260	Sackett	Kathryn	\$203.37	\$29.98	\$233.34

	A	B	C	D	E	F
722	3944	Sadler	James	\$82.91	\$12.22	\$95.13
723	3323	Saevitz	Neil	\$2,364.73	\$348.57	\$2,713.30
724	3169	Salameh	George	\$2,702.72	\$398.39	\$3,101.11
725	3042	Saleh	Jemal	\$8,393.73	\$1,237.27	\$9,630.99
726	103096	Sam	Phea	\$625.84	\$92.25	\$718.09
727	21811	Sameli	Sabino	\$921.22	\$135.79	\$1,057.01
728	100128	Sampson	James	\$644.31	\$94.97	\$739.28
729	109349	Sanchez-Ramos	Natasha	\$288.44	\$42.52	\$330.96
730	3570	Sanders	Acy	\$737.61	\$108.73	\$846.33
731	2859	Sandoval	Yolanda	\$421.83	\$62.18	\$484.01
732	29769	Sans	Thomas	\$769.01	\$113.35	\$882.36
733	3011	Santos	Billy	\$86.61	\$12.77	\$99.38
734	3915	Sapienza	Gino	\$261.74	\$38.58	\$300.32
735	3648	Saravanos	John	\$5,143.32	\$758.15	\$5,901.46
736	26687	Sargeant	Michael	\$164.64	\$24.27	\$188.91
737	105273	Sayed	Jamil	\$904.94	\$133.39	\$1,038.33
738	1093	Schall	Douglas	\$1,002.07	\$147.71	\$1,149.78
739	3599	Schoeb	Kirk	\$45.04	\$6.64	\$51.68
740	106913	Schraeder	Scott	\$569.96	\$84.01	\$653.98
741	25981	Schroeder	William	\$2,110.35	\$311.07	\$2,421.42
742	29172	Schwartz	George	\$601.41	\$88.65	\$690.06
743	3313	Schwartz	Steven	\$4,584.18	\$675.73	\$5,259.91
744	109028	Secondo	Muridi	\$391.43	\$57.70	\$449.12
745	3536	Sedgwick	Anthony	\$226.67	\$33.41	\$260.08
746	2657	Seller	Paula	\$295.78	\$43.60	\$339.38
747	3134	Serio	John	\$4,092.51	\$603.25	\$4,695.76
748	3057	Serrano	Hector	\$2,990.45	\$440.80	\$3,431.25
749	3359	Sevillet	Otto	\$706.90	\$104.20	\$811.10
750	3879	Sexner	Alexis	\$1,075.72	\$158.56	\$1,234.28
751	19451	Shafiei	Abdolreza	\$552.17	\$81.39	\$633.56
752	2899	Shallufa	Azmy	\$10,290.01	\$1,516.79	\$11,806.80
753	2955	Shank	Lyle	\$52.32	\$7.71	\$60.03
754	3294	Sharp	Omar	\$276.16	\$40.71	\$316.87

	A	B	C	D	E	F
755	3619	Shein	Efraim	\$304.28	\$44.85	\$349.13
756	3532	Shenkov	Svetlozar	\$275.95	\$40.68	\$316.62
757	103821	Sherman	Jason	\$214.72	\$31.65	\$246.37
758	3724	Shinn	Kevin	\$463.14	\$68.27	\$531.41
759	3790	Shoyombo	Rilwan	\$1,833.70	\$270.29	\$2,103.99
760	3803	Siasat	Manuel	\$32.38	\$4.77	\$37.15
761	112766	Sibre	Christopher	\$294.20	\$43.37	\$337.56
762	3758	Siegel	Jeffrey	\$91.32	\$13.46	\$104.78
763	3700	Siljak	Lidija	\$120.49	\$17.76	\$138.25
764	105863	Siljkovic	Becir	\$2,017.09	\$297.33	\$2,314.41
765	23388	Simmons	John	\$2,558.25	\$377.10	\$2,935.35
766	3264	Sinatra	Anthony	\$296.21	\$43.66	\$339.88
767	3524	Sinay	Abraham	\$858.58	\$126.56	\$985.14
768	3677	Singh	Baldev	\$180.81	\$26.65	\$207.47
769	3683	Sitotaw	Haileab	\$118.59	\$17.48	\$136.06
770	2972	Smagacz	Stephen	\$185.28	\$27.31	\$212.59
771	2630	Smale	Charles	\$935.99	\$137.97	\$1,073.96
772	3870	Smith	Jepthy	\$484.69	\$71.44	\$556.13
773	2923	Smith	Jerry	\$30.69	\$4.52	\$35.21
774	3521	Smith	Lisa	\$1,094.07	\$161.27	\$1,255.34
775	3041	Smith	Lottie	\$6,722.83	\$990.97	\$7,713.81
776	3033	Smith	Toby	\$140.20	\$20.67	\$160.86
777	3610	Smith Jr.	Willie	\$2,123.86	\$313.07	\$2,436.92
778	2667	Solares	John	\$453.45	\$66.84	\$520.29
779	3643	Solis	Brigido	\$174.25	\$25.69	\$199.94
780	22804	Solymar	Istvan	\$303.84	\$44.79	\$348.63
781	3854	Soree	Mladen	\$1,445.54	\$213.08	\$1,658.62
782	105304	Sorkin	Jack	\$336.28	\$49.57	\$385.85
783	3770	Sorrosa	Juan	\$2,214.82	\$326.47	\$2,541.29
784	2638	Soto	Jacob	\$413.13	\$60.90	\$474.03
785	3797	Soto	Johnny	\$352.89	\$52.02	\$404.90
786	2873	Spangler	Peter	\$93.78	\$13.82	\$107.61
787	3727	Sparks	Cody	\$19.56	\$2.88	\$22.45

	A	B	C	D	E	F
788	3845	Spaulding	Ross	\$244.25	\$36.00	\$280.25
789	2592	Sphouris	Constantine	\$71.48	\$10.54	\$82.02
790	3087	Spiegel	Louis	\$113.17	\$16.68	\$129.85
791	3055	Spilmon	Mark	\$8,891.81	\$1,310.69	\$10,202.50
792	3481	Springer	Marvin	\$1,483.49	\$218.67	\$1,702.17
793	111364	Stanley	John	\$286.26	\$42.20	\$328.46
794	3366	Starcher	Richard	\$871.76	\$128.50	\$1,000.26
795	3821	Stauff	John	\$113.93	\$16.79	\$130.72
796	3737	Stayton	William	\$119.03	\$17.55	\$136.57
797	109013	Stearns	Thomas	\$528.37	\$77.88	\$606.25
798	3757	Steck	Gregory	\$6,511.90	\$959.88	\$7,471.78
799	3625	Stephanov	Liuben	\$398.92	\$58.80	\$457.72
800	3695	Stern	Robert	\$292.29	\$43.08	\$335.37
801	3165	Stevenson	John	\$2,662.56	\$392.47	\$3,055.03
802	3872	Stockton	Clarence	\$1,336.84	\$197.06	\$1,533.89
803	3713	Stonebreaker	Dawn	\$2,489.85	\$367.01	\$2,856.86
804	25450	Tafesh	George	\$976.87	\$143.99	\$1,120.86
805	102400	Talley	George	\$301.76	\$44.48	\$346.24
806	112063	Tapia-Vergara	Agustin	\$587.64	\$86.62	\$674.26
807	3338	Tarragano	Stephen	\$1,370.43	\$202.01	\$1,572.43
808	3333	Taurins	Walter	\$407.00	\$59.99	\$466.99
809	111807	Taylor	Brent	\$632.29	\$93.20	\$725.49
810	109745	Taylor	David	\$324.21	\$47.79	\$372.00
811	31977	Taylor	Marvin	\$714.56	\$105.33	\$819.89
812	3728	Tedros	Biserat	\$588.25	\$86.71	\$674.96
813	3720	Terry	James	\$937.23	\$138.15	\$1,075.38
814	3045	Thomas	Anthony	\$1,285.73	\$189.52	\$1,475.25
815	31400	Thomas	Cator	\$427.93	\$63.08	\$491.01
816	104732	Thomas	Hasan	\$247.81	\$36.53	\$284.34
817	3726	Thomas	Scott	\$2,673.14	\$394.03	\$3,067.17
818	3867	Thompson	Glen	\$2,921.34	\$430.62	\$3,351.95
819	27963	Thompson	Michael	\$7,044.25	\$1,038.35	\$8,082.60
820	29040	Timko	Robert	\$224.07	\$33.03	\$257.09

	A	B	C	D	E	F
821	110796	Toka	Tamas	\$445.88	\$65.72	\$511.60
822	2980	Tracy	Dennis	\$67.90	\$10.01	\$77.91
823	22120	Travis	Brian	\$2,502.26	\$368.84	\$2,871.10
824	2632	Travis	Patricia	\$1,049.36	\$154.68	\$1,204.04
825	3083	Tripi	Joseph	\$1,325.47	\$195.38	\$1,520.85
826	104747	Trumpp	Robert	\$211.10	\$31.12	\$242.22
827	3110	Tsegay	Alexander	\$441.20	\$65.04	\$506.24
828	103413	Tsegaye	Miheret	\$51.23	\$7.55	\$58.78
829	20386	Tucker	Carl	\$768.69	\$113.31	\$882.00
830	3207	Tucker	Kenlon	\$2,873.20	\$423.52	\$3,296.72
831	3679	Tullao	Isaac	\$411.83	\$60.71	\$472.54
832	3880	Turner	Michael	\$39.72	\$5.86	\$45.58
833	3686	Tyler	Christopher	\$267.85	\$39.48	\$307.33
834	110836	Uba	Chima	\$201.50	\$29.70	\$231.20
835	3612	Ullah	Mohammad	\$90.03	\$13.27	\$103.30
836	3073	Urban	David	\$319.32	\$47.07	\$366.38
837	3792	Urbanski	Anthony	\$1,411.23	\$208.02	\$1,619.25
838	3668	Valdes	Lazaro	\$162.21	\$23.91	\$186.12
839	2925	Van Camp	Carl	\$3,552.87	\$523.71	\$4,076.58
840	3640	Vanluven	RJ	\$1,726.16	\$254.44	\$1,980.60
841	2846	Vaughan	William	\$3,886.52	\$572.89	\$4,459.40
842	3710	Vences	Alfredo	\$839.90	\$123.81	\$963.71
843	3103	Verdine	Craig	\$634.21	\$93.49	\$727.69
844	3721	Viado	Ramon	\$2,369.87	\$349.33	\$2,719.20
845	3817	Villegas	Gene	\$64.41	\$9.49	\$73.91
846	3682	VonEngel	Stephen	\$29.89	\$4.41	\$34.30
847	3796	Vongthep	Christopher	\$2,710.64	\$399.56	\$3,110.20
848	109475	Vonkageler	Mark	\$130.27	\$19.20	\$149.48
849	3842	Wagg	John	\$221.46	\$32.64	\$254.10
850	3776	Wakeel	Daud	\$679.94	\$100.23	\$780.16
851	28448	Walker	Arthur	\$114.57	\$16.89	\$131.46
852	3058	Wallace	James	\$660.38	\$97.34	\$757.72
853	3820	Wallace	Roy	\$3,681.35	\$542.65	\$4,224.00

	A	B	C	D	E	F
854	3766	Warner	Terrance	\$2,356.86	\$347.41	\$2,704.27
855	3496	Weaver	Gerie	\$6,465.81	\$953.09	\$7,418.89
856	3826	Webb	Ricky	\$923.04	\$136.06	\$1,059.10
857	109066	Webster	Brock	\$254.41	\$37.50	\$291.91
858	3578	Weiss	Matthew	\$60.25	\$8.88	\$69.13
859	2785	Welborn	Paul	\$972.84	\$143.40	\$1,116.24
860	2215	Welden	Matthew	\$407.24	\$60.03	\$467.27
861	3632	Weldu	Berhane	\$266.45	\$39.28	\$305.73
862	2661	Wells	Fredrick	\$341.45	\$50.33	\$391.78
863	3044	Welsh	Sylvia	\$150.95	\$22.25	\$173.20
864	3616	Welzbacher	Daniel	\$2,789.72	\$411.22	\$3,200.93
865	3071	White	Donavan	\$2,061.42	\$303.86	\$2,365.28
866	111878	White II	Prinest	\$153.22	\$22.59	\$175.81
867	3117	Whitehead	Timothy	\$66.66	\$9.83	\$76.49
868	2946	Whiteman	Rick	\$1,470.20	\$216.71	\$1,686.92
869	2866	Wiggins	Andrew	\$79.09	\$11.66	\$90.75
870	2569	Wilcox	Todd	\$19.02	\$2.80	\$21.82
871	3611	Williams	Danny	\$273.88	\$40.37	\$314.25
872	2862	Wilson	Constance	\$284.95	\$42.00	\$326.95
873	2548	Wilson	Richard	\$719.61	\$106.07	\$825.68
874	3608	Wilson Jr.	Mose	\$3,332.43	\$491.21	\$3,823.64
875	3097	Windsor	Benjamin	\$670.57	\$98.84	\$769.41
876	3947	Wing	Roland	\$81.95	\$12.08	\$94.04
877	107624	Witte	Daniel	\$228.39	\$33.67	\$262.05
878	3623	Wolde	Hailemariam	\$385.93	\$56.89	\$442.81
879	3603	Woldeghebriel	Berhane	\$1,037.22	\$152.89	\$1,190.11
880	110866	Wolfe	Thomas	\$726.91	\$107.15	\$834.06
881	3166	Wollnick	Steven	\$79.10	\$11.66	\$90.76
882	3840	Wondired	Eshetu	\$423.24	\$62.39	\$485.63
883	3910	Wong	Jorge	\$2,325.07	\$342.72	\$2,667.79
884	28160	Wong	Wanjin	\$1,115.61	\$164.45	\$1,280.06
885	3706	Woodall	Charles	\$610.19	\$89.94	\$700.13
886	3582	Workneh	Abent	\$36.29	\$5.35	\$41.63

	A	B	C	D	E	F
887	3573	Worku	Abiye	\$253.73	\$37.40	\$291.13
888	108239	Wright	Edward	\$744.31	\$109.71	\$854.02
889	3092	Yabut	Gerry	\$5,549.53	\$818.02	\$6,367.55
890	3533	Yabut	Vincent	\$415.21	\$61.20	\$476.42
891	108389	Yamaguchi	Alicia	\$3,089.15	\$455.35	\$3,544.50
892	3852	Yepiz-Patron	Ubaldo	\$18.78	\$2.77	\$21.54
893	3472	Yesayan	Razmik	\$387.19	\$57.07	\$444.26
894	3691	Yihdego	Abdulkadir	\$642.61	\$94.72	\$737.33
895	3633	Yimer	Yidersal	\$643.72	\$94.89	\$738.61
896	2081	Younes	Ahmed	\$228.31	\$33.65	\$261.96
897	17259	Yurckonis	Hilbert	\$2,395.57	\$353.12	\$2,748.69
898	3824	Zabadneh	Randa	\$167.13	\$24.64	\$191.77
899	30374	Zafar	John	\$605.99	\$89.33	\$695.32
900	3062	Zanfino	Michael	\$798.38	\$117.68	\$916.06
901	2273	Zawoudie	Masfen	\$2,656.70	\$391.61	\$3,048.31
902	17936	Zekichev	Nick	\$324.17	\$47.78	\$371.95
903	3235	Zelege	Abraham	\$2,183.95	\$321.92	\$2,505.88

EXHIBIT "B"

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

10 Plaintiffs,

11 vs.

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

14 Defendants.
15 _____

Case No.: A-12-669926-C

Dept.: I

**DECLARATION OF CLASS
COUNSEL, LEON
GREENBERG, ESQ.**

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

18 1. I am one of the attorneys representing the class of plaintiffs in this matter.
19 I submit this declaration in connection with the submission to the Court of a proposed
20 order and final judgment.

21 2. The proposed order and final judgment along with all supporting materials
22 discussed in the same, and not previously provided to defendants, were forwarded by
23 email to defendants on June 14, 2018. Those supporting materials were also filed with
24 the Court as part of my declaration filed on June 20, 2018. The proposed order and
25 final judgment now submitted to the Court has been slightly revised from the form
26 provided to defendants on June 14, 2018, but only to correct some typographical and
27 reference errors.

28 3. As of today's date, defendants' counsel has not communicated with me

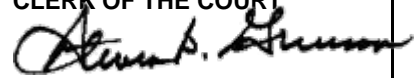
AA008292

1 about any aspect of the proposed order and final judgment or the materials relative to
2 the same first provided to them on June 14, 2018.

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

4 Affirmed this 22nd day of June, 2018

5
6 /s/Leon Greenberg
Leon Greenberg



OBJ

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
702-320-8400
info@rodriguezlaw.com

Michael K. Wall, Esq.
Nevada Bar No. 2098
Hutchinson & Steffen, LLC
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
702-385-2500
mwall@hutchlegal.com
Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

DEFENDANTS' OBJECTION TO BILLING BY STRICKEN SPECIAL MASTER

MICHAEL ROSTEN

Defendants, by and through their attorneys of record, hereby submit this Objection to the billing submitted by Michael Rosten who was removed by the Court as Special Master, after he disclosed his managing shareholder's brother was a taxi driver at A Cab, LLC and a member of the class suing A Cab.

During the stay of proceedings in this matter, Mr. Rosten submitted an invoice to defense counsel indicating that payment was due in the amount of \$2,627.50 for work performed before the Court removed him as a Special Master due to the conflict of interest. **Exhibit A.** Mr. Rosten was

1 advised that his billing was improper, and that defense counsel was not his “client” as he was not
2 retained by the defense. **Exhibit B**, Correspondence to Mr. Rosten. In that same correspondence,
3 Mr. Rosten was advised that an objection to his bill would be submitted to the Court but the matter
4 was currently in a stay of proceedings. *Id.* (Prior to the stay, Defendant had lodged its objection to
5 any billing from Mr. Rosten at the hearing of February 15, 2018.)

6 For the sole purpose of hearing Plaintiffs’ Motion for various relief¹ on May 23, 2018, the
7 Court lifted the stay of proceedings. **Exhibit C**, Court Minute Order of May 22, 2018. The Court
8 denied Plaintiffs’ Motion at that time. **Exhibit D**, Court Minute Order of May 23, 2018. The Court
9 ordered another appearance of the parties for June 1, 2018. *Id.* At the hearing of June 1, 2018, the
10 Court re-heard Plaintiffs’ Motion to hold Defendants in Contempt and to Strike Their Answer, but
11 did not grant the motion. **Exhibit E**, Court Minute Order of June 1, 2018. Instead, the Court
12 ordered the parties to appear again on June 5, 2018 relative to Plaintiffs’ Motion for Partial
13 Summary Judgment. *Id.* On June 5, 2018, the Court granted Plaintiffs’ Motion for Partial Summary
14 Judgment, as well as granted summary judgment as to entirety of the remaining time periods *sua*
15 *sponte*. **Exhibit F**, Court Minute Order of June 5, 2018.

16 With this whirlwind and multitude of hearings arising from “Plaintiffs’ Motion”, the pending
17 issues which were before the Court, prior to and during the stay, have not been addressed. One such
18 issue is the improper billing by Mr. Rosten. Accordingly, the following objection is submitted for
19 the Court’s consideration.

20 Firstly, the billing is directed to “Client Number: Esther C. Rodriguez, Esq.” Ms. Rodriguez
21 is not a defendant in this matter, and did not retain Mr. Rosten. **Exhibit A**. Defense counsel should
22 not be held liable for these charges, as there is no Order to support this.

23 Secondly, Mr. Rosten is not entitled to any payment in that he completely failed to perform a
24 conflict check within his own firm before engaging in work in this case. This is either due to his
25 own failure as a professional not engaging in basic steps; or Plaintiffs’ counsel’s failure to instruct

26
27 ¹ Plaintiffs’ Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer,
28 Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Case (“Plaintiffs’
Motion”). *Minute Order*, 1:1-3. **Exhibit C**.

1 Mr. Rosten of his duty to do so before Plaintiffs submitted his name to the Court as a potential
2 Special Master.

3 Finally, pursuant to the Court's Order, Defendant was to provide Mr. Rosten with all records
4 necessary in which to perform his analysis. **Exhibit G**, Court Order of February 7, 2018, 4:21-23.

5 There never was an opportunity to provide *any* data or documents to Mr. Rosten, as he disclosed the
6 following day on February 8, 2018 that his managing shareholder's brother worked for A Cab as a
7 taxicab driver and during the periods addressed in this litigation. **Exhibit H**, Correspondence from
8 Mr. Rosten. Therefore, it is impossible for him to have run up a bill if he was not even provided
9 with the data or records to commence the work. The detail of his billing is completely devoid of
10 substance, basically indicating three (3) members of his firm were billing to get in the "ready
11 position" to do something. For this, Mr. Rosten has charged over \$2,600 -- an outrageous amount
12 when one considers that all attorneys are expected to litigate an entire case in our arbitration
13 program for under \$3,000 including preparing and answering written discovery, taking and
14 defending all depositions, preparing for and attending all arbitration conferences and hearings.

15 Mr. Rosten's charges did not result in one piece of information provided to the Court nor to
16 the parties. There is no basis to order the Defendant to pay these charges, when the Court's striking
17 of Mr. Rosten was due only to his own conflicts.

18 This Court has already determined that billing is improper in preparing a proposal for
19 consideration by the Court in being selected as a Special Master:

20 THE COURT: And my question is really is your objection to having to pay Mr. Rosten and Piercy
21 Bowler for the time -- and I will say you brought up, you know, what about -- are they supposed to
22 pay for everything they did before they were appointed, **and my answer would be no. Exhibit I**,
23 Transcript of February 15, 2018, 9:10-13; see also, 5:13-22.

24 In sum, the Court has already determined Mr. Rosten is prohibited from billing prior to his
25 appointment on February 7, 2018. Secondly, he was never provided with any records in the 24
26 hours before he disclosed his firm's conflict on February 8, 2018. Therefore, there is no evidence of
27 any legitimate work performed in this matter. Any "getting ready" tasks should not be borne by the
28 Defendant, as the conflict of the managing shareholder and his brother being a member of the

lawsuit against Defendants falls squarely with Mr. Rosten's firm.

DATED this 27th day of June, 2018.

RODRIGUEZ LAW OFFICES, P. C.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 27th day of June, 2018, I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

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

Christian Gabroy, Esq.
Gabroy Law Offices
170 South Green Valley Parkway # 280
Henderson, Nevada 89012
Co-Counsel for Plaintiffs

Michael Rosten
Piercy, Bowler, Taylor & Kern
6100 Elton Avenue, Suite 1000
Las Vegas, Nevada 89107
mrosten@pbtk.com

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

EXHIBIT A

EXHIBIT A

Piercy, Bowler, Taylor & Kern

*6100 Elton Ave, Suite 1000
Las Vegas, NV 89107*

702-384-1120

Invoice Date:

Thursday, February 22, 2018

Invoice Number:

164439

E.I. Number:

88-0265237

Client Number:

1810409

Esther C. Rodriguez, Esq.
Rodriguez Law Offices, PC
10161 Park Run Drive - Suite 150
Las Vegas, NV 89145

For professional services rendered in connection with:

Michael Murray and Michael Reno v. A Cab Taxi Service, LLC, et al.
Case No. A-12-669926-C, District Court, Clark County, Nevada

For services rendered, pursuant to February 7, 2018 Court Order appointing
PBTk as Special Master, subsequently rescinded by February 13, 2018
Modifying Court Order, directing Defendant to pay invoice within 10 days.

SERVICE	STAFF	HOURS	RATE	EXT. AMT.	AMOUNT
Court appointed services					
02/07/2018	ROSTEN	3.00	\$250.00	\$	750.00
	Planning and coordination				
02/08/2018	ROSTEN	2.75	\$250.00		687.50
	Engagement planning and supervision; Emails with counsel				
02/09/2018	GREEN	2.50	\$250.00		625.00
	Project coordination and ramp up: Review Trip Sheet samples, planning of database structure, team structuring/staffing				
02/10/2018	ROSTEN	0.50	\$250.00		125.00
	Engagement coordination				
02/08/2018	BELNAP	2.00	\$220.00		440.00
	IT database management/application-Trip Sheets				
					<u>2,627.50</u>
				Current Amount Due	\$ <u>2,627.50</u>

cc: Leon Greenberg, Leon Greenberg, PC
2965 So. Jones Blvd., Suite E3
Las Vegas, NV 89146

AA008299

EXHIBIT B

EXHIBIT B

RODRIGUEZ

LAW OFFICES, P.C.

www.rodriquezlaw.com

March 12, 2018

Via Electronic Service

Michael Rosten
Piercy, Bowler, Taylor & Kern
6100 Elton Ave, Suite 1000
Las Vegas, NV 89107

**Re: *A Cab, LLC adv. Murray & Reno*
 *District Court Case No. A-12-669926-C***

Dear Mr. Rosten:

I am in receipt of Invoice No. 164439 directed to me personally and listing me as the client. I did not retain you nor your firm for this matter, and am unclear as to why you are billing me. If this is the purported invoice issued in response to the Court Order of February 13, 2018, please be advised that the Order directed Defendant to pay the invoice. I am not a defendant in this matter; I am counsel for the Defendants.

As counsel for the Defendants, I will be filing an objection to your invoice, but am prohibited from doing so at this time as a stay of proceedings has been entered by the Court. See attached. Upon the Court lifting the stay, I will serve you with a copy of the objection.

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

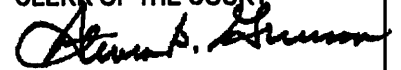
EC Rodriguez

Esther C. Rodriguez, Esq.

ECR:srd

enc.

cc: Leon Greenberg, Esq.
 via electronic service



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

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

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

11 Plaintiffs,

12 vs.

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

15 Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF
MINUTE ORDER

17 PLEASE TAKE NOTICE that the Court entered the attached Minute Order on
18 March 6, 2018

19 Dated: March 7, 2018

20 LEON GREENBERG PROFESSIONAL CORP.

21 /s/ Leon Greenberg

22 Leon Greenberg, Esq.
23 Nevada Bar No. 8094
24 2965 S. Jones Boulevard - Ste. E-3
25 Las Vegas, NV 89146
26 Tel (702) 383-6085
27 Attorney for the Plaintiffs
28

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CERTIFICATE OF SERVICE

The undersigned certifies that on March 7, 2018, she served the within:

NOTICE OF ENTRY OF MINUTE 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

March 06, 2018

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

March 06, 2018

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

JOURNAL ENTRIES

The Court has reviewed Defendant s Motion on OST for Stay, received on March 2, 2018, Plaintiffs' Response to Defendant s Motion, Plaintiffs' Motion on OST to enforce the Court's Orders, and the e-mail correspondence from counsel and the Special Master, Dr. Saad.

For the reasons stated herein the Court GRANTS a temporary stay to resolve the Defendants' claimed inability to pay the Special Master the initial \$25,000 required by previous court order.

In addition to Defendants' protestations of their temporary inability to pay the initial \$25,000, the Court also GRANTS a temporary Stay due to health considerations of the Court. The Court has scheduled a necessary surgery for March 8, 2018, which surgery will require a relatively brief recuperation period. The Court is therefore entering an indefinite stay for both reasons, which the Court anticipates will not last longer than approximately 3 weeks.

The Court has considered whether it would make more sense to recuse from the case, and/or request a reassignment by the Chief Judge of the Eighth Judicial District Court. However, the duplication of the time and effort it would take for another judge to become adequately conversant with this case would likely protract this case yet again, and would likely cost the parties more in attorney fees; nor would it facilitate an economical and fair management of this litigation. Recusal or reassignment would necessitate such delay that it should only come as a last resort.

Inasmuch as the anticipated calendared surgery is laparoscopic in nature, the Court feels confident that it will be fully functional and able to proceed ahead within three weeks.

In the meantime, the Special Master is directed to cease all efforts to complete the task previously

PRINT DATE: 03/06/2018

Page 1 of 2

Minutes Date: March 06, 2018

AA008304

ordered by this Court until further order of this Court. Additionally, because there will be a breathing space of approximately three weeks the Defendants should well be able to set aside the initial \$25,000 deposit, and are ORDERED to do so.

The court anticipates setting a hearing date to accomplish the following:

1. Dissolve the stay;
2. Argue and rule on the various motions which have been filed; and
3. Reset the Rule 41(e), i.e., 5-year Rule, date by which this matter must be concluded.

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

EXHIBIT C

EXHIBIT C

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Filing

COURT MINUTES

May 22, 2018

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

May 22, 2018

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

JOURNAL ENTRIES

This Court deems it advisable to make a record of the various events which led to this Court setting down a hearing on May 23, 2018 to hear Plaintiffs' Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Case. That recitation of events includes the deliberate actions of counsel for both sides and the circumstances beyond the control of counsel and this Court which have led to the hearing date of May 23, 2018.

On February 16, 2017, this Court Granted a Preliminary Injunction enjoining Defendants from seeking settlement of any unpaid wage claims involving any class members except as part of this lawsuit. A "Supplement to Order for Injunction Filed on February 16, 2017" was filed on February 17, 2017, providing the explanation required by NRCP 65.

On March 6, 2018, this Court entered a Minute Order granting a temporary stay due to health considerations of the Court. The Court had scheduled a necessary surgery for March 8, 2018, anticipating being out of the office for approximately 3 weeks.

On April 6, 2018, the Nevada Supreme Court entered an Order reversing this Court's Order granting of the preliminary injunction.

PRINT DATE: 05/22/2018

Page 1 of 3

Minutes Date: May 22, 2018

AA008307

On April 16, 2018, the Court granted an Order Shortening Time in connection with Plaintiffs' Motion to Lift Stay, Hold Defendants in Contempt, Strike Their Answer, Grant Partial Summary Judgment, Direct a Prove Up Hearing, and Coordinate Cases, and set the hearing for April 27, 2018. When the Court was advised Defendants' Counsel would be out of the country on April 27, 2018, the Court reset that Motion to be heard on May 4, 2018.

On April 30, 2018, this Court's wife passed away unexpectedly.

On May 1, 2018, the Court issued a Minute Order that "[d]ue to unforeseen circumstances, the Court will not be able to hear Plaintiffs' Motion on May 4, 2018. Accordingly, the hearing shall be vacated until further order of this Court. Furthermore, the Stay is to remain in place until further order of this Court."

On May 17, 2018 the Court received a copy of a "Supplemental Declaration of Class Counsel, Leon Greenberg, Esq.," wherein Plaintiffs' Counsel declared that at a hearing on May 9, 2018 Department 25 had vacated the prior grant of partial summary judgment as to the only named Plaintiff in that lawsuit (Dubric) and set a hearing for the preliminary approval of a proffered class settlement proposal.

Further, Plaintiffs' Counsel argued that the Defendants' actions, unless Department 1 would hear the Motion for Coordination prior to May 24, 2018, would inevitably result in a reverse auction described in this Court's Supplement to the Preliminary Injunction, thereby obstructing the proper administration of justice in this case. Plaintiff's Counsel further urged this Court to grant the coordination requested under EDCR 2.50 immediately in chambers prior to the next hearing in Department 25.

Due to the unavailability of this Court due to the death of the Court's spouse, Department 1 law clerk sought guidance from the Chief Judge of the Eighth Judicial District Court pursuant to EDCR 7.10. As Senior Judge Bonaventure was scheduled to hear Department 1's cases while Judge Cory was unavailable, the Chief Judge requested that if Judge Cory remained unavailable that Judge Bonaventure hear so much of Plaintiffs' Motion as Judge Bonaventure thought necessary. Accordingly, on May 17, 2018, the Court set a hearing date for May 23, 2018. Department 1 law clerk was advised by both counsel that they were available for the May 23, 2018 hearing.

The Stay previously imposed by this Court is hereby LIFTED for the purposes of the May 23, 2018 hearing.

Finally, the time of the hearing is continued from 10:30 a.m. to 1:30 p.m. so that Judge Cory may return to the bench to hear the Motion.

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

EXHIBIT D

EXHIBIT D

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Calendar Search](#) [Refine Search](#) [Close](#)
Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE No. A-12-669926-C

Michael Murray, Plaintiff(s) vs. A Cab Taxi Service LLC,
Defendant(s)§
§
§
§
§
§
§
Case Type: Other Civil Filing
Subtype: Other Civil Matters
Date Filed: 10/08/2012
Location: Department 1
Cross-Reference Case Number: A669926
Supreme Court No.: 72691
PARTY INFORMATION

Defendant	A Cab LLC	Lead Attorneys Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Defendant	A Cab Taxi Service LLC	Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Defendant	Nady, Creighton J	Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Plaintiff	Murray, Michael	Leon Greenberg <i>Retained</i> 7023836085(W)
Plaintiff	Reno, Michael	Leon Greenberg <i>Retained</i> 7023836085(W)

EVENTS & ORDERS OF THE COURT
05/23/2018 | Motion (1:30 PM) (Judicial Officer Cory, Kenneth)
Plaintiff's Motion for Miscellaneous Relief
Minutes

05/23/2018 1:30 PM

- Counsel gave summary of case and the case in front of Judge Delaney. COURT ORDERED, Plaintiff's Motion for Miscellaneous Relief DENIED. The Court is not ruling on the suggested renewed motion for preliminary injunction. This case needs to go forward and the Court is disinclined to hold up the matter for non-payment to the special master. COURT FURTHER ORDERED, \$41,000.00 MUST be posted with the Clerk of the Court and the defendant is to be present at the next hearing to show proof of the posting. 6/1/18 10:00 AM PLAINTIFF'S MOTION TO HOLD DEFENDANT IN CONTEMPT, STRIKE THEIR ANSWER

Parties Present[Return to Register of Actions](#)

AA008311

EXHIBIT E

EXHIBIT E

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Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE No. A-12-669926-C

Michael Murray, Plaintiff(s) vs. A Cab Taxi Service LLC,
Defendant(s)§
§
§
§
§
§
§
Case Type: Other Civil Filing
Subtype: Other Civil Matters
Date Filed: 10/08/2012
Location: Department 1
Cross-Reference Case Number: A669926
Supreme Court No.: 72691
PARTY INFORMATION

Defendant	A Cab LLC	Lead Attorneys Esther C. Rodriguez Retained 7023208400(W)
Defendant	A Cab Taxi Service LLC	Esther C. Rodriguez Retained 7023208400(W)
Defendant	Nady, Creighton J	Esther C. Rodriguez Retained 7023208400(W)
Plaintiff	Murray, Michael	Leon Greenberg Retained 7023836085(W)
Plaintiff	Reno, Michael	Leon Greenberg Retained 7023836085(W)

EVENTS & ORDERS OF THE COURT
06/01/2018 Motion (10:00 AM) (Judicial Officer Cory, Kenneth)
PLAINTIFF'S MOTION TO HOLD DEFENDANTS IN CONTEMPT, STRIKE THEIR ANSWER
Minutes

06/01/2018 10:00 AM

- Upon Court's inquiry, Mr. Greenberg confirmed the basis to find Defendants in contempt of court is the nonpayment of funds to the Special Master. Arguments by Mr. Greenberg and Ms. Rodriguez regarding whether or not Defendants have the money to pay the Special Master and the effects of litigation in another matter. Court noted it is hesitant to hold Defendants in contempt for failure to pay due to the Affidavit and Financial documents put forward by the Defendants. Court directed counsel to provide case authority, not necessarily in Nevada, where a court has proceeded to hold Defendant in contempt for failure to make payments but the Defendant claims it does not and will not have the money. Court advised it will revisit the issue at the upcoming court date; it will not hear further argument, but will announce if it will grant the Motion and what sort of sanction it may impose. If the issues are not resolved at that time, the Court will hear the Motion for Partial Summary Judgment. Colloquy regarding the next court date. Court directed counsel to submit case authorities by noon on Monday, June 4th. COURT ORDERED, matter SET for Motion for Partial Summary Judgment. 6/5/18 3:00 PM MOTION FOR PARTIAL SUMMARY JUDGMENT

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AA008313

EXHIBIT F

EXHIBIT F

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Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE No. A-12-669926-C

Michael Murray, Plaintiff(s) vs. A Cab Taxi Service LLC,
Defendant(s)§
§
§
§
§
§
§
Case Type: Other Civil Filing
Subtype: Other Civil Matters
Date Filed: 10/08/2012
Location: Department 1
Cross-Reference Case Number: A669926
Supreme Court No.: 72691
PARTY INFORMATION

Defendant	A Cab LLC	Lead Attorneys Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Defendant	A Cab Taxi Service LLC	Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Defendant	Nady, Creighton J	Esther C. Rodriguez <i>Retained</i> 7023208400(W)
Plaintiff	Murray, Michael	Leon Greenberg <i>Retained</i> 7023836085(W)
Plaintiff	Reno, Michael	Leon Greenberg <i>Retained</i> 7023836085(W)

EVENTS & ORDERS OF THE COURT
06/05/2018 | Motion for Partial Summary Judgment (3:00 PM) (Judicial Officer Cory, Kenneth)
Plaintiff's Motion for Partial Summary Judgment
Minutes

06/05/2018 3:00 PM

- COURT STATED ITS FINDINGS and ORDERED, Plaintiff's Motion for Partial Summary Judgment GRANTED to the extent that not only is the time period of 2013-2015 granted, but using the rational and the evidence propounded by the plaintiffs, which they in turn claim is based on the evidence propounded by the defendants to grant the same summary judgment for the period of 2007-2012. It is the Courts understanding that amounts to approximately \$174,000.00; the Court does not have the precise amount. Mr. Greenberg advised the amount for 2013-2015 is itemized in precise amounts to identify the individuals and does amount to \$174,839.00 which is the amount requested, which is at least \$10.00 an hour owed to these individuals. If it is below \$10.00 an hour they are treating it as De Minimis and not bothering with it. COURT SO ORDERED. Additionally, COURT ORDERS, in the amount of \$804,000.00 for the period of 2007-2012. Court inquired if that was the correct amount. Mr. Greenberg stated the Court could recite that number and he would submit an order for the Court's approval. Mr. Greenberg indicated he would like to submit the actual pay periods and calculations for each individual with the documentation in conjunction with a final order that the Court could approve with an appendix of the judgment amounts for each individual. As to the interim fees is there any evidence before the Court or any recitation, or numbers that would show

AA008315

the Court how it was calculated. Mr. Greenberg advised on November 2nd he submitted to the Court a declaration that he had expended over 850 hours and \$35,000.00 at that time in costs. Court inquired as to the fee amount and based on what hourly rate. Mr. Greenberg stated if he was to be compensated for 500 hours at \$200.00 an hour it would be \$100,000.00. Court indicated this issue would be the subject of a separate motion. The Court is not stating interim fees should not be award, because this Court believes they should, but there has to be a basis for the calculation. Mr. Greenberg advised he had submitted a declaration in support of fees request on November 2nd; 850 hours spent on the prosecution of this case, \$27,200.00 for expert, witness, and technical consultant costs. Court requested the total fees and hours. Mr. Greenberg stated the fees request are \$35,200.00 and requested a round reward of \$100,000.00 in interim fees based on the fact at that time he had expended over 850 hours. The total time expenditures is 1,100 hours personally, Ms. Snlegocki has over 500 hours, and the costs are \$35,200.00 as of November 2; have requested \$135,000.00 in total. Mr. Greenberg inquired if he could include the \$135,000.00 interim award in the Order he would be presenting to the Court. Court indicated yes. Mr. Greenberg advised the Minimum Wage Act empowers the Court to award any relief that it is empowered to act to award in any civil action of an equitable injunctive type nature and referred to Texas State Teachers vs. Garland. Mr. Greenberg advised they would be before this Court on post-judgment motion for full fee award and a detailed itemization would be submitted. Court STATED it would review the authority given in the motion and make the determination whether an interim award would be awarded; Court is not making a ruling from the bench on that issue and would issue a minute order. Mr. Greenberg advised he would like to submit a final order in accordance with the other ruling made today so that a final judgment can be entered appropriately. Mr. Greenberg stated it is his understanding that the directions given today are to fashion an order that will constitute a final judgment in this case pursuant to the rulings today. Court inquired if Mr. Greenberg was stating the Court could dissolve the class and allow those former class members who wish to go forward to go forward on the higher amounts. Mr. Greenberg stated the judgment would be fashioned in individual amounts for each individual class member pursuant to the approach the Court has discussed today. This will constitute a final judgment of the Court to the extent any class member asserts they are owed amounts under the Minimum Wage Act or under NRS 608.040. There were NRS 608.040 claims that were made in this case and believe it would be more efficient to dismiss those claims without prejudice and if any class member wishes to pursue the claim they are entitled to compensation in excess of the Court has awarded, they would be free to do so. Court inquired if this would be a final judgment as to all defendants. Mr. Greenberg stated it would be final judgment as to all defendants and to the class representatives. Court inquired what happens to the conspiracy claim. Mr. Greenberg advised it would be dismissed without prejudice. Mr. Greenberg advised the claims against Mr. Nady personally have been severed; entering final judgment would be to the corporate defendants. Mr. Nady is not subject to that judgment and there would be no need for the claims against Mr. Nady to proceed. The Court could issue a stay of those claims pending entry of final judgment and if final judgment is not satisfied the claims against Mr. Nady would proceed separately. Mr. Wall argued severing claims does not make it a separate case and it would not be a final judgment. A final judgment is a judgment that resolves all claims against all parties that were asserted. Severing claims is just a matter by which method each claim is decided. If you bifurcate a case, you do not get a final judgment until you are done with the second half of the bifurcated case. You do not get multiple final judgments in Nevada and it is clear in Lee vs. GNLV. Mr. Greenberg argued Valdez vs. Cox. Further argument by Mr. Wall and Mr. Greenberg. Court directed Mr. Greenberg to submit authorities with the proposed order and Defendants will have 10 days to

submit any countervailing authorities. Ms. Rodriguez inquired if the finding as to the 2007-2012 is based on the 9.21 average hours. Court indicated it was based on the argument put before the Court by plaintiff's counsel that the number is accurate. Court DIRECTED Mr. Greenberg to include with his briefing and proposed judgment the calculation basis on the 2007-2012 amount, and include the methodology of the calculation. Court STATED defendant's will have 10 days to submit any countervailing authorities or argument if they feel it is improper.

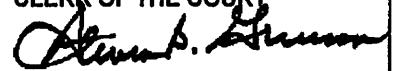
Parties Present

Return to Register of Actions

AA008317

EXHIBIT G

EXHIBIT G



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

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

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

11 Plaintiffs,

12 vs.

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

15 Defendants.

Case No.: A-12-669926-C

Dept.: I

**ORDER GRANTING
PLAINTIFFS' MOTION TO
APPOINT A SPECIAL MASTER**

**Hearing Date: February 2, 2018
Hearing Time: 9:00 a.m.**

16
17
18 On January 25, 2018, with all the parties appearing before the Court by their
19 respective counsel as noted in the record, the Court granted plaintiffs' motion for
20 rehearing of plaintiffs' prior request to appoint a special master pursuant to Nev. R.
21 Civ. P. 53, such request being made as part of Plaintiffs' Motion for Class
22 Certification originally filed on May 19, 2015. Such request was originally denied by
23 the Court in its Order entered on February 10, 2016. In revisiting that prior order and
24 entertaining the argument of counsel for the parties at a continued hearing held on
25 February 2, 2018, the Court hereby finds:

26 The parties do not dispute that the wages paid the class members every pay
27 period are accurately set forth in the preserved Quickbooks records of defendant A-
28 Cab. The parties cannot, at this time, present to the Court any agreed upon record of

1 the total hours worked during each of those pay periods by each class member.
2 Plaintiffs have maintained throughout this litigation that defendants failed to keep a
3 record of the total hours worked by each of the class members per pay period as
4 required under NRS 608.115. NRS 608.115 requires an employer to “establish and
5 maintain records of wages for the benefit of his or her employees, showing for each
6 pay period....[t]otal hours employed in the pay period by noting the number of hours
7 per day.” Defendants have maintained throughout this litigation that the only way to
8 determine the hours worked by the plaintiffs and the class members is to consult the
9 tripsheets. Defendants assert that those tripsheets set forth an accurate record of the
10 amount of time that the plaintiffs and the class members worked. Yet those tripsheets
11 do not show the “total hours employed in the pay period.” They record the time of day
12 a taxicab driver started their shift, the time of day they ended that shift, and the amount
13 of non-working break time that occurred during the shift.

14 In light of the above, the Court finds that the appointment of a Special Master is
15 the appropriate solution to determine the hours worked each pay period by each class
16 member and the amount of minimum wages, if any, that each one is owed based upon
17 A Cab’s records. The Special Master is being appointed to report on the hours
18 worked, and the wages paid, as documented in A Cab’s admittedly accurate records; to
19 what extent that information in those records demonstrates wages of less than the
20 minimum wage (that “lower tier” rate is \$7.25 an hour since July 1, 2010) were paid
21 during any pay periods; and the amount of any such minimum wage deficiencies for
22 each class member.

23 The Court finds such a Special Master appointment pursuant to NRCP Rule
24 53(b) is appropriate in respect to the class members’ claims that are established by the
25 records the Special Master will review. Such claims will not require any
26 determination by a jury and must be determined as a matter of law based upon those
27 records. The Court also finds that such a Special Master appointment is appropriate
28 under NRCP Rule 53(b) as the resolution of the class members’ claims present

1 complicated issues. Whether minimum wages are owed for any particular pay period
2 is quite simple when the relevant information (hours worked and wages paid) is
3 known. But in this case that information must be gathered from over 200,000 trip
4 sheets, a complex process. Similarly, performing that calculation on many thousands
5 of pay periods for approximately 1,000 class members is also complicated and
6 laborious.

7 The Court also finds a compelling imperative in so appointing a Special Master,
8 at defendants' expense at this time, to perform this task is found in the Nevada
9 Constitution, which provides for the most stringent protections for Nevada's
10 employees to ensure they are paid the required minimum wage. It also directs this
11 Court to grant all relief available to effectuate its purpose of securing the payment of
12 minimum wages owed to Nevada employees. The Court reserves a final
13 determination pertaining to which party will bear the costs or a portion thereof of the
14 Special Master following the final report of the Special Master.

15 THEREFORE IT IS HEREBY ORDERED that Michael Rosten and the firm of
16 Piercy Bowler Taylor & Kern of Las Vegas, Nevada, is appointed Special Master in
17 this case by the Court. The purpose of such Special Master appointment is to
18 determine for each class member, based upon the hours of work set forth in their trip
19 sheets for each pay period, and the wages they were paid in each such pay period as set
20 forth in A Cab's Quickbooks records, the unpaid minimum wages they are owed by A
21 Cab pursuant to Article 15, Section 16, of Nevada's Constitution (the "MWA") under
22 the "lower tier" or "health insurance provided" minimum wage rate. That
23 determination is to be made for all class members for all pay periods falling entirely
24 within the class period of October 8, 2010 through December 31, 2015. That
25 determination is also to be made for those class members who were granted a statute of
26 limitations toll pursuant to this Court's Order entered on June 7, 2017 for all pay
27 periods occurring entirely after the statute of limitations toll date listed for them in Ex.
28 "A" of that Order and prior to December 31, 2015; and

1 IT IS FURTHER ORDERED that in determining the hours of work shown by a
2 trip sheet, the Special Master shall accept as correct the characterization of time as
3 "breaks" or "meals" or non-working time in the trips sheet as accurate and subtract all
4 such time from the interval between the start and end time for the shift as recorded on
5 the trip sheet. The Special Master in their report shall also note the indicated start and
6 end time of "break" or "meal" time entry on each trip sheet. In the event that no shift
7 end time is recorded or fully legible on a trip sheet the Special Master shall indicate in
8 their report the times on that trip sheet's copy of the printed receipt that included
9 "Meter Details" and that trip sheet's copy of the printed fuel purchase receipt and use
10 the earlier of each time to arrive as a "shift end" time for purposes of calculating the
11 hours worked during the shift. If no legible "Meter Details" or fuel purchase receipt
12 time exists on that trip sheet the Special Master shall not calculate any hours of work
13 for that trip sheet and that shift and shall record that they are unable to arrive at a
14 working hours total, or perform a minimum wage underpayment calculation, for the
15 class member for the pay period including that trip sheet. In determining all wages
16 paid to a class member during a pay period the Special Master shall include all items
17 of taxable income paid by A Cab to the class member during the pay period as
18 recorded in A Cab's Quickbooks records but shall not include any amounts identified
19 as "Tips" or "Tips Supplemental." The Special Master shall rely on the parties'
20 stipulated agreement as to the wages paid to the class members each class period if the
21 parties so agree to stipulate.; and

22 IT IS FURTHER ORDERED that A Cab shall, forthwith, provide the Special
23 Master all records necessary for the performance of its appointment and as the Special
24 Master requests. The first meeting of the parties and the Special Master directed by
25 NRC 53(d)(1) is dispensed with. The Special Master shall deliver the report of their
26 findings to the Court and the parties no later than 45 days from the Special Master's
27 receipt of the deposit specified in this Order.


28 The report so furnished shall state the total amount of unpaid minimum wages

1 so owed, if any, for each class member; the amount of hours each class member was
2 found to have worked each pay period for A Cab; and the amount of wages within the
3 meaning of the MWA they were paid each pay period by A Cab. The report shall also
4 indicate every pay period for every class member that the Special Master finds the
5 records reviewed contained incomplete or not fully legible information and for which
6 no determination on whether proper minimum wages were paid could be made. At the
7 request of any party, the Special Master shall provide the report's foregoing findings
8 in an Excel file.

9 IT IS FURTHER ORDERED that the costs of the Special Master shall be borne
10 by the defendant A Cab who shall, within 10 days of the entry of this Order deposit
11 with the Special Master the amount of \$25,000 for their services, the Court also
12 expressly reserving the possibility that it may in the future direct some portion of the
13 Special Master's cost be shifted to the plaintiffs if the Special Master's report
14 documents circumstances that the Court finds warrant it doing so.;

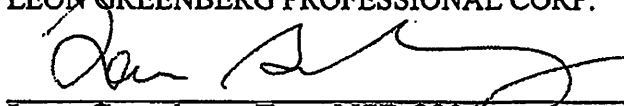
15 IT IS FURTHER ORDERED that the Court will not be entertaining a motion for
16 reconsideration of this order by the defendants.

17
18 **IT IS SO ORDERED.**

19
20 
21 Honorable Kenneth Cory
22 District Court Judge

23 2-7-18
Date

24 LEON GREENBERG PROFESSIONAL CORP.

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

29 2/6/18
Date

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Approved as to Form and Content:

Not Approved

Esther C. Rodriguez, Esq. NSB 6473
RODRIGUEZ LAW OFFICES P.C.
10161 Park Run Drive - Suite 150
Las Vegas, Nevada, 89145
Tel (702) 320-8400
Attorney for the Defendants

Date

EXHIBIT H

EXHIBIT H

Esther Rodriguez

From: Michael Rosten [mrosten@pbtk.com]
Sent: Thursday, February 08, 2018 5:33 PM
To: Esther C. Rodriguez
Cc: 'Leon Greenberg'
Subject: RE: Murray v. A-Cab Special Master Appointment

Counselors:

I just received additional information. Dennis Donohue was not employed by A Cab as a driver until December 2016, which is beyond the December 31, 2015 scope-end date.

Accordingly, this circumstance may not be relevant to the Special Master Appointment.

Thank you, -Mike

Disclosure:

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Piercy Bowler Taylor & Kern may perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

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-----Original Message-----

From: Esther C. Rodriguez [mailto:esther@rodriguezlaw.com]
Sent: Thursday, February 08, 2018 1:46 PM
To: Michael Rosten <mrosten@pbtk.com>
Cc: 'Leon Greenberg' <wagelaw@hotmail.com>
Subject: RE: Murray v. A-Cab Special Master Appointment

Mr. Rosten, can you please provide me with the name of Tom Donohue's brother, and his position if you know? Thank you.

Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(P) 702-320-8400
(F) 702-320-8401

esther@rodriguezlaw.com

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-----Original Message-----

From: Michael Rosten [mailto:mrosten@pbtk.com]

Sent: Thursday, February 08, 2018 1:24 PM

To: Leon Greenberg; Esther Rodriguez; Michael K. Wall, Esq.; Christian Gabroy; 'Kaine Messer'; 'Dana Sniegocki'

Cc: Thomas Green; Ryan Schmidt; Tricia Cook; Sam Belnap; Tom Donohue

Subject: RE: Murray v. A-Cab Special Master Appointment

All:

I have just learned that the current PBTk managing shareholder, Tom Donohue, has a brother that works for A Cab.

I make this disclosure out of caution, but don't believe it necessarily presents a barrier to my performing as Special Master in the class action dispute.

Please advise.

Thank you, -Mike

Disclosure:

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Piercy Bowler Taylor & Kern may perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

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-----Original Message-----

From: Leon Greenberg [mailto:wagelaw@hotmail.com]

Sent: Thursday, February 08, 2018 11:23 AM

To: Michael Rosten <mrosten@pbtk.com>; Esther Rodriguez <esther@rodriguezlaw.com>; Michael K. Wall, Esq. <mwall@hutchlegal.com>; Christian Gabroy <christian@gabroy.com>; 'Kaine Messer' <kmesser@gabroy.com>; 'Dana Sniegocki' <dana@overtimelaw.com>
Subject: Murray v. A-Cab Special Master Appointment

Dear Mr. Rosten:

I attach the Order appointing you Special Master in this matter. The date of entry of this Order is 2/7/18 and you should be guided accordingly. Esther Rodriguez and Michael Wall who are copied on this email represent A Cab. The other counsel on this email are my co-counsel and represent the plaintiffs. As Special Master you should proceed in this matter as you deem best and in compliance with the attached Order. I am at your disposal and will lend any assistance that I can that you request. I am still awaiting feedback from A Cab's counsel as to whether the parties will agree to a "gross wages per pay period" amount and relieve you of any need to examine the Quickbooks records and determine those amounts. I would urge you to contact A Cab's counsel directly for anything you need from A Cab to perform your duties. Although I do not believe you need my consent to do so, please be advised you have plaintiffs' counsel's agreement to NOT make plaintiffs' counsel party to any communications you elect to have directly with A Cab's counsel. You should most speedily and efficiently perform your duties and not be burdened with having to communicate simultaneously with plaintiffs' counsel in every instance that you might speak with defendants' counsel.

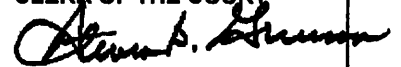
I have been provided previously by A Cab with the trip sheets for the time period of October 2010 through December 31, 2015. These total 64,140,239,190 bytes in size and consist of 234,988 files and 1,987 folders. I can provide those to you directly on a thumb drive or the original portable hard drive media A Cab delivered them to me on but I would like A-Cab's counsel to agree to that process so there is no dispute that you are being provided with the "Authentic" records at issue for that time period

--

Leon Greenberg
Attorney at Law
2965 South Jones Boulevard #E-3
Las Vegas, Nevada 89146
(702) 383-6085
website: overtimelaw.com
Member of Nevada, California, New York,
New Jersey and Pennsylvania Bars

EXHIBIT I

EXHIBIT I



TRAN

EIGHTH JUDICIAL DISTRICT COURT
CIVIL/CRIMINAL DIVISION
CLARK COUNTY, NEVADA

MICHAEL MURRAY, et al,

Plaintiffs,

vs.

A CAB TAXI SERVICE, LLC, et al,

Defendants.

CASE NO. A-12-669926

DEPT. NO. I

BEFORE THE HONORABLE KENNETH CORY, DISTRICT COURT JUDGE

THURSDAY, FEBRUARY 15, 2018

TRANSCRIPT RE:
APPOINTMENT OF SPECIAL MASTER

APPEARANCES:

For the Plaintiffs:

LEON GREENBERG, ESQ.
DANA SNIEGOCKI, ESQ.
CHRISTIAN GABROY, ESQ.
KAINE MESSER, ESQ.

For the Defendants:

ESTHER C. RODRIGUEZ, ESQ.

ALSO PRESENT:

CREIGHTON J. NADY

RECORDED BY: Lisa Lizotte, Court Recorder

1 sorted out is this last objection raised by Ms. Rodriguez to having to pay for the bill
2 of Mr. Rosten and the firm of Piercy Bowler.

3 Ms. Rodriguez, do you have further argument to make in that regard?

4 MS. RODRIGUEZ: I do, Your Honor. Thank you. And you're correct, that
5 is the primary objection with the present draft order that was submitted to the Court.
6 There was a series of emails where the -- Mr. Greenberg sent me the proposed
7 email and I think gave me an hour or so to respond before he submitted it to the
8 Court. I actually didn't even see any of his email correspondence until about three
9 hours later --

10 THE COURT: Uh-huh.

11 MS. RODRIGUEZ: -- so that's why my letter came later in the day. I was
12 out of the office until later that afternoon.

13 But when Your Honor -- when we met at chambers and Your Honor
14 asked me to go back and talk to our proposed names and get some further budget
15 and C.V. and things like that, I did that. And I know that one of those proposed
16 people, Mr. Liano (phonetic) that we submitted, did substantial work over the
17 weekend reviewing things to try to put together a proposal as well, to be considered
18 by the Court for special master. And I assume all the other people that Mr.
19 Greenberg contacted, as well as I did, did work. None of those people have
20 submitted a bill to me, and I don't know if they've submitted a bill to Mr. Greenberg,
21 because that was part of the work --

22 THE COURT: I wouldn't expect them to do so.

23 MS. RODRIGUEZ: To be considered by the Court for appointment. That
24 was part of -- if you wanted to be considered, this is what the Court is asking you

1 THE COURT: All right. Okay, thank you.

2 MS. RODRIGUEZ: And whether one of those cab drivers at A Cab is going
3 to be related to a managing shareholder of a CPA, I think the statistics are fairly low,
4 Your Honor, in reality.

5 THE COURT: Well, of course for this type of objection we wouldn't be limited
6 to the managing partner, either. Wouldn't it be anybody who's much of anything
7 with Piercy Bowler? So, I guess -- well, okay, let me -- go ahead and finish with
8 your --

9 MS. RODRIGUEZ: Well, along those lines, Your Honor --

10 THE COURT: And my question is really is your objection to having to pay
11 Mr. Rosten and Piercy Bowler for the time -- and I will say you brought up, you
12 know, what about -- are they supposed to pay for everything they did before they
13 were appointed, and my answer would be no.

14 MS. RODRIGUEZ: Okay. That's fair, Your Honor, and I appreciate that.
15 Part two, then, is from the time that they've been appointed, A Cab, per your order,
16 is supposed to furnish them with all of the trip sheets and all of the QuickBooks
17 data, etcetera, for them to review. We have not provided that to Mr. Rosten. And
18 I was just discussing that with Mr. Greenberg this morning that I'm glad I hadn't
19 provided that to him because he probably would have billed the heck out of it and
20 now we've been paying for it. So, Mr. Rosten should not have done any work as
21 of this date unless --

22 THE COURT: Well, it strikes me that perhaps we're objecting before we
23 know whether there's an issue.

24 MS. RODRIGUEZ: Exactly. I don't know. Maybe he's not even going to

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MR. GREENBERG: Yes, Your Honor.

THE COURT: We then are finished and this hearing is concluded.

MS. RODRIGUEZ: Thank you.

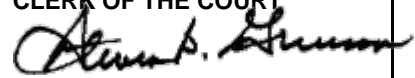
MR. GREENBERG: Thank you, Your Honor.

(PROCEEDINGS CONCLUDED AT 11:02 A.M.)

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



Liz Garcia, Transcriber
LGM Transcription Service



OPP

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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,

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

Plaintiffs,

vs.

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

Defendants.

OPPOSITION TO ADDITIONAL RELIEF REQUESTED

IN PLAINTIFFS' SUPPLEMENT

Defendants A Cab, LLC and Creighton J. Nady, by and through their attorneys of record,
ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and MICHAEL K. WALL, ESQ., of
HUTCHISON & STEFFEN, LLC, hereby submit this Opposition to additional relief requested in
Plaintiffs Supplement filed June 22, 2018 (attached hereto, without exhibits, as **Exhibit A**).

Seventeen days after the Court decided summary judgment in favor of Plaintiffs based upon
the evidence before it, Plaintiffs submitted a document purporting to comply "as per the Court's

instructions at the June 5, 2018 hearing held in this case.” *Plaintiffs Supplement in Support of Entry of Final Judgment Per Hearing Held June 5, 2018*, Exhibit A, 1:17-18. Instead, contained in Plaintiffs’ submission, Plaintiffs request a variety of new relief not sought nor briefed nor argued at the hearing of June 5, 2018. (The transcript of this hearing was ordered by Defendants on the same day of the hearing but has not been received to date. It will be provided to the Court upon receipt.)

Plaintiffs’ new requests contained in their “supplement” include:

1. A request for pre-judgment interest with new calculations;
2. A request for continuing judgment enforcement and satisfaction jurisdiction;
3. A request for a 60 day extension of time for submission of fees and costs requests;
4. A proposed new process for A Cab to seek judgment reduction (rather than the consideration currently it is due), and for A Cab to prove it does not owe the money Plaintiffs state;
5. And a stay of severed claims against Defendant Nady while obtaining a final judgment against the other Defendants.

These requested reliefs are improperly before the Court in the form of a “supplement.” This Court has allowed Plaintiffs to bring issues before it improperly noticed as “declarations” or not noticed at all, with no attempt to comply with the Nevada Rules of Civil Procedure to the detriment and extreme prejudice to Defendants. Presently, Plaintiffs now attempt to add the above enumerated items into the proposed Order that is before this Court, without any briefing or hearing on these issues. Plaintiffs simply listed their wish list in a “supplement,” and without hearing or Court approval, already added these items in the proposed Order, simply assuming the Court’s approval of all of their requests.

Defendants object to this “supplement” pursuant to Nevada Rules of Civil Procedure 7(b) and EDCR 2.20.

1. Plaintiffs are not entitled to pre-judgment interest per NRCP Rule 68 and NRS 17.115 (in effect at the time).

Pursuant to NRCP Rule 68 and NRS 17.115 which was in effect at the time, Plaintiffs have failed to obtain a judgment in excess of offers of judgment made by Defendants and are not entitled to pre-judgment interest. See *Offer to Murray*, and *Offer to Reno*, attached **Exhibit B**.

1 **2. NRCP 54 mandates timing for requests for fees and costs.**

2 NRCP Rule 54 specifies the time for requests for fees. Plaintiffs' request is not only
3 unreasonable, it is not supported by any authority, and therefore must be denied.

4 **3. Plaintiffs' proposed methodology for A Cab to receive a judgment reduction is**
5 **improper.**

6 Plaintiffs have altogether failed to properly apprise the Court that Defendants have already
7 made payments to the class members through the Department of Labor. Such documentation and
8 evidence was produced and served upon Plaintiffs, contrary to their representations to the Court.
9 See *Defendants' Supplemental Authority in Response to Declaration of June 20, 2018, Exhibits B*
10 *and C.*

11 In their rush to obtain a judgment in this matter, Plaintiffs are merely skipping over these
12 payments in offering numbers to the Court which they allege Defendants owe. Once again,
13 Plaintiffs improperly request that the Court shift the burden to Defendants to disprove Plaintiffs'
14 numbers. Plaintiffs have the burden of proving any wages owed. They have not done so, but now
15 they want to hold up a number and have Defendants prove that they already paid the amount - after
16 entry of a judgment! Utilizing the term of "judgment reduction", Plaintiffs propose a novel
17 methodology with no supporting authority for the Court to engage in such activities.

18 **4. There is no basis for severing the claims, and staying the claims against Mr. Nady.**

19 NRCP 21 indicates: Parties may be dropped or added by order of the court on motion of any
20 party or of its own initiative. Any claim against a party may be severed and proceeded with
21 separately. Here, Plaintiffs are not attempting to drop a party (Mr. Nady) as indicated in NRCP 21,
22 and offered by the Court at the last hearing. Nor are Plaintiffs attempting to sever a claim against a
23 party separately as indicated in the second half of NRCP 21.

24 Instead, and not addressed in the rule, Plaintiffs are attempting to sever the claims against
25 Mr. Nady, which by admission, arise from the same claims against A Cab. Plaintiffs are attempting
26 to circumvent the rules by seeking a final judgment in severing claims, not cases. Any claims
27 against Mr. Nady must be proven now or be dismissed. Defendants have already moved for
28 summary judgment on these issues on November 27, 2017, at which time the Court allowed

1 Plaintiffs additional time to prove their alter-ego theory. They have failed to do so to date. There is
2 no basis to stay the proceedings against Mr. Nady merely to allow Plaintiffs additional time to prove
3 their case, when the discovery period has expired.

4 As this Court indicates, if Plaintiffs want their final judgment, they must dismiss Mr. Nady
5 entirely.

6 Defendants respectfully request that the Court deny Plaintiffs' requested relief contained in
7 their "supplement" in its entirety, and have these items stricken from the proposed order.

8 DATED this 10th day of July, 2018.

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

11 /s/ Esther C. Rodriguez, Esq.
12 Esther C. Rodriguez, Esq.
13 Nevada State Bar No. 006473
14 10161 Park Run Drive, Suite 150
15 Las Vegas, Nevada 89145
16 *Attorneys for Defendants*

17 **CERTIFICATE OF SERVICE**

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

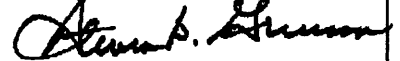
21 Leon Greenberg, Esq.
22 Leon Greenberg Professional Corporation
23 2965 South Jones Boulevard, Suite E4
24 Las Vegas, Nevada 89146
25 *Co-Counsel for Plaintiffs*

26 Christian Gabroy, Esq.
27 Gabroy Law Offices
28 170 South Green Valley Parkway # 280
Henderson, Nevada 89012
Co-Counsel for Plaintiffs

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

EXHIBIT A

EXHIBIT A



1 **SUPP**

2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
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9 leongreenberg@overtimelaw.com
10 dana@overtimelaw.com
11 Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

15 Plaintiffs,

16 vs.

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

19 Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS SUPPLEMENT
IN SUPPORT OF ENTRY OF
FINAL JUDGMENT PER
HEARING HELD
JUNE 5, 2018**

20 Plaintiffs hereby submit the following supplement as per the Court's instructions
21 at the June 5, 2018 hearing held in this case.

PROPOSED ORDER AND FINAL JUDGMENT

22 The proposed Order and Final Judgment being presented by plaintiffs is annexed
23 hereto as Ex. "A" and is also submitted separately to the Court. As discussed in Ex.
24 "B," the declaration of plaintiffs' counsel, that document, and all of the materials upon
25 which it relies and references, were delivered to defendants' counsel on June 14, 2018.
26 Defendants' counsel has not communicated with plaintiffs' counsel about the proposed
27 Order and Final Judgment or any of those materials.

28 On June 20, 2018, plaintiffs' counsel filed a declaration with the Court placing in
the record various materials referenced in the proposed Order and Final Judgment.

SUPPLEMENTAL INFORMATION PER THE COURT'S INSTRUCTIONS

Supplemental Information On Judgement Amount Calculations

As discussed in the proposed Order and Final Judgment, the amounts to be awarded to each class member were arrived at through the use of the "ACAB ALL" and "Damages 2007-2010" Excel files containing the information in A Cab's records produced during discovery. The basis for those calculations, to the extent not previously in the record¹, were placed into the record in plaintiffs' counsel's declaration filed on June 20, 2018. Those calculations and materials are discussed at Ex. "C" of that declaration filed on June 20, 2018 (the declaration of Charles Bass of June 14, 2018 and Ex. "1" to "5" thereto) and Ex. "A" of that declaration (the plaintiffs' Tenth Supplemental Disclosures of September 29, 2017 containing the declaration and report of Charles Bass on the "Damages 2007-2010" Excel file).

Supplemental Authorities on Severance of Case Against Nady

At the June 5, 2018 hearing there was discussion with the Court about the propriety of severing the class claims against defendant Nady and entering final judgment on the claims against A Cab, as requested by the plaintiff. Defendants' counsel asserted that was not possible. The Court invited the submission of supplemental authorities on that issue. This issue was definitively decided under Nevada law in *Valdez v. Cox Communications Las Vegas, Inc.*, 336 P.3d 969, 971 (Nev. Sup. Ct. 2014) (Discussing NRCP Rule 21, recognizing that a district court may sever all claims against a party and fully resolve them, such resolution constituting a final appealable judgment in respect to that party as a matter of law, dismissing appeal as untimely when not made in recognition of that principle).

Supplemental Statement in Support of Certain Proposed Relief

The proposed Order and Final Judgment includes certain measures of relief that

¹ The calculations concerning the 2013-2015 period were the subject of the plaintiffs' motion for partial summary judgment filed on November 2, 2017 and the materials detailing the same were placed in the record as part of that motion.

1 were not discussed with the Court at the June 5, 2018 hearing. The following is
2 intended to assist the Court in understanding the reasons for those items of relief, if
3 they are not otherwise apparent to the Court:

4 Pre-Judgment Interest - This is calculated from January 1, 2016, after the
5 conclusion of the class claims period, which ends December 31, 2015. Calculating
6 interest prior to that date would be complex and difficult. These calculations are
7 discussed and verified as correct in Ex. "C" to the declaration of plaintiffs' counsel
8 filed on June 20, 2018.

9 Continuing Judgement Enforcement and Satisfaction Jurisdiction - This is
10 discussed in subpart "D" of the relief ordered. Given the class nature of this case, and
11 the Court's prior and continuing class certification under NRCP Rule 23(b)(2) for
12 injunctive and equitable relief, these provisions are intended to (a) guard against any
13 coercive action by defendants in seeking judgment satisfactions from the individual
14 class members; and (b) ensure that class counsel, charged with enforcing the judgment,
15 does not unfairly distribute or mismanage any funds collected for the class members.
16 Accordingly, the Court will assume responsibility for issuing further orders confirming
17 any judgment satisfactions or the distribution of any funds collected for the class
18 members.

19 Extension of Time for Submission of Fee and Costs Requests - Pursuant to
20 NRCP Rule 54 class counsel's request for a fee and expense award would be due 20
21 days after service of the judgment. Extension of that time period by the Court is barred
22 once it has expired (NRCP Rule 54(d)(2)(B)). The Court otherwise has discretion to
23 extend that period. Such an extension to a 60 day period is requested so the parties can
24 attempt to cooperatively resolve that issue. In addition, Leon Greenberg, lead class
25 counsel, will be absent from his office for a significant portion of late July of 2018,
26 making submission of such request potentially problematic within that 20 day time
27 period.

28 A Cab Will Receive Judgment Reductions Based on Prior Settlements - This
process is detailed in subpart "G" of the relief ordered and judgment enforcement is

1 also limited in subpart "D" of the relief ordered to fully preserve A Cab's interests in
2 respect to this issue. This process is crafted to place some significant measure of
3 responsibility on class counsel to assist A Cab with securing the Court's recognition of
4 A Cab's right to such an offset of the judgment, via satisfactions of the judgment
5 amounts, as discussed in ¶ 27 of the proposed findings and otherwise recognized in the
6 proposed order.

7 Stay of Severed Claims Against Defendant Nady - This is detailed in subpart "F"
8 of the relief ordered. It is hoped this stay will afford a reasonable amount of time to
9 determine if A Cab will satisfy the judgment and resolve the class members' claims.
10 Defendant Nady's liability is only derivative of A Cab's and if A Cab satisfies the
11 judgment there is no need for the class claims against Nady to proceed further.
12

13 Dated: June 22, 2018

14 LEON GREENBERG PROFESSIONAL CORP.

15 /s/ Leon Greenberg
16 Leon Greenberg, Esq.
17 Nevada Bar No. 8094
18 2965 S. Jones Boulevard - Ste. E-3
19 Las Vegas, NV 89146
20 Tel (702) 383-6085
21 Attorney for the Plaintiffs
22
23
24
25
26
27
28

PROOF OF SERVICE

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

**Plaintiffs Supplement in Support of Entry of Final Judgment per
Hearing Held June 5, 2018**

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 B

EXHIBIT B

OFFER

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Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
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Las Vegas, Nevada 89145
702-320-8400
info@rodriguezlaw.com
Attorneys for Defendant A Cab, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

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

A CAB, LLC'S OFFER OF JUDGMENT TO PLAINTIFF MICHAEL MURRAY

Defendant A Cab, LLC, by and through its attorney of record, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and pursuant to NRS 17.115, hereby offers to accept judgment against it and in favor of Plaintiff Michael Murray in the amount of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) as full and final settlement of this matter. Said offer is inclusive of interest, costs and attorney's fees.

This offer shall not be construed as a waiver of any of Defendant's rights in this matter. This offer of judgment is made solely for the purposes specified in NRCP 68 and NRS 17.115 as a compromise offer of settlement only and shall not be deemed as an admission or introduced into evidence at the time of trial.

Pursuant to NRS 17.115 and NRCP Rule 68, if this offer is not accepted within ten (10) days after service, it will be deemed withdrawn. If this action is thereafter tried or arbitrated and Plaintiff fails to obtain a judgment in excess of this offer, Defendant will seek an award of costs, attorneys'

1 fees, and interest that have been incurred from the time of this offer.

2 DATED this 9 day of March, 2015.

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

4
5 By: 

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

11 **RECEIPT OF COPY**

12 **RECEIPT OF COPY of A Cab, LLC'S Offer of Judgment to Plaintiff Michael Murray**

13 is hereby acknowledged this 10th day of March, 2015 by:

14 **LEON GREENBERG PROFESSIONAL CORPORATION**

15 By: 

16 Leon Greenberg, Esq.
17 2965 South Jones Boulevard, Suite E4
18 Las Vegas, Nevada 89146
19 *Counsel for Plaintiff*

OFFER

Esther C. Rodriguez, Esq.
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Attorneys for Defendant A Cab, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

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

A CAB, LLC'S OFFER OF JUDGMENT TO PLAINTIFF MICHAEL RENO

Defendant A Cab, LLC, by and through its attorney of record, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and pursuant to NRS 17.115, hereby offers to accept judgment against it and in favor of Plaintiff Michael Reno in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00) as full and final settlement of this matter. Said offer is inclusive of interest, costs and attorney's fees.

This offer shall not be construed as a waiver of any of Defendant's rights in this matter. This offer of judgment is made solely for the purposes specified in NRCP 68 and NRS 17.115 as a compromise offer of settlement only and shall not be deemed as an admission or introduced into evidence at the time of trial.

Pursuant to NRS 17.115 and NRCP Rule 68, if this offer is not accepted within ten (10) days after service, it will be deemed withdrawn. If this action is thereafter tried or arbitrated and Plaintiff fails to obtain a judgment in excess of this offer, Defendant will seek an award of costs, attorneys'

1 fees, and interest that have been incurred from the time of this offer.

2 DATED this 9 day of March, 2015.

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

4
5 By: 

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

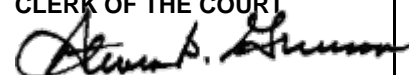
11 **RECEIPT OF COPY**

12 **RECEIPT OF COPY of A Cab, LLC'S Offer of Judgment to Plaintiff Michael Reno is**
13 hereby acknowledged this 10th day of March, 2015 by:

14 **LEON GREENBERG PROFESSIONAL CORPORATION**

15 By: 

16 Leon Greenberg, Esq.
17 2965 South Jones Boulevard, Suite E4
18 Las Vegas, Nevada 89146
19 *Counsel for Plaintiff*



SUPP

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Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

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

Plaintiffs,

vs.

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

Defendants.

DEFENDANTS' SUPPLEMENTAL AUTHORITY IN RESPONSE TO

DECLARATION OF JUNE 20, 2018

Defendants A Cab, LLC and Creighton J. Nady, by and through their attorneys of record,
ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and MICHAEL K. WALL, ESQ., of
HUTCHISON & STEFFEN, LLC, hereby submit this Supplemental Authority in Response to
Declaration filed June 20, 2018 (attached hereto, without exhibits, as **Exhibit A**), as ordered by the
Court in the minutes of June 5, 2018.

...

1. **Errors Contained in the Declaration filed June 20, 2018**

Fifteen days after the Court decided summary judgment in favor of Plaintiffs based upon the evidence before it, Plaintiffs submitted “certain materials need[ed] to be placed in the record prior to the Court’s entry of such order and final judgment.” *Declaration of Class Counsel, Leon Greenberg, Esq.*, 1:22-24, filed June 20, 2018. The Court has been briefed (although Defendants’ motion was tabled¹) on the impropriety and inadmissibility of Plaintiffs’ experts and their reports upon which Plaintiffs rely in seeking summary judgment (paragraph 2 and 4), and therefore it will not be addressed again herein. Defendants merely point to the Court, Plaintiffs’ concession that more is needed before entry of summary judgment, and the “more” Plaintiffs offer is inadmissible evidence.

In Paragraph 3 of the Declaration, Plaintiffs seek to rely upon Defendants’ expert Scott Leslie to now support their proposed numbers for shift length and hours, due to Plaintiffs’ complete failure to perform their own analysis or at least one that can be supported. Mr. Leslie’s limited sampling was performed to demonstrate the errors in Plaintiffs’ reporting and analysis. Mr. Leslie was designated as a rebuttal expert to rebut Plaintiffs’ experts’ opinions, and to demonstrate the problems with their calculations and methodology. It is an error to rely upon Mr. Leslie’s sampling, the purpose of which is to demonstrate the unreliability of Plaintiffs’ calculations and methodology, and to somehow stretch his sampling as the determination for hours and shift length. Plaintiffs have once again not only failed to meet their burden of proof, but attempt to shift the burden to Defendants to disprove Plaintiffs’ numbers.

At the minimum, the proposed Order should be clear that Plaintiffs are relying upon Defendants’ rebuttal sampling as a basis for the numbers reached and offered to the Court in support of summary judgment.

In Paragraph 5 of the Declaration, Plaintiffs state they are not in receipt of amounts already paid to class members satisfying their claims. This is a false assertion, and the proposed Order must

¹ *Defendants’ Motion in Limine to Exclude the Testimony of Plaintiffs’ Experts*, filed December 22, 2017.

1 be amended to reflect accurate facts contained in the record. Defendants served this documentation
2 to Plaintiffs on October 11, 2016, demonstrating payments totaling \$139,988.80 in funds paid to the
3 class members in care of the Department of Labor. **Exhibit B**, *Response to Plaintiffs' Eleventh (sic)*
4 *Request for Production of Documents*. Attached to these responses are copies of the checks with
5 payments, in addition to a letter from the Wage and Hour Division indicating that total back wages
6 of \$139,988.80 have been paid in full.

7 Additionally, on November 9, 2016, Defendants provided Plaintiffs the documentation of
8 payments made to specific drivers per the Department of Labor's documentation. **Exhibit C**,
9 *Answers to Plaintiffs' Fifth Set of Interrogatories to Defendants*, Response 7. Evidence of the
10 specific payments accepted by the class members as of that time period were provided to the
11 Plaintiffs, who have nevertheless written an inaccurate account in the proposed Order to the Court.

12 Plaintiffs calculations and proposed order altogether fail to take into account any
13 consideration of this amount already paid by Defendants, and received and accepted by the class
14 members.

15 As such, the proposed Order relying upon this Declaration with supporting materials should
16 be revised to reflect the accurate procedural history and accurate facts of Defendants' payments
17 already made to the class members.

18 DATED this 10th day of July, 2018.

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

20
21 /s/ Esther C. Rodriguez, Esq.
22 Esther C. Rodriguez, Esq.
23 Nevada State Bar No. 006473
24 10161 Park Run Drive, Suite 150
25 Las Vegas, Nevada 89145
26 *Attorneys for Defendants*
27
28

CERTIFICATE OF SERVICE

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

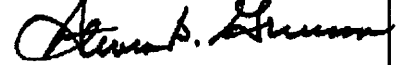
Leon Greenberg, Esq.
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2965 South Jones Boulevard, Suite E4
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Co-Counsel for Plaintiffs

Christian Gabroy, Esq.
Gabroy Law Offices
170 South Green Valley Parkway # 280
Henderson, Nevada 89012
Co-Counsel for Plaintiffs

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

EXHIBIT A

EXHIBIT A



1 **DECL**
2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
4 Leon Greenberg Professional Corporation
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7 (702) 383-6085
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10 dana@overtimelaw.com
11 Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

11 Plaintiffs,

12 vs.

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

Case No.: A-12-669926-C

Dept.: I

**DECLARATION OF CLASS
COUNSEL, LEON
GREENBERG, ESQ.**

Re: Documents submitted into the
record in connection with the
presentation of a proposed
Order and final judgment as
per the Court's 6/5/18
hearing.

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 am one of the attorneys representing the class of plaintiffs in this matter.
20 I submit this declaration in connection with the Court's hearing held on June 5, 2018
21 and the submission to the Court of a proposed order and final judgment as directed by
22 the Court at that hearing. As discussed with the Court at that hearing, I believe certain
23 materials need to be placed in the record prior to the Court's entry of such order and
24 final judgment.

25 2. Annexed hereto as Ex. "A" is the plaintiffs' Tenth Supplemental
26 Disclosures served on September 29, 2017 which includes the Report (Declaration) of
27 plaintiffs' expert Charles Bass. This report was served upon defendants along with a
28 copy of the "Damages 2007-2010" Excel file discussed in the same.

3. Annexed hereto as Ex. "B" is a copy of defendants' First Supplement to

1 Rebuttal Expert Witness Disclosure served September 13, 2018. This document
2 includes the report of Scott Leslie, defendants' expert witness, the Exhibits
3 incorporated in that report, and a statement that Mr. Leslie was paid \$47,203 through
4 September 9, 2017 for his services to the defendants. I have examined Ex. "3" to Mr.
5 Leslie's report, it indicates he examined trip sheets for 38 pay periods and based upon
6 that examination he concluded that, for those pay periods, each work shift was an
7 average of 9.8 hours in length. I have examined Ex. "4" to Mr. Leslie's report, it
8 indicates he examined trip sheets for 56 pay periods and based upon that examination
9 he concluded that, for those pay periods, each work shift was an average of 9.5 hours in
10 length. He also states in his report that the average shift length shown by the trip
11 sheets he examined for 123 pay periods (his two samples) was 9.7 hours (at Bates A
12 Cab 02351, at Bates A Cab 2346 confirming he used two samples of trip sheets
13 covering 95 and 28 pay periods).

14 4. Annexed here to as Ex. "C" is the declaration of Charles Bass which has
15 annexed to it as further Exhibits "1" through "5" which he describes therein.
16

17 5. Annexed hereto as Ex. "D" is the Defendants' Response to plaintiffs sixth
18 interrogatories. In respect to the answer therein to interrogatory No. 26, class counsel
19 is not in receipt of a statement of amounts paid to each class member from the
20 \$139,988.80 paid by A Cab in the *Perez v. A Cab* case discussed in that answer. It is
21 my belief that some such amounts of that money were so paid to certain class members.
22

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

24 Affirmed this 14th day of June, 2018

25 /s/Leon Greenberg
26 Leon Greenberg
27
28

EXHIBIT B

EXHIBIT B

Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Tel (702) 320-8400
Fax (702) 320-8401

1 **RESP**
2 Esther C. Rodriguez, Esq.
3 Nevada Bar No. 6473
4 RODRIGUEZ LAW OFFICES, P.C.
5 10161 Park Run Drive, Suite 150
6 Las Vegas, Nevada 89145
7 702-320-8400
8 info@rodriguezlaw.com
9 *Attorneys for Defendant A Cab, LLC*

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

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

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

11 **Plaintiffs,**

12 **vs.**

13 **A CAB TAXI SERVICE LLC and A CAB, LLC,**

14 **Defendants.**

15 **RESPONSE TO PLAINTIFFS' ELEVENTH (*sic*) REQUEST**

16 **FOR PRODUCTION OF DOCUMENTS**

17
18 Defendant A CAB, LLC, by and through its attorney, ESTHER C. RODRIGUEZ, ESQ., of
19 RODRIGUEZ LAW OFFICES, P.C., and pursuant to NRCP 34, hereby responds to Plaintiffs' Eleventh
20 (*sic*) Request for Production of Documents as follows:

21 **REQUEST NO. 1:**

22 Produce all documents which detail all of the benefits available to defendants' taxicab
23 drivers who elected to enroll in any health insurance plan offered by defendants from July 1, 2007
24 through the present. A response to this request should include, but not be limited to, documents
25 containing information on the types of coverage offered by such plan(s) such as coverage for
26 specialists visits, surgical coverage, hospital stays, emergency room visits coverage, monetary
27 limitations on coverage, deductible amounts, co-insurance requirements and so forth. This request
28 does not seek the production of documents concerning information solely regarding coverage

1 offered by any dental, vision, or life insurance plans offered by the defendants, and is limited strictly
2 to health insurance plans. A response providing employee health benefit plan summary documents,
3 as in the form annexed hereto as Ex. "A" for all requested timer periods, will be sufficient.

4 **RESPONSE NO. 1:**

5 This information was previously provided to Plaintiffs' counsel by correspondence on
6 August 31, 2016 with supporting documents. Another copy is attached hereto. Further, Defendant
7 provided an additional affidavit on September 21, 2016, at Plaintiffs' request. Another copy is
8 attached hereto.

9 **REQUEST NO. 2:**

10 Produce copies of the tax returns for A Cab Taxi Service, LLC, A Cab, LLC, and Creighton
11 J. Nady, filed with the Internal Revenue Service for years 2007 through 2015.

12 **RESPONSE NO. 2:**

13 Defendants have produced at Plaintiffs' requests the electronic data reflecting amounts paid
14 in payroll for each of the above years. This additional request for corporate and individual tax
15 returns is not made to lead to relevant admissible evidence but such request is made to embarrass,
16 harass and annoy. This request is the subject of Defendants' Motion for Protective Order, as it
17 requests production of confidential information that is not available to the public and that is not
18 reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' claims for alleged
19 underpayment of minimum wage is data which is not reflected in corporate or individual returns.
20 There is no compelling reason for it and such disclosure does not involve a situation where the
21 litigant has put the amount of income in issue.

22 **REQUEST NO. 3:**

23 Produce copies of all documents used and/or relied upon in the preparation of the tax returns
24 filed with the Internal Revenue Service for and on behalf of A Cab Taxi Service, LLC, A Cab, LLC,
25 and Creighton J. Nady for years 2007 through the present. This request is limited to those
26 documents or materials containing information, specifically financial information, that was
27 consulted, used, and/or relied upon in forming the basis for the information included on the tax
28 returns filed with the Internal Revenue Service for and on behalf of A Cab Taxi Service, LLC, A

1 Cab, LLC, and Creighton J. Nady for years 2007 through the present.

2 **RESPONSE NO. 3:**

3 Defendants have produced at Plaintiffs' requests the electronic data reflecting amounts paid
4 in payroll for each of the above years. This additional request for corporate and individual tax
5 returns is not made to lead to relevant admissible evidence but such request is made to embarrass,
6 harass and annoy. This request is the subject of Defendants' Motion for Protective Order, as it
7 requests production of confidential information that is not available to the public and that is not
8 reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs' claims for alleged
9 underpayment of minimum wage is data which is not reflected in corporate or individual returns.
10 There is no compelling reason for it and such disclosure does not involve a situation where the
11 litigant has put the amount of income in issue.

12 **REQUEST NO. 4:**

13 Produce copies of all documents detailing defendants' compliance with the consent
14 judgment annexed hereto at Ex. "B" and all documents provided to defendants by the United States
15 Department of Labor or any other person or office that involve, relate to, or concern the payments
16 made by the United States Department of Labor, or any tax liabilities associated with those
17 payments, under that consent judgment.

18 **RESPONSE NO. 4:**

19 This request is vague and ambiguous, but in an attempt to respond, please see attached
20 documents.

21 **REQUEST NO. 5:**

22 Produce copies of all documents that defendants assert or reserve the right to assert, as
23 alleged in defendants' Twenty-Third Affirmative Defendant, constitute an "accord and satisfaction"
24 of any class member's claims in this case.

25 **RESPONSE NO. 5:**

26 Please see Defendants' 16.1 production and all supplements thereto, as well as the

27 ...

28 ...

1 depositions of Michael Murray and Michael Reno, and the evidence presented pursuant to NRC
2 68.

3 DATED this 11th day of October, 2016.

4 RODRIGUEZ LAW OFFICES, P.C.

5
6 /s/ Esther C. Rodriguez, Esq.
7 Esther C. Rodriguez, Esq.
8 Nevada Bar No. 6473
9 10161 Park Run Drive, Suite 150
10 Las Vegas, Nevada 89145
11 *Attorneys for Defendant A Cab, LLC*

12 **CERTIFICATE OF SERVICE**

13 I HEREBY CERTIFY on this 11th day of October, 2016, I electronically *served* the
14 foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System
15 which will send a notice of electronic service to the following:

16 Leon Greenberg, Esq.
17 Leon Greenberg Professional Corporation
18 2965 South Jones Boulevard, Suite E4
19 Las Vegas, Nevada 89146
20 *Counsel for Plaintiff*

21 /s/ Susan Dillow
22 An Employee of Rodriguez Law Offices, P.C.
23
24
25
26
27
28

August 31, 2016

Via Facsimile:
Leon Greenberg, 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 Mr. Greenberg:

Per your request, attached are the Employee Benefits Summaries provided by the insurance representatives. As we discussed, these are not A Cab forms, but rather they are created by the various insurance companies and their representatives. Please contact me with any questions or concerns. Thank you.

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

EC Rodriguez
Esther C. Rodriguez, Esq.

ECR:srd
enc.
cc: Creighton J. Nady

A CAB, LLC
EMPLOYEE BENEFIT SUMMARY
6/1/2013 – 5/31/2014 PLAN YEAR

ELIGIBILITY

- First day of the month following 90 days of employment
- All active full-time employees

MEDICAL – HEALTH PLAN OF NEVADA

Health Plan – Preferred Provider Plan (HMO)

	In-Network
Calendar Year Deductible (CYD)	\$2,500 Individual \$5,000 Family
Office Visits	\$25 Copay
Specialist Visits	\$50 Copay
Routine Lab	\$25 Copay, after Deductible
Routine X-Ray	\$25 Copay, after Deductible
Urgent Care	\$25 Copay
Within Service Area	\$25 Copay
Outside Service Area	\$40 Copay after Deductible
Emergency Room	\$200 Copay, after Deductible <i>waived if admitted</i>
Inpatient Hospital	\$400 per admission, after Deductible
Outpatient Surgery	\$50 per admission, after Deductible
Prescription Drug Program	
Generic	\$25
Brand	\$50
Non-Formulary	\$75
Mail Order (90 day supply)	
Generic	\$50
Brand	\$100
Non-Formulary	Not Available
Employee Cost Summary Table	
	Employee Only Employee + Spouse Employee + Child(ren) Employee + Family
Rate	\$39.32 \$145.59 \$134.96 \$273.11

MEDICAL BRIDGE – COLONIAL

PLAN B

Benefits paid once per covered person per calendar year

	Benefit
Hospital Confinement	\$1,000
Outpatient Surgical Procedure	\$1,500 Calendar Year Max
Tier 1	\$500
Tier 2	\$1,000
Diagnostic Procedure	\$250
Health Screening	\$50

Health Plan – Preferred Provider Plan (HMO)

No cost for employee only coverage when enrolled in HPN HMO medical plan

VOLUNTARY DENTAL – METLIFE

	In-Network	Out-of-Network		
Calendar Year Deductible (CYD) <i>Applies to Basic & Major Services Only</i>	\$50 Individual \$150 Family	\$100 Individual \$300 Family		
Preventive	100%	80%		
Basic	80%	50%		
Major	50%	50%		
Dental Calendar Year Maximum	\$5,000			
Employee Cost Summary Table				
	Employee Only	Employee + Spouse	Employee + Child(ren)	Employee + Family
Rate	\$11.74	\$27.15	\$22.86	\$38.58

VOLUNTARY VISION – METLIFE

	In-Network	Out-of-Network
Exam	\$20 Copay	Up to \$45 allowance
<i>Once every 12 months</i>		
Lenses	\$20 Copay	\$30 - \$100 allowance
<i>Once every 12 months</i>		
Frames	\$100 allowance then 20% discount	Up to \$55 allowance
<i>Once every 24 months</i>		
Elective Contact Lenses Fitting & Evaluation	Not to exceed \$60 Copay	Up to \$80 allowance
Elective Lenses	Up to \$100 allowance	(Fitting, Evaluation & Lenses Combined)
Employee Cost Summary Table		
	Employee Only	Employee + Spouse Employee + Child(ren) Employee + Family
Rate	\$3.50	\$7.01 \$6.58 \$10.07

CUSTOMER SERVICE NUMBERS

Health Plan of Nevada (HMO)	www.healthplanofnevada.com
Member Services	702-242-7300 800-777-1840
MetLife	www.metlife.com
Customer Service	800-275-4638
Wells Fargo Insurance Services	
Mona Nassr	702-946-1632
Colonial	
Kym Dunham	702-326-6235

Information in this document offers highlights of your benefit plans. The official Plan Documents actually govern your rights and benefits under each plan. If any discrepancy exists between this document and the Plan Documents, the actual legal Plan Documents will prevail. Plan provisions and eligibility do not constitute an employment contract with any individual. Coverage may vary state to state according to state mandated benefits.

AA008362



A CAB - EMPLOYEE BENEFIT SUMMARY

06/01/2015 – 05/31/2016 PLAN YEAR

MEDICAL – PROMINENCE HEALTH PLAN HMO Core \$10 \$2500 Rx - 25/50/75

General Plan Information				
Calendar Year Deductible				\$2,500
Coinsurance				0%
Calendar Year Out-of-Pocket Max				\$6,350
Physician Services				
Office Visit/ Exam				\$40/visit
Office Visit/ Specialist				\$70/visit
Diagnostic Procedures				
Routine Lab				No Charge
Routine X-Ray				\$50/test
Hospital / Surgical Center				
Inpatient Hospital				Deductible+\$2,000/admit
Outpatient Surgery				\$750 copay
Emergency Care				
Emergency Room				\$350/visit <i>Waived if admitted</i>
Urgent Care Facility				\$50/visit
Pharmacy				
Generic/Pref Brand/Non-Pref Brand				\$25 / \$50 / \$75
Special Pharmaceuticals				20% Coinsurance
Employee Cost Per Paycheck				
	Employee Only	Employee + Spouse*	Employee + Child(ren)	Employee + Family*
Rate	\$43.00	N/A	\$158.17	N/A

CUSTOMER SERVICE NUMBERS

Prominence - Medical	www.prominencehealthplan.com
Member Services	800-863-7515
Principal - Dental	www.principal.com
Customer Service	800-247-4695
Principal/VSP - Vision	www.vsp.com
Customer Service	800-877-7195
Colonial - Voluntary Benefits	Contact Kym Dunham
Customer Service Email	Kdunham524@gmail.com
Customer Service	(702)326-6235

DENTAL – PRINCIPAL/Diversified Dental Network

	In-Network	Out-of-Network		
Calendar Year Deductible (CYD)	\$75 Individual \$225 Family	\$100 Individual \$300 Family		
Preventive	100%	80%		
Calendar Year Deductible (CYD) only applies to Preventive Services when using out-of-network providers				
Basic	80%	50%		
Major	50%	50%		
Annual Maximum	\$2,500	\$2,000		
Employee Cost Per Paycheck				
	Employee Only	Employee + Spouse	Employee + Child(ren)	Employee + Family
Rate	\$14.27	\$28.29	\$29.18	\$44.98

VISION – PRINCIPAL/VSP

	In-Network	Out-of-Network		
Exam <i>Once every 12 months</i>	\$10 Copay	Up to \$45 allowance		
Lenses <i>Once every 12 months</i>	\$25 Copay*	Up to \$100 allowance		
<i>*Additional charges may apply for lens enhancements, such as UV coating, tinting, etc.</i>				
Frames <i>Once every 24 months</i>	Up to \$150 allowance	Up to \$70 allowance		
Employee Cost Per Paycheck				
	Employee Only	Employee + Spouse	Employee + Child(ren)	Employee + Family
Rate	\$3.80	\$7.63	\$7.96	\$12.84

VOLUNTARY BENEFITS - COLONIAL

<i>Rates & benefit coverage varies. contact Colonial for more information</i>
Voluntary Life insurance pays a lump sum in the event of death. Term Life or Universal Life insurance options available.
Voluntary Short Term Disability insurance protects a percentage of an insured's income in the event they become ill or injured off-the-job and cannot work.
Voluntary Accident can pay a benefit directly to an insured if they or an insured family member have suffered a covered injury and need treatment.
Voluntary Critical Illness &/or Cancer insurance pays a lump sum amount upon diagnosis of a covered event.

WHEN IS OPEN ENROLLMENT: Open Enrollment is during the month of May every year for June 1st effective date
 QUALIFYING EVENTS: Birth of Child, Adoption, *Marriage, Divorce, Court Ordered Changes, Gain/Loss of Other Coverage
 WAITING PERIOD: First of the month following 60 days of employment

**Spouse coverage not available for medical*

Medical Plan & Rate Analysis



Effective 6-1-2016 to May 31, 2017

CAPSTONE | RISK MANAGEMENT | INSURANCE

Prominence Options	CURRENT HMO PLAN		RENEWAL HMO PLAN	
	Prominence Core / Base Plan HMO Deductible Core 10		Prominence HMO Advantage Plus 4000	
Benefits	Health Care Partners (Las Vegas Only)		Health Care Partners (Las Vegas Only)	
Provider Network	In-Network		In-Network	
Cal Year Deductible				
Individual	\$2,500		\$4,000	
Family	\$7,500		\$12,000	
Coinsurance	0%		40%	
Out of Pocket Maximum				
Individual	\$6,350		\$6,600	
Family	\$12,700		\$13,200	
Office Visits & Hospitalization				
PCP Office Visit	\$40		\$30	
Preventive Care	0		0	
Specialist Office Visit	\$70		\$60	
TeleMedicine Services	\$30		\$20	
Hospital Services				
In Patient Hospitalization	CYD / \$2,000 copay per admit		CYD, then 40%	
Out Patient Hospitalization	\$750 copay		CYD, then 40%	
Physician Surgical Services				
Surgeon	Bundled w/ Inpatient & Outpatient		Bundled w/ Inpatient & Outpatient	
Anesthesia	Bundled w/ Inpatient & Outpatient		Bundled w/ Inpatient & Outpatient	
Emergency Services				
ER (Ded waived if admitted)	\$350 copay per visit		\$350 copay plus 40%	
Urgent Care	\$50 copay per visit		\$50 copay per visit	
Lab & X Ray				
Routine Laboratory Services	No Charge		No Charge	
Routine X-ray	\$50 copay per test		\$30 copay per test	
CT Scan and MRI	\$100 copay per test		\$250 copay per test	
Prescription Drugs				
Tier 1	\$25		\$25	
Tier 2	\$50		\$50	
Tier 3	\$75		\$75	
Mail-Order	See Plan Description		See Plan Description	
Total Employees	2015	Current	2015	Renewal
Employee Only Monthly Rate		\$277.26		\$335.46
Employee + Child(ren)		\$526.80		\$637.39
Employee Cost Monthly		\$93.17		\$94.25
A Cab Employee Monthly Cost		\$184.09		\$241.21
A Cab Employee Annual Cost per Employee		\$2,209.08		\$2,894.52
Employees Cost Per Pay Period (26 pay periods)		\$43.00		\$43.50
Employee + Child(ren) Per Pay Period (26 pay periods)		\$158.17		\$182.85

AA008364

AFFIDAVIT OF CREIGHTON J. NADY

STATE OF NEVADA)
) s. s.
COUNTY OF CLARK)

CREIGHTON J. NADY, being first duly sworn, states:

1. I am the Managing Member A Cab, LLC, the Defendant in Murray v. A Cab, LLC, et al, District Court Case A-12-669926-C.
 2. The matters stated herein are of my own knowledge, except for those matters stated as upon information and belief, and as to those matters, I believe them to be true.
 3. I have had a search conducted of all A Cab office files to comply with the Discovery Commissioner's Order concerning documents demonstrating the providing of health insurance benefits by the defendants to the class members.
 4. Other than the documents that have already been produced to Plaintiffs, no other Employee Health Plan summaries have been found.
 5. The Employee Health Plan summaries are not a document prepared or produced by A Cab. Rather, they are provided by the company providing insurance coverage to the Company.
 6. A Cab has had several insurance providers over the course of the years. I have had A Cab's files reviewed to locate the broker(s) in order to obtain other summaries, but no other copies have been obtained.
 7. It is my understanding that the Quickbooks payroll data has already been provided to the Plaintiffs. This data reflects the deductions for health care coverage for each driver. This issue was previously addressed by the Discovery Commissioner, who ordered that
-

these deductions be reflected in the data production. As such, I commissioned my employees to prepare such reports and data; and these have been provided to Plaintiffs.

8. The Employee Health Plan summaries are not kept in the normal course, as they are not prepared by A Cab employees.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

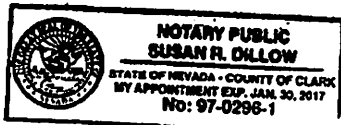
DATED this 21 day of September, 2016.

By: 

~~BRIGHTON L. NADY~~

SUBSCRIBED and SWORN to before
me this 21 day of September, 2016


NOTARY PUBLIC in and for the
State of Nevada



U.S. Department of Labor

Wage and Hour Division
600 Las Vegas Blvd., S.
Suite 550

Las Vegas, NV 89101-6654
702-388-6001
702-928-1241



August 24, 2015

Mr. Creighton Nady, Owner
A Cab, LLC d-b-a A-Cab
1500 Searles Ave
Las Vegas, NV 89101

Dear Mr. Nady:

This will acknowledge receipt of last installment back wage payment check for the amount of \$29,999.96 which reflects completion of installment plan as directed. Total back wages of \$139,988.80 due under the Fair Labor Standards Act have been paid in full as directed in consent judgment.

Sincerely,

A handwritten signature in black ink, appearing to read "RQ", is written over the word "Sincerely,".

Richard Quezada
Assistant District Director

Gaspar Montañez
District Director

AA008367

0006470 11-24
Office AU # 1210(8)

CASHIER'S CHECK

SERIAL #: 0647000811
ACCOUNT#: 4881-511888

Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 2015054987
Operator I.D.: u334968 renc0756

August 13, 2015

Funding Source: Paper (itemize) ***WAGE AND HOUR DIVISION, LABOR***
PAY TO THE ORDER OF ***RE: A CAB, LLC***

***\$29,999.96**

Twenty-nine thousand nine hundred ninety-nine dollars and 96 cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER - IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE. AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO BANK MAY IMPOSE A FEE AND
REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 29,999.96

NON-NEGOTIABLE

Purchaser Copy

0006470 11-24
Office AU # 1210(8)

CASHIER'S CHECK

0647000811

Remitter: JON M GATHRIGHT
Operator I.D.: u334968 renc0756

August 13, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR***
RE: A CAB, LLC

***\$29,999.96**

Twenty-nine thousand nine hundred ninety-nine dollars and 96 cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 29,999.96

AUTHORIZED SIGNATURE

⑈0647000811⑈ ⑆121000248⑆4861 511988⑈




1500 Searles Ave.
Las Vegas, Nevada 89101
(702) 365-1900

Receipt of Check

RECEIPT OF CHECK in the amount of \$29,999.96 payable to "Wage and Hour Division, Labor" as final payment in settlement of the Thomas E Perez v. A Cab, LLC matter is hereby acknowledged this 13th day of August, 2015 by the following:

Wage and Hour Division

By 
Richard Quezada, Assistant District Director
U.S Department of Labor
Wage and Hour Division
600 Las Vegas Blvd. South, Suite 550
Las Vegas, Nevada 89101-6654

Gaspar Montañez
District Director

AA008369

0006470 11-24
Office AU # 1210(8)
Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 933255593
Operator I.D.: u283194
Funding Source: Paper (Name(s)) reno1607
PAY TO THE ORDER OF

CASHIER'S CHECK

SERIAL #: 0647001705
ACCOUNT#: 4881-511970

July 30, 2015

***WAGE AND HOUR DIVISION, LABOR ***
***RE: A CAB ***

Ten thousand dollars and no cents

\$10,000.00

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 10,000.00

NON-NEGOTIABLE

Purchaser Copy

0006470 11-24
Office AU # 1210(8)
Remitter: JON M GATHRIGHT
Operator I.D.: u283194 reno1607

CASHIER'S CHECK

0647001705

July 30, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR ***
***RE: A CAB ***

Ten thousand dollars and no cents

\$10,000.00

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 10,000.00

Richard Perry
CONTROLLER

⑈0647001705⑈ ⑆121000248⑆4881 511970⑈

AA008370



1500 Searles Ave.
Las Vegas, Nevada 89101
(702) 365-1900

Receipt of Check

RECEIPT OF CHECK in the amount of \$10,000.00 payable to "Wage and Hour Division, Labor" in the matter of Thomas E Perez v. A Cab, LLC is hereby acknowledged this 30th day of July, 2015 by the following:

Wage and Hour Division

By Richard Quezada
Richard Quezada, Assistant District Director
U.S Department of Labor
Wage and Hour Division
600 Las Vegas Blvd. South, Suite 550
Las Vegas, Nevada 89101-6654

AA008371

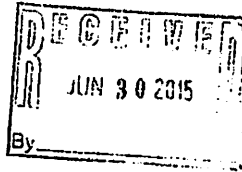


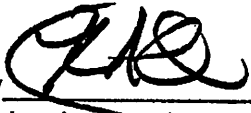
1500 Searles Ave.
Las Vegas, Nevada 89101
(702) 365-1900

Receipt of Check

RECEIPT OF CHECK in the amount of \$10,000.00 payable to "Wage and Hour Division, Labor" in the matter of Thomas E Perez v. A Cab, LLC is hereby acknowledged this 30th day of June, 2015 by the following:

Wage and Hour Division



By 
Richard Quezada, Assistant District Director
U.S Department of Labor
Wage and Hour Division
600 Las Vegas Blvd. South, Suite 550
Las Vegas, Nevada 89101-6654

AA008372

0006470 11-24
Office AU # 1210(8)

CASHIER'S CHECK

SERIAL #: 0647001658

ACCOUNT#: 4861-511970

Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 2015064967
Operator I.D.: u270348
Funding Source: Paper Items(s) u270348

June 30, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR***
RE: A CAB, LLC

***\$10,000.00**

Ten thousand dollars and no cents

Payee Address
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE. AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 10,000.00

NON-NEGOTIABLE

Purchaser Copy

FDCH-1

~~FOR INFORMATION ONLY: THIS CHECK IS NOT VALID FOR CASHING. IT IS A PURCHASER COPY. THE ORIGINAL CHECK IS IN THE POSSESSION OF THE REMITTER. THE REMITTER IS RESPONSIBLE FOR THE CASHING OF THIS CHECK. THE REMITTER IS NOT RESPONSIBLE FOR THE CASHING OF THIS CHECK. THE REMITTER IS NOT RESPONSIBLE FOR THE CASHING OF THIS CHECK.~~

0006470 11-24
Office AU # 1210(8)

CASHIER'S CHECK

0647001658

Remitter: JON M GATHRIGHT
Operator I.D.: u270348

June 30, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR***
RE: A CAB, LLC

***\$10,000.00**

Ten thousand dollars and no cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 10,000.00

Richard Long
CONTROLLER

⑈0647001658⑈ ⑆121000248⑆4861 511970⑈

AA008373



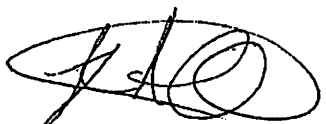
1500 Searles Ave.
Las Vegas, Nevada 89101
(702) 365-1900

Receipt of Check

RECEIPT OF CHECK in the amount of \$10,000.00 payable to "Wage and Hour Division, Labor" in the matter of Thomas E Perez v. A Cab, LLC is hereby acknowledged this 28th day of May, 2015 by the following:

Wage and Hour Division

 **COPY**

By 
Richard Quezada, Assistant District Director
U.S Department of Labor
Wage and Hour Division
600 Las Vegas Blvd. South, Suite 550
Las Vegas, Nevada 89101-6654

AA008374

0006470 11-24
Office AU # 1210(8)
Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 2015064967
Operator I.D.: u270348
Funding Source: Paper Item(s) u270348

CASHIER'S CHECK

SERIAL #: 0647001609
ACCOUNT#: 4881-511970

May 28, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR***
RE: A CAB

Ten thousand dollars and no cents

\$10,000.00

Payee Address:
Memo.

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER--IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE. AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 10,000.00

NON-NEGOTIABLE

Purchaser Copy

FD-441 (Rev. 10-29-2011)

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE FOLLOWING DATE AND AUTHORITY~~

0006470 11-24
Office AU # 1210(8)
Remitter: JON M GATHRIGHT
Operator I.D.: u270348

CASHIER'S CHECK

0647001609

May 28, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR***
RE: A CAB

Ten thousand dollars and no cents

\$10,000.00

Payee Address:
Memo.

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 10,000.00

Richard Levy
CONTROLLER

⑈0647001609⑈ ⑆121000248⑆4881511970⑈

AA008375



1500 Searles Ave.
Las Vegas, Nevada 89101
(702) 365-1900

Receipt of Check

RECEIPT OF CHECK in the amount of \$10,000.00 payable to "Wage and Hour Division, Labor" in the matter of Thomas E Perez v. A Cab, LLC is hereby acknowledged this 4th day of May, 2015 by the following:

Wage and Hour Division

 **COPY**



By _____
Richard Quezada, Assistant District Director
U.S Department of Labor
Wage and Hour Division
600 Las Vegas Blvd. South, Suite 550
Las Vegas, Nevada 89101-6654

AA008376

CASHIER'S CHECK

SERIAL #: 0647001571

ACCOUNT#: 4861-511870

May 04, 2015

\$10,000.00

NON-NEGOTIABLE

VOID IF OVER US \$ 10,000.00

Purchaser Copy

NOTICE TO PURCHASER: IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE, AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (800) 394-3122

Payee Address
Memo:

Ten thousand dollars and no cents

PAY TO THE ORDER OF

Funding Source:

Payor Home(s)

Operator ID

Operator Account

Purchaser

Name

Office AU #

11-24

0006470

121020

JON M GATTHRIGHT

JON M GATTHRIGHT

RE: A CAB

WAGE & HOUR DIVISION, LABOR***

0647001571

0647001571

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0647001571

0647001571 11-24 0006470

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (800) 394-3122

Payee Address
Memo:

Ten thousand dollars and no cents

PAY TO THE ORDER OF

Funding Source:

Payor Home(s)

Operator ID

Operator Account

Purchaser

Name

Office AU #

11-24

0006470

121020

JON M GATTHRIGHT

JON M GATTHRIGHT

CASHIER'S CHECK

0647001571

May 04, 2015

\$10,000.00

VOID IF OVER US \$ 10,000.00

CONTROLLER

0647001571



1500 Searles Ave.
Las Vegas, Nevada 89101
(702) 365-1900

Receipt of Check

RECEIPT OF CHECK in the amount of \$10,000.00 payable to "Wage and Hour Division, Labor" in the matter of Thomas E Perez v. A Cab, LLC is hereby acknowledged this 31st day of March, 2015 by the following:

Wage and Hout Division

Richard Quezada
Assistant District Director
U.S. Dept. of Labor, Wage & Hour Div.
600 Las Vegas Blvd S, STE 650
Las Vegas, NV 89101-6854

By

Richard Quezada, Assistant District Director
U.S Department of Labor
Wage and Hour Division
600 Las Vegas Blvd. South, Suite 550
Las Vegas, Nevada 89101-6654

AA008378

0006470

Office AU #

11-24

1210(8)

CASHIER'S CHECK

SERIAL #: 0647001503

ACCOUNT#: 4861-511970

Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 2015064967
Operator I.D.: u319310
Funding Source: Cash

u319310

PAY TO THE ORDER OF

***WAGE AND HOUR DIVISION, LABOR ***
***RE: A CAB, LLC ***

March 31, 2015

Ten thousand dollars and no cents

\$10,000.00

Payee Address:
Memo

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (800) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE. AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 10,000.00

NON-NEGOTIABLE

Purchaser Copy

AA008379

RECEIPT OF CHECK

RECEIPT OF CHECK in the amount of \$10,000.00 payable to the "Wage & Hour
Division, Labor" in the matter of *Thomas E. Perez v. A Cab, LLC* is hereby acknowledged this
____ day of February, 2015, by the following:

WAGE & HOUR DIVISION

By: Richard Quezada
Richard Quezada, Assistant District Director
U.S. Department of Labor
Wage & Hour Division
600 Las Vegas Boulevard South, Suite 550
Las Vegas, Nevada 89101-6654

AA008380

0006470 11-24
Office AU # 1210(8)
Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 2015064967
Operator I.D.: u270348 u270348
Funding Source: Cash

CASHIER'S CHECK

SERIAL #: 0647001461
ACCOUNT#: 4861-511970

February 24, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR***
RE: A CAB, LLC

\$10,000.00

Ten thousand dollars and no cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE, AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 10,000.00

NON-NEGOTIABLE

Purchaser Copy

0006470 11-24
Office AU # 1210(8)

CASHIER'S CHECK

0647001461

Remitter: JON M GATHRIGHT
Operator I.D.: u270348 u270348

February 24, 2015

PAY TO THE ORDER OF ***WAGE AND HOUR DIVISION, LABOR***
RE: A CAB, LLC

\$10,000.00

Ten thousand dollars and no cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 10,000.00

Richard Levy
CONTROLLER

0647001461 12100024814861 511970

AA008381

0005470 11-24
Office AU # 1210(8)
Remitter: JON M GATHRIGHT
Operator I.D.: u270348 rono1607

CASHIER'S CHECK

0647001414

January 29, 2015

PAY TO THE ORDER OF ***WAGE & HOUR DIVISION, LABOR***
RE: A CAB

***\$10,000.00**

Ten thousand dollars and no cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 10,000.00

Richard Perry
CONTROLLER

⑈0647001414⑈ ⑆12100024814861511970⑈

0005470 11-24
Office AU # 1210(8)
Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 2015064967
Operator I.D.: u270348 rono1607
Funding Source: Cash

CASHIER'S CHECK

SERIAL #: 0647001414
ACCOUNT#: 4861-511970

January 29, 2015

PAY TO THE ORDER OF ***WAGE & HOUR DIVISION, LABOR***
RE: A CAB

***\$10,000.00**

Ten thousand dollars and no cents

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,
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AND REISSUANCE. AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 10,000.00

NON-NEGOTIABLE

Purchaser Copy

REF: 11-24-2015

AA008382

RECEIPT OF CHECK

RECEIPT OF CHECK in the amount of \$10,000.00 payable to the "Wage & Hour Division, Labor" in the matter of *Thomas E. Perez v. A Cab, LLC* is hereby acknowledged this 29th day of January, 2015, by the following:

WAGE & HOUR DIVISION

By: 

Richard Quezada, Assistant District Director
U.S. Department of Labor
Wage & Hour Division
600 Las Vegas Boulevard South, Suite 550
Las Vegas, Nevada 89101-6654

Richard Quezada
Assistant District Director
U.S. Dept. of Labor, Wage & Hour Div.
600 Las Vegas Blvd S. STE 550
Las Vegas, NV 89101-6654

AA008383

0006470 11-24
Office AU # 1710(8)
Remitter: JON M GATHRIGHT
Purchaser: JON M GATHRIGHT
Purchaser Account: 2015044567
Operator I.D.: reno0756
Funding Source: Cash
PAY TO THE ORDER OF

CASHIER'S CHECK

SERIAL #: 0647000659
ACCOUNT#: 4861-511988

December 22, 2014

WAGE & HOUR DIV., LABOR
RE: A CAB LLC

Thirty-nine thousand nine hundred eighty-eight dollars and 84 cents

***\$39,988.84**

Payee Address:
Memo

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (400) 364-3122

NOTICE TO PURCHASER - IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO BANK MAY IMPOSE A FEE AND
REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 39,988.84

NON-NEGOTIABLE

Purchaser Copy

0006470 11-24
Office AU # 1710(8)
Remitter: JON M GATHRIGHT
Operator I.D.: reno0756

CASHIER'S CHECK

0647000659

December 22, 2014

PAY TO THE ORDER OF ***WAGE & HOUR DIV., LABOR***
RE: A CAB LLC

Thirty-nine thousand nine hundred eighty-eight dollars and 84 cents

***\$39,988.84**

Payee Address:
Memo

WELLS FARGO BANK, N.A.
2401 E LAKE MEAD BLVD
NORTH LAS VEGAS, NV 89030
FOR INQUIRIES CALL (400) 364-3122

VOID IF OVER US \$ 39,988.84

AUTHORIZED SIGNATURE

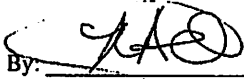
⑈0647000659⑈ ⑆121000248⑆4861 511988⑈

AA008384

RECEIPT OF CHECK

RECEIPT OF CHECK in the amount of \$39,988.84 payable to the "Wage & Hour Division, Labor" in the matter of *Thomas E. Perez v. A Cab, LLC* is hereby acknowledged this 24 day of December, 2014, by the following:

WAGE & HOUR DIVISION

By: 
Richard Quezada, Assistant District Director
U.S. Department of Labor
Wage & Hour Division
600 Las Vegas Boulevard South, Suite 550
Las Vegas, Nevada 89101-6654

Richard Quezada
Assistant District Director
U.S. Dept. of Labor, Wage & Hour Div.
600 Las Vegas Blvd S. STE 550
Las Vegas, NV 89101-6654

AA008385

EXHIBIT C

EXHIBIT C

RESP

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
RODRIGUEZ LAW OFFICES, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
702-320-8400
info@rodriguezlaw.com

Michael K. Wall, Esq.
Nevada Bar No. 2098
Hutchinson & Steffen, LLC
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
702-385-2500
mwall@hutchlegal.com
Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

**ANSWERS TO PLAINTIFFS' FIFTH SET OF
INTERROGATORIES TO DEFENDANTS**

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

INTERROGATORY NO. 7:

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

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

7 **ANSWER NO. 7:**

8 Please see attached.

9 **INTERROGATORY NO. 8:**

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

14 **ANSWER NO. 8:**

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

18 **INTERROGATORY NO. 9:**

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

24 **ANSWER NO. 9:**

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

1 **INTERROGATORY NO. 10:**

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

14 **ANSWER NO. 10:**

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

18 **INTERROGATORY NO. 11:**

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

28 . . .

ANSWER NO. 11:

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

INTERROGATORY NO. 12:

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

ANSWER NO. 12:

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

INTERROGATORY NO. 13:

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

1 defendant Nady may have received as an owner, LLC member, partner, shareholder, or creditor of
2 the defendants.

3 **ANSWER NO. 13:**

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

9 **INTERROGATORY NO. 14:**

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

18 **ANSWER NO. 14:**

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

20 **INTERROGATORY NO. 15:**

21 Set forth, in detail, a summary of all benefits available to defendants' taxicab drivers who
22 elected to enroll in any health insurance plan offered by defendants. A response to this request
23 should include, but not be limited to, the types of coverage offered by such plan(s) such as coverage
24 for specialist visits, surgical coverage, hospital stays, emergency room visits coverage, etc. The sort
25 of information sought by this request is set forth in Exhibit "B." This request does not seek a
26 summary of coverage offered by any dental, vision, or life insurance plans offered by the
27 defendants, and is limited strictly to health insurance plans. In lieu of responding to this
28 interrogatory, defendants may produce copies of all documents which set forth the information

sought by this request if such documents clearly state the coverage available under all health insurance plans offered by the defendants from July 1, 2007 through the present as in the form at Exhibit "B" or a similar form.

ANSWER NO. 15:

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

INTERROGATORY NO. 16:

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

ANSWER NO. 16:

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

INTERROGATORY NO. 17:

Set forth, separately, the current net worth of each of the defendants, A Cab Taxi Service, LLC, A Cab, LLC, and Creighton J. Nady. The term "net worth" in this interrogatory means the monetary value of all property (be in real, personal, tangible, or intangible) owed by each such defendant minus the monetary value of all liabilities and debts of each such defendant.

ANSWER NO. 17:

Objection. This interrogatory is nonsensical, forcing defendants to speculate as to its meaning. Furthermore, it seeks production of confidential information that is not available to the public and that is not reasonably calculated to lead to the discovery of admissible evidence. It may

1 be the subject of Defendants' Motion for Protective Order granted in part by the Discovery
2 Commissioner. Defendant will produce the items in compliance with the Discovery Commissioners
3 Report and Recommendation once approved by the Court, and within the guidelines now given by
4 the Nevada Supreme Court pertaining to applicable statute of limitations.

5 **INTERROGATORY NO. 18:**

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

12 **ANSWER NO. 18:**

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

14 **INTERROGATORY NO. 19:**

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

18 **ANSWER NO. 19:**

19 Defendants assert that they took all steps to comply with all federal and state laws, meeting
20 with both federal and state representatives as identified in Defendants' List of Witnesses and
21 Documents. Each of these representatives informed Defendants of the sufficiency of their
22 compliance and/or gave guidance to Defendants and/or admitted that they themselves were unclear
23 regarding the effects of the amendment to the Nevada Constitution. Further, each driver has within
24 their control the amount of money they make; and in fact make substantially more on an hourly

25 ...

26 ...

27 ...

28 ...

1 basis than is reflected in their paystubs.

2 DATED this 9th day of November, 2016.

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

4
5 /s/ Esther C. Rodriguez, Esq.
6 Esther C. Rodriguez, Esq.
7 Nevada Bar No. 6473
8 10161 Park Run Drive, Suite 150
9 Las Vegas, Nevada 89145
10 *Attorneys for Defendant A Cab, LLC*

11 **CERTIFICATE OF SERVICE**

12 I HEREBY CERTIFY on this 9th day of November, 2016, I served the foregoing via U.S.

13 Mail postage prepaid to the following:

14 Leon Greenberg, Esq.
15 Leon Greenberg Professional Corporation
16 2965 South Jones Boulevard, Suite E4
17 Las Vegas, Nevada 89146
18 *Counsel for Plaintiff*
19 (702) 385-1827

20 /s/ Susan Dillow
21 An Employee of Rodriguez Law Offices, P.C.
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA

COUNTY OF CLARK

I, the undersigned, state that I am the General Manager of A Cab, LLC, the Defendant in the above-entitled action, that I have read the foregoing **Defendants' Answers to Plaintiffs' Fifth Set of Interrogatories** and know the contents thereof; that the same is true of my own knowledge, except for those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

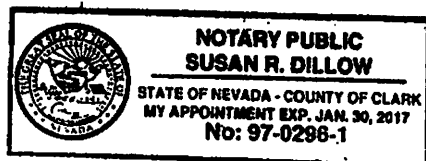
Executed under penalty of perjury under the laws of the State of Nevada this 9 day of November, 2016.

A Cab, LLC

By: [Signature]
Jon Gathright, General Manager

Subscribed and sworn to before me
this 9 day of November, 2016.

[Signature]
Notary Public in and for said
County and State



EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Abdella	Juhar Mamo	140.40	35.06	8.68	1.99	10.67
Abuel	Alan Barriga	232.31	58.03	14.33	3.36	17.69
Adamian	Robert	200.56	50.12	12.37	2.85	15.22
Adamson	Nicole Kay	294.11	73.49	18.2	4.22	22.42
Ahmed	Ahmed Ali	364.11	90.99	22.54	5.22	27.76
Andersen	Jason Elliott	770.96	192.72	47.76	11.11	58.87
Anderson	Roosevelt Alexander	672.72	168.13	41.65	9.7	51.35
Applegate	Angela	58.45	14.58	3.55	0.84	4.39
Arar	Isam Khaderismail	509.14	127.25	31.52	7.32	38.84
Arell	Roger D	49.61	12.35	3.02	0.7	3.72
Arellano	Miguel Angel	365.49	91.34	22.61	5.23	27.84
Armwine	Howard Blake	164.15	41.02	10.12	2.34	12.46
Aurich	Juan Pablo	1,018.94	254.69	63.14	14.73	77.87
Bakhtiari	Marco	583.05	145.71	36.12	8.42	44.54
Barbu	Ion	54.59	13.61	3.36	0.73	4.09
Barr	Kenneth William	41.45	10.36	2.54	0.57	3.11
Barseghyan	Artur	114.70	28.63	7.05	1.59	8.64
Benel	Christian E.	132.63	33.11	8.16	1.86	10.02
Bialorucki	Richard Matthew	238.35	59.56	14.73	3.4	18.13
Borges	Antonio G	834.27	208.54	51.68	12.06	63.74
Borja	Virginia	289.32	72.3	17.92	4.13	22.05
Brauchle	Michael James	709.56	177.35	43.96	10.24	54.2
Briski	Louis Bradley	188.47	47.07	11.64	2.69	14.33
Casiello	Anthony Ralph	151.16	40.25	9.96	2.28	12.24
Chatrizch	Shahin	205.70	51.4	12.74	2.95	15.69
Cohon	Thomas Stafford	174.41	43.56	10.78	2.52	13.3
Collier	Ella Ruth	154.70	38.65	9.55	2.24	11.79
Collins	Lincoln	111.51	27.86	6.88	1.57	8.45
Conway	James Hubert	499.86	124.94	30.96	7.19	38.15
Crawford	Darryl Wayne	83.22	20.76	5.09	1.15	6.24
Daniels	Katherine Ann	1,524.25	381.01	94.44	22.05	116.49
Dillard	Corey Lamar	74.00	18.48	4.53	1.01	5.54

AA008396

EMPLOYER: A Cab. LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Disbrow Sr	Ronald Lynn	382.79	95.67	23.69	5.49	29.18
Dobszewicz	Gary Stephen	785.51	196.36	48.65	11.36	60.01
Dotson	Eugene Brian	65.66	16.39	4.05	0.9	4.95
Draper	Ivan Lee	1,102.77	275.66	68.34	15.96	84.3
Durey	Robert James	291.96	72.98	18.07	4.2	22.27
Edwards	Jeffrey Alan	484.00	120.99	29.98	7	36.98
Emling	Paul Edward	323.78	80.92	20.04	4.65	24.69
Ernst	William Lee	1,590.62	397.63	98.6	23	121.6
Eshaghi	Mohammad	103.10	25.76	6.34	1.44	7.78
Fears	Thomas Archer	593.04	148.22	36.71	8.56	45.27
Feleke	Melak Mekonnen	200.82	50.17	12.39	2.85	15.24
Feschazion	Tcabe	559.06	139.75	34.61	8.03	42.64
Garcia	John Eugene	158.56	39.62	9.8	2.26	12.06
Gebreyes	Fanuel Hailu	420.15	105.03	26.03	6.05	32.08
Gelane	Samuel Gebretsadik	1,146.40	286.58	71.04	16.56	87.6
Gillett	David C	915.70	228.88	56.73	13.21	69.94
Gleason	John Terry	1,349.99	337.45	83.65	19.51	103.16
Glogovac	Goran	548.72	137.13	33.96	7.89	41.85
Gray	Gary David	666.26	166.54	41.25	9.61	50.86
Green	Tony	1,189.03	297.22	73.69	17.22	90.91
Greever	Rickey Eugene	50.81	12.66	3.11	0.71	3.82
Guinan	William J.	234.30	58.54	14.47	3.37	17.84
Hadley	Aaron Scott	111.89	27.93	6.89	1.57	8.46
Hansen	Jordan Zachary	171.73	42.89	10.64	2.43	13.07
Harris	Dennis Raymond	391.05	97.76	24.22	5.62	29.84
Harris	Jay L	158.99	39.7	9.82	2.26	12.08
Haskell	William Lee	1,092.90	273.19	67.7	15.82	83.52
Hays	Larry Martin	238.31	59.53	14.73	3.4	18.13
Hinks	Dana Kyle	149.22	37.26	9.24	2.12	11.36
Holler	Alfonso	94.35	23.55	5.79	1.31	7.1
Hooper	Donald Lowell	181.22	45.27	11.2	2.57	13.77
Hoschouer	Christina Adela	0.00	0	0	0	0

AA008397

EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Hughes	Jerry Neville	1,336.02	333.95	82.8	19.34	102.14
Hurd	Donald P	259.51	64.85	16.03	3.69	19.72
Ivey	Timothy Carlos	458.77	114.67	28.42	6.61	35.03
Jackson	Frederick D	377.79	94.42	23.39	5.46	28.85
Jarmosco	John Joseph	170.19	42.51	10.52	2.41	12.93
Jclancic	Vladko	406.76	101.68	25.2	5.88	31.08
Jellison	Charles Stuart	185.79	46.41	11.49	2.66	14.15
Jimenez	Michael Jonathan	196.04	48.98	12.09	2.81	14.9
Johnson	Kennard T	992.29	248.04	61.48	14.33	75.81
Johnson	Rodney Lee	161.66	40.37	9.97	2.28	12.25
Jones	Glenn Otis	393.97	98.47	24.38	5.65	30.03
Karner	Adam M	268.37	67.06	16.57	3.83	20.4
Keba	Woldmarim Gebrmarim	429.76	107.42	26.62	6.19	32.81
Kenary	Brian T	1,354.01	338.49	83.91	19.6	103.51
Kern	Gary Frank	940.66	235.14	58.28	13.6	71.88
King Jr.	John	64.36	16.06	3.95	0.87	4.82
Krouse	Stephen Paul	281.04	70.21	17.38	4.06	21.44
Lacock	Brian Kieth	1,204.38	301.05	74.64	17.4	92.04
Leal	Jill I	410.88	102.68	25.41	5.91	31.32
Legesse	Dereje G	220.99	55.22	13.64	3.13	16.77
Link	Peter Joseph	303.82	75.93	18.79	4.36	23.15
Little	Dennis Paul	273.35	68.3	16.92	3.93	20.85
Lovin	Charles Edwin	175.10	43.74	10.81	2.52	13.33
Macato	Jaime L.	403.11	100.73	24.95	5.78	30.73
Manor	Quincy Antwon	178.43	44.58	11.01	2.54	13.55
Maras	Maria Mirti	418.79	104.65	25.92	6.04	31.96
Martinez-Ramirez	Eduardo	285.70	71.4	17.67	4.09	21.76
McCarter	Patrick Edward	119.41	29.83	7.33	1.7	9.03
McCarthy	John L.	707.51	176.85	43.84	10.23	54.07
Meloro	Paul Michael	250.03	62.47	15.44	3.55	18.99
Mengesha	Alemayehu	339.36	84.79	21.01	4.9	25.91
Mezzenasco	Pedro Jose	206.78	51.68	12.77	2.96	15.73

AA008398

EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Mindyas	James Bernard	276.08	68.97	17.09	3.95	21.04
Mitrikov	Ilko Ivanov	183.61	45.85	11.35	2.66	14.01
Montoya Villa	Francisco Javier	561.06	140.23	34.74	8.12	42.86
Moore	Jerry Irvin	42.36	10.54	2.57	0.58	3.15
Moreno	James M	847.46	211.81	52.51	12.23	64.74
Morley	David Lee Warren	203.93	50.96	12.61	2.94	15.55
Nazarov	Mikael Armenakov	280.65	70.14	17.37	4.06	21.43
Negashe	Legesse Maru	335.93	83.93	20.77	4.81	25.58
Netrayana	Kanchalee	117.55	29.34	7.28	1.68	8.96
Newell	John	37.96	9.43	2.29	0.47	2.76
Nigussie	Gulilat Tadesse	140.62	35.14	8.69	1.99	10.68
Norvell	Chris Duane	77.62	19.36	4.78	1.12	5.9
Ocampo	Leonardo Oswald	85.43	21.31	5.23	1.17	6.4
Ogbazghi	Dawit	585.56	146.36	36.27	8.43	44.7
Ohlson	Ryan Earl	172.69	43.14	10.66	2.43	13.09
Osterman	Victor Lewis	474.24	118.51	29.35	6.86	36.21
Ozgulgec	Tunc	149.25	37.27	9.24	2.12	11.36
Pak	Sam U	154.42	38.57	9.54	2.17	11.71
Parker	Shawnette M	232.35	58.03	14.34	3.36	17.7
Patry	Michael Jason	397.30	99.3	24.57	5.74	30.31
Pearson	Jon Carter	162.00	40.47	9.98	2.29	12.27
Penera	Eric Scott	154.55	38.59	9.54	2.2	11.74
Pilkington	Margaret Ann	823.75	205.9	51.03	11.91	62.94
Platania	John Anthony	481.31	120.3	29.82	6.91	36.73
Pletz	David E	1,018.95	254.69	63.14	14.73	77.87
Price	James Lynn	1,480.38	370.06	91.75	21.43	113.18
Purdue	Robert Henry	102.01	25.48	6.3	1.43	7.73
Reid	Marvin D.	1,689.53	422.34	104.67	24.44	129.11
Relopez	Craig Michael	767.17	191.76	47.52	11.08	58.6
Rohlas	Polly Ann	629.78	157.42	38.99	9.1	48.09
Salamch	George S.	560.25	140.04	34.72	8.12	42.84
Schoeb	Kirk Curtis	35.15	8.74	2.13	0.45	2.58

AA008399

EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Serio	John Anthony	352.58	88.12	21.84	5.07	26.91
Serrano	I Hector Nicolas	495.81	123.94	30.69	7.16	37.85
Sevillet	Otto	253.72	63.4	15.7	3.65	19.35
Shallufa	Azmy Joseph	485.01	121.2	30.02	7	37.02
Shoyombo	Rilwan Olalekan	407.21	101.76	25.22	5.88	31.1
Siljak	Lidija	164.34	41.04	10.13	2.38	12.51
Siljkovic	Becir	162.41	40.59	9.99	2.29	12.28
Simmons	John	1,012.42	253.08	62.74	14.61	77.35
Smith	Jepthy Lee	200.28	50.04	12.36	2.84	15.2
Smith Jr.	Willie	836.42	209.1	51.82	12.07	63.89
Sorrosa	Juan	325.88	81.41	20.17	4.66	24.83
Soto	Jacob David	285.09	71.25	17.64	4.09	21.73
Soto	Johnny B	156.43	39.08	9.67	2.24	11.91
Spilmon	Mark A	637.32	159.29	39.48	9.19	48.67
Steck	Gregory Carl	682.43	170.58	42.28	9.84	52.12
Stevenson	John Fran	179.11	44.73	11.07	2.55	13.62
Stonebreaker-Kaplon	Mark	336.71	84.16	20.86	4.81	25.67
Tedros	Biscrat Ghebre	182.87	45.68	11.27	2.57	13.84
Thompson	Glen	300.00	74.96	18.53	4.34	22.87
Travis	Brian Thomas	718.98	179.71	44.54	10.38	54.92
Villegas	Gene L.	80.83	20.18	4.95	1.14	6.09
Wallace	James Soochan	1,547.17	386.74	95.85	22.4	118.25
Warner	Terrance	662.36	165.56	41.04	9.55	50.59
Weaver	Gerie L.	1,637.32	409.28	101.45	23.69	125.14
Webb	Ricky	298.46	74.56	18.48	4.25	22.73
Welborn	Paul M	122.90	30.68	7.58	1.72	9.3
Welzbacher	Dan R	422.22	105.5	26.11	6.06	32.17
Yabut	Gerry Caguin	121.04	30.24	7.45	1.71	9.16
Zelege	Abraham Abebe	590.72	147.65	36.57	8.54	45.11
Total FICA Deductions for 157 Employees		\$67,462.41	\$16,860.27	\$4,175.98	\$971.16	\$5,147.14

AA008400

EMPLOYER: A Cab, I.I.C

EIN: 88-0470590

PERIOD: 01/01/2016 to 03/31/2016

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 4/4/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Adams	Michael J	90.23	22.54	5.52	1.28	6.8
Bradley	Leroy Velasquez	418.60	104.62	25.92	6.04	31.96
Dontchev	Nedelcho	105.85	26.46	6.49	1.45	7.94
Durtschi	Jeffrey Craig	89.01	22.22	5.48	1.26	6.74
Gilmore	Paula Jean	66.27	16.54	4.08	0.89	4.97
Guil	Inessa V	28.80	7.16	1.73	0.33	2.06
Harrell	Mark King	414.77	103.66	25.66	5.95	31.61
Harris	Jason Benjamin	272.31	68.06	16.83	3.92	20.75
Herga	Ryan	109.35	27.31	6.74	1.55	8.29
Hollis Jr	James Leonard	159.82	39.92	9.85	2.27	12.12
Joseph	Leroy Anselmo	130.22	32.51	8.01	1.84	9.85
Kogan	Martin J	835.43	208.83	51.73	12.07	63.8
Magana	Luis Antonio	183.87	45.94	11.36	2.66	14.02
Pariso	David J	716.52	179.1	44.4	10.36	54.76
Perrotti	Dominic William	78.38	19.57	4.8	1.12	5.92
Pitts	Amir Gamal	235.13	58.73	14.56	3.38	17.94
Romano	Anthony Louis	137.08	34.23	8.44	1.96	10.4
Rosenthal	John S.	1,399.92	349.95	86.74	20.24	106.98
Sayed	Jamil Ahmad	259.50	64.84	16.03	3.69	19.72
Stonebreaker	Dawn Marie	497.59	124.37	30.82	7.17	37.99
Viado	Ramon Soriano	318.14	79.5	19.67	4.53	24.2
Total FICA Deductions for 21 Employees		\$6,546.79	\$1,636.06	\$404.86	\$93.96	\$498.82

AA008401

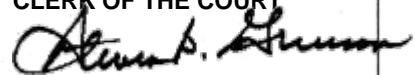
EMPLOYER: A Cab, LLC
 EIN: 88-0470590
 PERIOD: 04/01/2016 to 06/30/2016

BACK WAGE FINANCIAL SYSTEM
 EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 7/7/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Fleming	Gary Gene	851.80	212.91	52.78	12.32	65.1
Hasen	Akmei Waba	73.81	18.4	4.52	1.01	5.53
Lonbani	Khosro O	222.20	55.51	13.74	3.2	16.94
Milliron	Darrol Q	1,772.19	443.02	109.83	25.65	135.48
Presnall	Darryl Lee	129.83	32.41	8	1.84	9.84
Sexner	Alexis Lurene	119.84	29.94	7.42	1.7	9.12
Total FICA Deductions for 6 Employees		\$3,169.67	\$792.19	\$196.29	\$45.72	\$242.01

AA008402



1 **RSPN**
2 **SKLAR WILLIAMS PLLC**
3 **STEPHEN R. HACKETT, ESQ.**
4 Nevada Bar No.: 5010
5 410 South Rampart Boulevard, Suite 350
6 Las Vegas, Nevada 89145
7 Telephone: (702) 360-6000
8 Facsimile: (702) 360-0000
9 Email: shackett@sklar-law.com
10 *Attorneys for Michael Rosten and*
11 *Piercy Bowler Taylor & Kern*

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

10 **MICHAEL MUIRRY and MICHAEL RENO,**
11 **individually and on behalf of others similarly**
12 **situated,**

12 **Plaintiffs,**

12 **vs.**

13 **A CAB TAXI SERVICE LLC and A CAB, LLC,**

14 **Defendants.**

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

MICHAEL ROSTEN'S
RESPONSE TO DEFENDANTS'
OBJECTION TO BILLING BY
STRICKEN SPECIAL MASTER
MICHAEL ROSTEN

15
16 Previously appointed Special Master Michael Rosten ("Mr. Rosten") and his firm, Piercy
17 Bowler Taylor & Kern ("PBTk"), hereby submit their Response to Defendants' Objection to
18 Billing by Stricken Special Master Michael Rosten ("Objection"). This Response is made and
19 based upon all of the papers and pleadings on file herein, the attached Memorandum of Points and
20 authorities and the exhibits and Declarations attached herewith.

21 DATED this 12th day of July, 2018.

22 **SKLAR WILLIAMS PLLC**

23 By: 

24 **STEPHEN R. HACKETT, ESQ.**

25 Nevada Bar No.: 5010

26 410 S. Rampart Boulevard, Suite 350

27 Las Vegas, Nevada 89145

28 Telephone: (702) 360-6000

Facsimile: (702) 360-0000

*Attorneys for Michael Rosten and Piercy
Bowler Taylor & Kern*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. FACTUAL BACKGROUND**

3 The following facts are taken directly from the attached “Declaration of Michael Rosten,
4 CPA, CFE” (“Rosten Dec.”). On or about January 31, 2018, PBTK submitted a proposal to
5 provide services to the parties and the Court in the case Michael Murray and Michael Reno, et al.
6 v. A Cab Taxi Service, LLC and A Cab, LLC and Creighton J. Nady, Case No. A-12-669926-C
7 pending before the Honorable Kenneth J. Cory (“Judge Cory”), alleging non-payment of
8 minimum wage for certain employees of Defendants over a multi-year period. That proposal
9 was based upon information received from the parties, publicly available information regarding
10 the case and an analysis of sample trip sheets (Approximately 50-daily sheets) for the named
11 Plaintiffs, Michael Murray and Michael Reno (respectively, “Murray” and “Reno”). PBTK was
12 asked to estimate the time required and the fees necessary to create an electronic database from
13 the information on the trip sheets, showing for each employee the hours worked multiplied by
14 the applicable minimum wage in effect for each payroll period during the time period from 2007
15 – 2015. The minimum wage due as computed would then be compared against actual payroll
16 records for each employee as maintained in QuickBooks accounting records of Defendants. Any
17 wage shortfall or difference would be calculated per employee and reported to the Court.
18 [Rosten Dec., ¶ 2].

19 Based upon the above-described scope of work, PBTK estimated the costs would be
20 between \$105,000 to \$220,000, with the median amount of approximately \$160,000 being an
21 accurate estimate of total costs. PBTK’s proposal further pointed out that it was unaware of any
22 potential conflict of interest at that time, but that should such a conflict of interest arise that
23 would require terminating the engagement, it would be entitled to any professional fees incurred
24 through the termination of the agreement. [Rosten Dec., ¶ 3].

25 PBTK’s proposal was accepted and by Order dated February 7, 2018, PBTK was
26 appointed Special Master pursuant to NRCP 53(b). The Order of Appointment specifically
27 noted that the relevant information (hours worked and wages paid) was known, but that the
28 “information must be gathered from over 200,000 trip sheets, a complex process. Similarly,

1 performing that calculation on many thousands of pay periods for approximately 1,000 class
2 members is also complicated and laborious.” Order, p. 3, lines 1-6. In addition, the Order
3 required the Special Master to deliver their report “no later than 45 days” from the receipt of the
4 initial engagement deposit. [Rosten Dec., ¶ 4].

5 Accordingly, as soon as Mr. Rosten received notice of the appointment on February 7,
6 2018, he began preparing, planning and coordinating what was anticipated would be a very
7 intensive set of tasks, over a short time period. Mr. Rosten began by instructing his team at
8 PBTk to begin planning the construction of appropriate database files and structures for the trip
9 sheet data, coordinated the staffing to extract and input the data and began planning a way to
10 implement data extraction from physical trip sheets, data entry into PBTk’s electronic database,
11 and use of software programs to extract and collect the data per employee and methods to
12 compare the data to the QuickBooks data from A Cab’s accounting software. Mr. Rosten
13 incurred approximately 5 3/4 hours doing this initial planning and coordination work on
14 February 7 and 8, 2018. [Rosten Dec., ¶ 5].

15 Sometime on February 6, 2018, Mr. Rosten became aware that the brother of one of the
16 Shareholders at PBTk, Tom Donohue, was employed as a driver by A Cab; however, Tom
17 Donohue indicated that he did not consider this to impair PBTk’s integrity and objectivity under
18 the applicable accounting standards. Furthermore, Tom Donohue would not be performing work
19 on this dispute engagement. In an abundance of caution, on February 8, 2018, Mr. Rosten
20 disclosed to all counsel for the parties that Dennis Donohue, the brother of PBTk Managing
21 Shareholder, Tom Donohue, was a driver for A Cab. Mr. Rosten also notified counsel that
22 Dennis Donohue did not start work at A Cab until December 2016, which was outside the class
23 period in his understanding and therefore further led him to believe there was no possible
24 conflict of interest. Mr. Rosten received two communications from Plaintiffs’ counsel, that very
25 day, wherein he stated that “Plaintiffs’ counsel has no objection and does not believe that
26 circumstance should influence you [PBTk] serving as Special Master.” [Rosten Dec., ¶ 6].

27 Because there was no apparent conflict of interest under applicable accounting rules or
28 with the class members in Mr. Rosten’s opinion, PBTk continued its work to prepare for a very

1 laborious, complicated and time intensive engagement on February 9 and February 10, 2018.
2 Members of PBTk's IT staff, one of the other accountants and Mr. Rosten incurred an additional
3 5 hours of preparation over this time. Mr. Rosten believes the total amount of time spent of
4 approximately 10 hours over 4 days was reasonable based upon the scope of the project and the
5 short time frame involved and that the amount billed of \$2,627.50 was also reasonable and was
6 actually incurred in this matter. [Rosten Dec., ¶ 7].

7 On February 13, 2018, after an objection was received from A Cab, the Court modified
8 its previous Order of February 7, 2018, notably not finding any conflict of interest by PBTk, but
9 not wanting to delay the matter further, the Court rescinded the appointment of PBTk and
10 instead appointed an out-of-state firm as Special Master. The Court expressly stated that "Mr.
11 Rosten and Piercy Bowler Taylor & Kern may present their bill for service rendered to the
12 Defendant A Cab who shall have 10 days to pay the same and this matter will proceed to its
13 conclusion." [Rosten Dec., ¶ 8].

14 Mr. Rosten then submitted an invoice #164439 dated February 22, 2018, a copy of which
15 is attached hereto as Exhibit A, to A Cab's counsel, Esther Rodriguez, Esq., but it has remained
16 unpaid for much longer than the 10 days allowed for payment in Judge Cory's Order. Ms.
17 Rodriguez rejected the invoice and has now objected to it on behalf of A Cab. Per the Court's
18 prior Orders, PBTk is entitled to be paid in full for its work on this matter in the amount of
19 \$2,627.50. [Rosten Dec., ¶ 9].

20 There are several inaccurate statements in "Defendants Objection to Billing By Stricken
21 Special Master Rosten," of which the Court should be aware:

- 22 • First, "[Mr. Rosten] was never provided with any records in the 24 hours
23 before he disclosed [a potential conflict of interest]..." – this is an inaccurate
24 statement, as PBTk had received the Reno and Murray trip sheets from
25 Plaintiff counsel on January 26, 2018.
- 26 • Second, "This Court has already determined that billing is improper in
27 preparing a proposal..." and "there is no evidence of any legitimate work
28 performed in this matter. Any "getting ready" tasks should not be borne by

1 the Defendant...” – as separately addressed herein, there were substantive
2 planning and diagnostic procedures being conducted by the PBTk Team that
3 are included on the submitted invoice, beginning no earlier than February 7,
4 2018, the date of the Court’s Order of Appointment. Additionally, PBTk’s
5 proposal was completed and submitted on January 31, 2018, and accordingly
6 it is inaccurate to suggest that proposal development time charges were
7 included on the submitted invoice.

8 [Rosten Dec., ¶ 10]. Mr. Rosten and PBTk are entitled to be paid for their services pursuant to
9 NRCP 53 and this Court’s prior Order dated February 13, 2018, in the total amount of \$2,627.50
10 for the services identified on the invoice attached hereto as Exhibit A.

11 II. LEGAL ARGUMENT

12 NRCP 53 governs appointments of Special Masters in Nevada. Rule 53(a)(1) provides in
13 relevant part as follows:

14 (a) Appointment and Compensation.

15 (1) The court in which any action is pending may appoint a special master therein. As
16 used in these rules the word “master” includes a referee, an auditor, an examiner and an assessor.
17 The compensation to be allowed to a master shall be fixed by the court, and shall be
18 charged upon such of the parties or paid out of any fund or subject matter of the action,
19 which is in the custody and control of the court as the court may direct. The master shall not
20 retain the master’s report as security for the master’s compensation; but when the party ordered
21 to pay the compensation allowed by the court does not pay it after notice and within the time
22 prescribed by the court, the master is entitled to a writ of execution against the delinquent party.
23 NRCP 53(a)(1)(emphasis added).

24 Therefore, the Court clearly had the authority to appoint Mr. Rosten and PBTk and order
25 the Defendants to pay for his services as Special Master. Here, the Court did just that in its
26 Order of February 13, 2018, when it ordered A Cab to pay Mr. Rosten within 10 days. A Cab
27 has failed to pay. Mr. Rosten and PBTk are entitled to a writ of execution or a further order
28 compelling A Cab to pay Mr. Rosten and PBTk. The only basis for such refusal to pay is the
allegation that Mr. Rosten should have known about the alleged conflict of interest and not billed
for any preparatory work before finding out about the conflict. However, as indicated in the
attached Declaration of Mr. Rosten, he timely informed the parties of the alleged conflict and he

1 did not believe it was a conflict under the applicable accounting rules. Moreover, the Nevada
2 Supreme Court has held in similar circumstances that conflicts for a Special Master are governed
3 by the Rules applicable to Judges and their conflicts of interest. *See Venetian Casino Resort,*
4 *LLC v. Eighth Judicial Dist. Court*, 118 Nev. 124, 131, 41 P.3d 327, 331 (2002). Under those
5 Canons, there was no conflict in this case. The Court decided to replace Mr. Rosten in an
6 abundance of caution after objection by A Cab, But Mr. Rosten's work in the interim was not
7 unreasonable and should be compensated.

8 As noted above, Mr. Rosten believed there was no conflict and he proceeded in good
9 faith to prepare for a very brief engagement with substantial work and deliverables due in a very
10 short period of time. Mr. Rosten and PBTk should not be punished for being proactive and
11 commencing the work as soon as they were appointed Special Master under Rule 53. Although
12 the Court eventually received an objection by Defendants, Plaintiffs did not object, and Mr.
13 Rosten clearly could not anticipate being replaced as Special Master absent some timely
14 objection. *See Venetian*, 118 Nev. At 130, 41 P.3d at 330 (it is the objecting party's burden to
15 timely raise the conflict of interest and any objection not timely made to the special master's
16 appointment is waived). Even when the Court did replace Mr. Rosten, it noted it was not clear
17 there even was a conflict, but in an abundance of caution, it appointed an out-of-state firm to
18 avoid any possible issues. Accordingly, Mr. Rosten and PBTk are entitled to be paid for their
19 services pursuant to NRCP 53 and this Court's prior Order dated February 13, 2018, in the total
20 amount of \$2,627.50 for the services identified on the invoice attached hereto as Exhibit A.

21 DATED this 12th day of July, 2018.

22 SKLAR WILLIAMS PLLC

23 By: 
24

25 STEPHEN R. HACKETT, ESQ.

26 Nevada Bar No.: 5010

27 410 S. Rampart Boulevard, Suite 350

28 Las Vegas, Nevada 89145

Telephone: (702) 360-6000

Facsimile: (702) 360-0000

*Attorneys for Michael Rosten and Piercy
Bowler Taylor & Kern*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of July, 2018, a true and correct copy of the above and forgoing **MICHAEL ROSTEN'S RESPONSE TO DEFENDANTS' OBJECTION TO BILLING BY STRICKEN SPECIAL MASTER MICHAEL ROSTEN** was submitted electronically for filing and service with the Eighth Judicial District Court. Electronic Service of the foregoing document shall be made to all parties listed on the **E-SERVICE MASTER LIST** in accordance with the Electronic Service and Filing Order.

E-Service Master List

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Kaine Messer	kmesser@gabroy.com
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Hutchinson & Steffen, LLC. Co-Counsel for Defendants

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An employee of SKLAR WILLIAMS PLLC

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1 “information must be gathered from over 200,000 trip sheets, a complex process. Similarly,
2 performing that calculation on many thousands of pay periods for approximately 1,000 class
3 members is also complicated and laborious.” Order, p. 3, lines 1-6. In addition, the Order
4 required the Special Master to deliver their report “no later than 45 days” from the receipt of the
5 initial engagement deposit.

6 5. Accordingly, as soon as I received notice of the appointment on February 7, 2018,
7 I began preparing, planning and coordinating what I anticipated would be a very intensive set of
8 tasks, over a short time period. I began by instructing my team at PBTk to begin planning the
9 construction of appropriate database files and structures for the trip sheet data, coordinated the
10 staffing to extract and input the data and began planning a way to implement data extraction
11 from physical trip sheets, data entry into our electronic database, and use of software programs to
12 extract and collect the data per employee and methods to compare the data to the QuickBooks
13 data from A Cab’s accounting software. I incurred approximately 5 3/4 hours doing this initial
14 planning and coordination work on February 7 and 8, 2018.

15 6. On February 6, 2018, I became aware that the brother of one of our Shareholders
16 at PBTk was employed as a driver by A Cab; however, Tom Donohue indicated that he did not
17 consider this to impair our integrity and objectivity under the applicable accounting standards.
18 Furthermore, Tom Donohue would not be performing work on this dispute engagement. In an
19 abundance of caution, on February 8, 2018, I disclosed to the counsel for the parties that Dennis
20 Donohue, the brother of PBTk Managing Shareholder, Tom Donohue, was a driver for A Cab. I
21 also notified counsel that Dennis Donohue did not start work at A Cab until December 2016,
22 which was outside the class period in my understanding and therefore further led me to believe
23 there was no possible conflict of interest. I received two communications from Plaintiff counsel,
24 that very day wherein he stated that “Plaintiffs’ counsel has no objection and does not believe
25 that circumstance should influence you [PBTk] serving as Special Master.”

26 7. Because there was no conflict of interest under applicable accounting rules or
27 with the class members in my opinion, PBTk continued its work to prepare for a very laborious,
28 complicated and time intensive engagement on February 9 and February 10, 2018. Members of

1 my IT staff, one of my partners and I incurred an additional 5 hours of preparation over this time.
2 I believe the total amount of time spent of approximately 10 hours over 4 days was reasonable
3 based upon the scope of the project and the short time frame involved and that the amount billed
4 of \$2,627.50 was also reasonable and was actually incurred in this matter.

5 8. On February 13, 2018, after an objection was received from A Cab, the Court
6 modified its previous Order of February 7, 2018, notably not finding any conflict of interest by
7 PBTk, but not wanting to delay the matter further, the Court rescinded the appointment of PBTk
8 and instead appointed an out-of-state firm as Special Master. The Court expressly stated that
9 “Mr. Rosten and Piercy Bowler Taylor & Kern may present their bill for service rendered to the
10 Defendant A Cab who shall have 10 days to pay the same and this matter will proceed to its
11 conclusion.”

12 9. I submitted the attached invoice #164439 dated February 22, 2018, a copy of
13 which is attached hereto as Exhibit A, to A Cab’s counsel, Esther Rodriguez, Esq., but it has
14 remained unpaid for much longer than the 10 days allowed for payment in Judge Cory’s Order.
15 Ms. Rodriguez rejected the invoice and has now objected to it on behalf of A Cab. Per the
16 Court’s prior Orders, PBTk is entitled to be paid in full for its work on this matter in the amount
17 of \$2,627.50.

18 10. Lastly, at least two inaccurate statements in Defendants Objection to Billing By
19 Stricken Special Master Rosten, of which the Court should be aware:

- 20 • First, “[Mr. Rosten] was never provided with any records in the 24 hours
21 before he disclosed [a potential conflict of interest]...” – this is an inaccurate
22 statement, as we had received the Reno and Murray trip sheets from Plaintiff
23 counsel on January 26, 2018.
- 24 • Second, “This Court has already determined that billing is improper in
25 preparing a proposal...” and “...there is no evidence of any legitimate work
26 performed in this matter. Any “getting ready” tasks should not be borne by
27 the Defendant...” – as separately addressed herein, there were substantive
28 planning and diagnostic procedures being conducted by the PBTk Team that

1 included on our submitted invoice, beginning no earlier than February 7,
2 2018, date of the Court's Order of Appointment. Additionally, our proposal
3 was completed and submitted on January 31, 2018, and accordingly it is
4 inaccurate to suggest that proposal development time charges were included
5 on the submitted invoice.

6
7 
8 MICHAEL ROSTEN, CPA, CFE

EXHIBIT A

Piercy, Bowler, Taylor & Kern

6100 Elton Ave, Suite 1000
Las Vegas, NV 89107

702-384-1120

Invoice Date:

Thursday, February 22, 2018

Invoice Number:

164439

E.I. Number:

88-0265237

Client Number:

1810409

Esther C. Rodriguez, Esq.
Rodriguez Law Offices, PC
10161 Park Run Drive - Suite 150
Las Vegas, NV 89145

For professional services rendered in connection with:

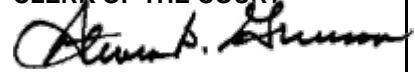
Michael Murray and Michael Reno v. A Cab Taxi Service, LLC, et al.
Case No. A-12-669926-C, District Court, Clark County, Nevada

For services rendered, pursuant to February 7, 2018 Court Order appointing
PBTk as Special Master, subsequently rescinded by February 13, 2018
Modifying Court Order, directing Defendant to pay invoice within 10 days.

SERVICE	STAFF	HOURS	RATE	EXT. AMT.	AMOUNT
Court appointed services					
02/07/2018	ROSTEN Planning and coordination	3.00	\$250.00	\$	750.00
02/08/2018	ROSTEN Engagement planning and supervision; Emails with counsel	2.75	\$250.00		687.50
02/09/2018	GREEN Project coordination and ramp up: Review Trip Sheet samples, planning of database structure, team structuring/staffing	2.50	\$250.00		625.00
02/10/2018	ROSTEN Engagement coordination	0.50	\$250.00		125.00
02/08/2018	BELNAP IT database management/application-Trip Sheets	2.00	\$220.00		440.00
					<u>2,627.50</u>
Current Amount Due					\$ <u>2,627.50</u>

cc: Leon Greenberg, Leon Greenberg, PC
2965 So. Jones Blvd., Suite E3
Las Vegas, NV 89146

AA008415



1 **SUPP**

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

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

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

13 Plaintiffs,

14 vs.

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

16 Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS' SUPPLEMENT
IN REPLY AND IN SUPPORT
OF ENTRY OF FINAL
JUDGMENT PER HEARING
HELD JUNE 5, 2018**

21 Plaintiffs hereby submit the following supplement in support of entry of final
22 judgment as per the Court's instructions at the June 5, 2018 hearing held in this case
23 and in reply to the "Defendants' Supplemental Authority In Response To Declaration
24 of June 20, 2018" and "Defendants' Opposition To Additional Relief Requested In
25 Plaintiffs' Supplement" filed on July 10, 2018.
26
27
28

AA008416

1 **I. NO ERRORS EXIST IN PLAINTIFFS' PROPOSED ORDER**
2 **MERITING ANY CHANGE IN THE RELIEF PROPOSED**

3 **A. The Court may want to modify its recital about the United**
4 **States Department of Labor settlement but no change should**
5 **be made in the relief granted.**

6 **1. Class counsel does not oppose A Cab receiving a**
7 **credit for the Department of Labor settlement but**
8 **that credit must be competently corroborated.**

9 The proposed order submitted by class counsel recognizes A Cab's entitlement
10 to a credit against the judgment from the United States Department of Labor
11 ("USDOL") settlement and does not dispute that A Cab has paid \$139,988.80 to the
12 USDOL. The proposed order imposes a strong duty on class counsel to work with A
13 Cab to promptly ascertain that credit post-judgment and have the Court approve
14 judgment satisfactions accordingly (and if class counsel fails to properly discharge that
15 duty they will be required to pay attorney's fees to A Cab).

16 The problem, in respect to the judgment to be entered, is apportioning the
17 \$139,988.80 paid by A Cab under the USDOL settlement against the correct individual
18 claims of over 500 class members. While class counsel's declaration of June 20, 2018
19 unfortunately did not recite the full details of the discovery conducted on that "how
20 much was paid to each class member" issue, the conclusion reached in such
21 declaration, and in the proposed order, was correct: A Cab has failed to provide
22 competent evidence that would allow, at this time, for that \$139,988.80 aggregate
23 USDOL settlement payment to be apportioned among the class members. Class
24 counsel cannot support an apportionment of the \$139,988.80 USDOL settlement
25 against its clients, the class members', claims, unless such apportionment is supported
26 by competent evidence. At this stage in these proceedings, and upon the current
27 record, such an apportionment, based upon competent evidence, cannot be performed.

28 **2. A Cab's assertion it has provided "the documentation of**
 payments made to specific drivers" is not competently
 corroborated.

 While class counsel's declaration of June 20, 2018 omits mention of certain

discovery (an omission continued in the recital at ¶ 27 of the proposed order's findings), it does **not** as defendants' claim, contain a "false assertion." This claim by defendants, at pages 2 and 3 of their supplement, is reproduced below, and it is this claim, not plaintiffs' declaration of June 20, 2018, that makes a "false assertion":

In Paragraph 5 of the Declaration, Plaintiffs state they are not in receipt of amounts already paid to class members satisfying their claims. This is a false assertion, and the proposed Order must be amended to reflect accurate facts contained in the record....

Additionally, on November 9, 2016, Defendants provided Plaintiffs the documentation of payments made to specific drivers per the Department of Labor's documentation. Exhibit C, *Answers to Plaintiffs' Fifth Set of Interrogatories to Defendants*, Response 7. Evidence of the specific payments accepted by the class members as of that time period were provided to the Plaintiffs, who have nevertheless written an inaccurate account in the proposed Order to the Court.

Defendants have never corroborated that they have "provided Plaintiffs the documentation of payments made to specific drivers per the Department of Labor's documentation" as they are now claiming was provided by Response 7 to the Fifth Set of Interrogatories (attached as Ex. "A"). Defendants provided seven pages of documents with that "Response 7", documents they now claim in their supplement were the "Department of Labor's documentation." Yet that "Response 7" said nothing about any "Department of Labor documentation." Nor have defendants provided any subsequent corroboration or sworn verification identifying those seven pages as "Department of Labor documentation." Nor did their "Response 7" interrogatory response itemize or identify any such payments. Rather, in response to the request to identify "...each payment by the United States Department of Labor pursuant to the terms of the consent judgment [settlement] to each person..." defendants provided, at "Response 7" a three word answer: "Please see attached." That response did not:

- (1) Actually itemize any such amounts paid to anyone;
- (2) Did not corroborate, in any fashion, that the "attached" was a statement from the USDOL indicating amounts paid under the USDOL settlement by that office on behalf of A Cab to the class members so listed.

1
2
3. **Because A Cab fails to competently corroborate the USDOL payments to the class members the proposed judgment relief should not be modified, the “USDOL settlement credit” should be dealt with post-judgment.**

3 A Cab did not contact class counsel to cooperatively revise the proposed order to
4 deal with the “USDOL settlement credit” prior to judgment. Instead, its counsel waited
5 until July 10, 2018 to raise its claim that an apportionment of the USDOL settlement
6 credit can be performed prior to judgment. This is consistent with A Cab’s
7 longstanding goal of delaying all proceedings in this case, and now entry of final
8 judgment, so it can trigger a Rule 41(e) dismissal (something that is imminent if final
9 judgment is not entered promptly).

10 A Cab has not corroborated its claimed “documentation” from the USDOL. On
11 July 11, 2018, class counsel engaged in an exchange of emails with A Cab’s counsel.
12 Ex. “B.” It advised A Cab’s counsel it would work cooperatively to have A Cab
13 receive a proper credit from the USDOL settlement but that A Cab needed to provide
14 corroboration (a declaration) that the “USDOL documentation” it was relying on was
15 what A Cab purported it to be. No such corroboration has been provided and entry of
16 judgment should not be delayed to see if A Cab does provide such corroboration. A
17 Cab can provide that corroboration post-judgment and class counsel will then be
18 required to move the Court to grant A Cab appropriate judgment satisfactions based
19 upon the same. This is what was proposed in the order provided to the Court.

20 In addition, while the materials relied upon by A Cab do, facially, seem to
21 indicate payments were made to certain class members, such documentation is
22 incomplete. A Cab made a \$139,988.80 settlement payment to the USDOL. The
23 materials A Cab now rely upon only account for payments of \$77,178.87 to 183
24 persons¹ (there are 184 listed persons but one is listed as receiving a payment of zero).

26
27 ¹ It has not yet been confirmed whether these 183 persons are all class members
28 for whom unpaid minimum wages have been found owed under the proposed
judgment. If some are not, then some portion of this \$77,178.87 is *not* a credit against
the judgment.

1 A Cab still needs to document to whom another \$62,800.43 was paid to receive the full
2 \$139,988.80 credit towards the judgment. As a result, this issue will still have to be
3 dealt with post-judgment even if A Cab *had* corroborated, at this time, the “USDOL
4 documentation.” The time constraints of Rule 41(e), that A Cab refuses to waive,
5 require that a final judgment, as proposed, be most promptly entered, and this issue
6 (and A Cab’s presentation of complete and competent documentation on its USDOL
7 settlement credit) must be dealt with via entry of post-judgment partial satisfactions.

8 **4. The Court may want to, but need not, modify the**
9 **recital at ¶ 27 of its findings and a proposed**
10 **modification is provided.**

11 The finding proposed to the Court, that A Cab has failed to establish what
12 specific amounts of the \$139,988.80 USDOL settlement were paid to individual class
13 members, is correct. A Cab has not established the amounts of any such payments via
14 any competent evidence or declaration. The proposed order’s relevant recital on this
15 issue, ¶ 27, is at page 17, line 19 through page 18, line 10 of the previously submitted
16 proposed order and states (footnotes omitted) the following:

17 A Cab, in its Answers filed with the Court, has raised a Twenty-
18 Third Affirmative defense of accord and satisfaction. Plaintiffs
19 served an interrogatory request seeking details of that defense,
20 including the amounts paid to the class members alleged by A Cab
21 to support such defense. A Cab referenced the consent judgment
22 case in its interrogatory answer, but provided no information on the
23 amounts so paid under the same to any particular class members. It
24 also referred to its production of documents that it implied may
25 contain such information. Plaintiffs’ counsel asserts it has not been
26 provided with documentation from A Cab of the amounts so paid, in
27 respect to the exact amount paid to each individual involved class
28 member and not the entire \$139,988.80, though it does believe
some such amounts were paid.

29 While the foregoing does not recite the full details of the interrogatory responses
30 furnished by A Cab concerning this issue it is an accurate recital. As it states, A Cab’s
31 interrogatory responses have “provided no information on the amounts so paid” to any
32 individual person and otherwise refer “to its production of documents that it implied
33 may contain such information.” Nonetheless, the Court may wish to modify ¶ 27 of its
34 findings in the order by adding, after the foregoing recited portion, the following:

1 In response to plaintiffs' counsel's assertions, A Cab, in its
2 "Supplemental Authority In Response To Declaration of June
3 20, 2018," filed on July 10, 2018, asserts such documentation
4 was provided at Response 7 to plaintiffs' Fifth Set of
5 Interrogatories. That response to plaintiffs' request
6 that A Cab specify the amounts paid to each involved class
7 member consists of three words: "Please see attached."
8 A Cab provides "attached" to that interrogatory response seven
9 pages of documents with the names of various persons, and
10 associated amounts that, facially, would seem to indicate a record of
11 payments made to those persons. It offers no explanation, in its
12 interrogatory response, of what those documents are. Nor does
13 Response 7, or any other declaration it furnished, confirm that those
14 documents are, in fact, a record of payments made to particular
15 persons under the consent judgment. A Cab's failure to corroborate
16 and explain the "attached" documents to its interrogatory Response
17 7 renders that response inadequate and improper.

18 Class counsel attaches that modified judgement at Ex. "C" and also submits a
19 copy separately for the Court.

20 **B. The alleged "error" in plaintiffs' counsel's reliance upon the**
21 **Scott Leslie report, and the resulting allegedly improper**
22 **recital in the proposed order, is non-existent.**

23 Defendants misconstrue the proposed order's reference to their expert, Scott
24 Leslie's, report and class counsel's introduction of that report into the record. There is
25 no assertion, either in class counsel's submissions or the proposed order, that such
26 report is used to "shift the burden to Defendants to disprove Plaintiffs' numbers" as
27 defendants' claim. As discussed in the proposed order, the damages awarded in this
28 case are based upon a reasonable approximation, average, of hours worked each shift
by the class members under the *Mt. Clemons* doctrine. Defendants have offered no
approximation or average hours of work per shift that they assert is accurate and state
they cannot give any such accurate figure (§ 24 of the proposed judgement findings).
The report of their expert, Scott Leslie, is only referred to because his study, paid for
by the defendants, did arrive at such an average. That is also an average less than the
average asserted by the plaintiffs in their declarations and greater than the average used
by the Court in calculating the judgment and found by examining the 2013-2015
payroll records. The proposed order recites this evidence from Scott Leslie's report as
material that can be supportive of the Court's ultimate holding. But it is not the basis

1 for its holding, as the Court is not adopting the average arrived at in Scott Leslie's
2 report but a smaller one that lessens A Cab's liability to the class members.
3 Defendants' grievance with the reference to this report is nonsensical and non-existent,
4 they are sustaining no injury from that reference.

5 **II. THERE IS NO IMPROPER "ADDITIONAL RELIEF"**
6 **REQUESTED BY PLAINTIFFS IN THE PROPOSED ORDER**

7 Defendants do not discuss, in any detail, any of the proposed order's extensive
8 findings. Nor do they dispute the accuracy of any factual recitals or calculations made
9 in the proposed order. They make specious, and largely unexplained, objections to
10 certain aspects of the proposed order that they claim are improperly seeking "additional
11 relief" that the Court should not or cannot grant.

12 **A. Pre-Judgement interest is properly granted to the class**
13 **members and defendants' offer of judgment rule based**
14 **objection is unexplained and nonsensical.**

15 Defendants insist no pre-judgment is proper based upon their prior offers of
16 judgment to plaintiffs Reno and Murray, individually, because "Plaintiffs have failed to
17 obtain a judgment in excess of offers of judgment made by Defendants...." They make
18 that one sentence statement, offer no further explanation, and attach those offers of
19 judgment. This claim makes no sense and is untrue. The offers of judgment were not
20 to the class but to Reno and Murray individually, for a total of \$22,500 including all
21 costs and attorney's fees. The Court's award to the class is well in excess of that
22 \$22,500 amount (even before considering attorney's fees and costs).

23 **B. Rule 54 only prohibits granting an extension of time to**
24 **comply with that rule *after* the expiration of the rule's**
25 **initial allocated 20 day period.**

26 Defendants imply that Rule 54 "specifies the time for requests for fees" in a
27 fashion that prohibits any modification. It does not, except that it provides "[t]he time
28 for filing the motion [under Rule 54] may not be extended by the court after it has
expired." By doing so, it makes clear that the Court may extend such time *prior* to its
expiration. NRCF Rule 6(b) also grants the Court broad authority to extend time
limits prior to their expiration, including those specified in Rule 54. There is nothing

1 “unreasonable” about class counsel’s request for an extension of time to submit a
2 detailed, and proper, motion for fees and costs in this protracted and long running class
3 action lawsuit. The extension of the Rule 54 period from 20 days to 60 days is proper,
4 defendants proffer no reason to deny the request or explain any unfair prejudice they
5 will endure from the granting of that request.

6 **C. The proposed post-judgment procedure for A Cab to**
7 **receive judgment satisfactions for the USDOL settlement**
is proper.

8 As already discussed, A Cab has failed to corroborate what was paid under the
9 USDOL settlement to any individual class member. There is no improper “burden
10 shift” being made as to this issue. Plaintiffs have established the amounts owed to the
11 class, as awarded by the Court under the *Mt. Clemons* doctrine. It is for defendants to
12 establish what portions of those amounts they have already paid. They had an
13 opportunity to do that during the course of this litigation by presenting appropriate and
14 competent evidence of those payments. They failed to present such evidence. They
15 will *still* have an opportunity to do so and class counsel will have to present
16 defendants’ evidence to the Court and secure from the Court appropriate judgment
17 satisfactions based upon that evidence. Such process is both appropriate and fair. A
18 Cab is also rendering any alternative process impossible. It refuses to waive the Rule
19 41(e) deadline. Delaying entry of judgment, while A Cab gathers and presents its
20 evidence would, under Rule 41(e), bar any judgment in favor of the class.

21 **D. The proposed severance and stay of claims under Rule 21**
22 **against defendant Nady is proper and appropriate.**

23 Defendants claim that the application of Rule 21, as proposed by plaintiffs, is
24 improper, and “any claims against Mr. Nady must be proven now or be dismissed” but
25 they cite no authority supporting those assertions. As discussed in the plaintiffs’
26 supplement, *Valdez v. Cox Communications Las Vegas, Inc.*, 336 P.3d 969, 971 (Nev.
27 Sup. Ct. 2014), establishes that Rule 21 can, and does, operate in the fashion proposed
28 by plaintiffs. Defendants cite no contrary authority. Nor do the claims against Nady
“arise from the same claims against A Cab.” Rather, they are derivative, potential,

1 claims. If A Cab satisfies the class judgment there are no claims against Nady. If it
2 does not, then Nady, depending upon the law, equities, and facts heard and determined
3 by the Court, may, or may not, be responsible for that judgment as an alter ego of A
4 Cab. Staying and severing the claims against Nady is proper and appropriate until
5 such time, if ever, it is determined that A Cab is not going to pay the class judgment
6 and it is necessary to decide such claims.

7 **E. Continuing judgment enforcement and satisfaction**
8 **jurisdiction is necessary and proper.**

9 Defendants claim, without explanation, that it is improper for the Court to
10 continue to exercise post judgment jurisdiction over judgment enforcement matters and
11 the entry of judgment satisfactions. The Court's continuing exercise of jurisdiction
12 over such matters is proper and necessary given the class action nature of this case.
13 The class members need an effective means of enforcing their money judgment. Class
14 counsel's judgment enforcement powers need to be authorized by the Court. Nor
15 should class counsel exercise those powers, and the distribute funds collected on the
16 class judgment, in an unsupervised fashion. The Court should approve the disposition
17 of any monies class counsel collects. The Court has granted class certification for
18 appropriate injunctive and equitable relief under NRCP Rule 23(b)(2). It needs to
19 retain continuing jurisdiction over the class members, and their claims, until such time,
20 if ever, that the money judgment against A Cab is fully satisfied and all monies owed to
21 the class members under that judgment are properly distributed. At that time it may
22 dissolve the NRCP Rule 23(b)(2) class certification and divest itself fully of
23 jurisdiction in this case.

24 Similarly, the Court must retain jurisdiction to approve any judgment
25 satisfactions. Otherwise A Cab can manipulate and coerce class members, many of
26 whom are current employees, into providing A Cab with judgment satisfactions on
27 unjust and unfair terms. As a result, all judgment satisfactions should be subject to
28 judicial review (even if supported by class counsel) prior to their entry.

1
2 **THE COURT SHOULD ENTER THE PROPOSED**
3 **ORDER AND FINAL JUDGMENT WITHOUT FURTHER DELAY**

4 This case must proceed to trial or final judgment by October 19, 2018 under
5 Rule 41(e). It is unclear if that time frame (a period of less than 100 days) would also
6 apply to the disposition of the severed claims against defendant Nady (once, or if, the
7 stay of those claims granted by the proposed order is lifted). Given this circumstance,
8 the Court is implored to enter the proposed Order with all due speed, if not within a
9 matter of days in, at most, not more than two or three weeks. If it would assist the
10 Court in doing so, it is urged to hold a further hearing on the proposed Order. Lead
11 class counsel, Leon Greenberg, has substantial availability to appear for any such
12 hearing on or prior to July 19, 2018 and on or after July 30, 2018.

13 Dated: July 12, 2018
14

15 LEON GREENBERG PROFESSIONAL CORP.

16 /s/ Leon Greenberg
17 Leon Greenberg, Esq.
18 Nevada Bar No. 8094
19 2965 S. Jones Boulevard - Ste. E-3
20 Las Vegas, NV 89146
21 Tel (702) 383-6085
22 Attorney for the Plaintiffs
23
24
25
26
27
28

PROOF OF SERVICE

The undersigned certifies that on July 13, 2018, she served the
within:

**Plaintiffs Supplement in Reply and In Support of Entry of Final
Judgment per Hearing Held June 5, 2018**

by court electronic service to:

TO:

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

/s/Sydney Saucier

Sydney Saucier

EXHIBIT "A"

RESP

Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
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702-385-2500
mwall@hutchlegal.com
Attorneys for Defendants

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

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

**ANSWERS TO PLAINTIFFS' FIFTH SET OF
INTERROGATORIES TO DEFENDANTS**

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

INTERROGATORY NO. 7:

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

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

7 **ANSWER NO. 7:**

8 Please see attached.

9 **INTERROGATORY NO. 8:**

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

14 **ANSWER NO. 8:**

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

18 **INTERROGATORY NO. 9:**

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

24 **ANSWER NO. 9:**

25 Objection, overly and unduly burdensome for Defendant to compile this data. Without
26 waiving said objections, Plaintiff can readily ascertain this information from the Quickbooks data
27 already produced by Defendant.
28

INTERROGATORY NO. 10:

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

ANSWER NO. 10:

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

INTERROGATORY NO. 11:

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

...

ANSWER NO. 11:

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

INTERROGATORY NO. 12:

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

ANSWER NO. 12:

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

INTERROGATORY NO. 13:

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

1 defendant Nady may have received as an owner, LLC member, partner, shareholder, or creditor of
2 the defendants.

3 **ANSWER NO. 13:**

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

9 **INTERROGATORY NO. 14:**

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

18 **ANSWER NO. 14:**

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

20 **INTERROGATORY NO. 15:**

21 Set forth, in detail, a summary of all benefits available to defendants' taxicab drivers who
22 elected to enroll in any health insurance plan offered by defendants. A response to this request
23 should include, but not be limited to, the types of coverage offered by such plan(s) such as coverage
24 for specialist visits, surgical coverage, hospital stays, emergency room visits coverage, etc. The sort
25 of information sought by this request is set forth in Exhibit "B." This request does not seek a
26 summary of coverage offered by any dental, vision, or life insurance plans offered by the
27 defendants, and is limited strictly to health insurance plans. In lieu of responding to this
28 interrogatory, defendants may produce copies of all documents which set forth the information

sought by this request if such documents clearly state the coverage available under all health insurance plans offered by the defendants from July 1, 2007 through the present as in the form at Exhibit "B" or a similar form.

ANSWER NO. 15:

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

INTERROGATORY NO. 16:

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

ANSWER NO. 16:

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

INTERROGATORY NO. 17:

Set forth, separately, the current net worth of each of the defendants, A Cab Taxi Service, LLC, A Cab, LLC, and Creighton J. Nady. The term "net worth" in this interrogatory means the monetary value of all property (be in real, personal, tangible, or intangible) owed by each such defendant minus the monetary value of all liabilities and debts of each such defendant.

ANSWER NO. 17:

Objection. This interrogatory is nonsensical, forcing defendants to speculate as to its meaning. Furthermore, it seeks production of confidential information that is not available to the public and that is not reasonably calculated to lead to the discovery of admissible evidence. It may

1 be the subject of Defendants' Motion for Protective Order granted in part by the Discovery
2 Commissioner. Defendant will produce the items in compliance with the Discovery Commissioners
3 Report and Recommendation once approved by the Court, and within the guidelines now given by
4 the Nevada Supreme Court pertaining to applicable statute of limitations.

5 **INTERROGATORY NO. 18:**

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

12 **ANSWER NO. 18:**

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

14 **INTERROGATORY NO. 19:**

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

18 **ANSWER NO. 19:**

19 Defendants assert that they took all steps to comply with all federal and state laws, meeting
20 with both federal and state representatives as identified in Defendants' List of Witnesses and
21 Documents. Each of these representatives informed Defendants of the sufficiency of their
22 compliance and/or gave guidance to Defendants and/or admitted that they themselves were unclear
23 regarding the effects of the amendment to the Nevada Constitution. Further, each driver has within
24 their control the amount of money they make; and in fact make substantially more on an hourly

25 ...

26 ...

27 ...

28 ...

1 basis than is reflected in their paystubs.

2 DATED this 9th day of November, 2016.

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

4
5 /s/ Esther C. Rodriguez, Esq.
6 Esther C. Rodriguez, Esq.
7 Nevada Bar No. 6473
8 10161 Park Run Drive, Suite 150
9 Las Vegas, Nevada 89145
10 *Attorneys for Defendant A Cab, LLC*

11 **CERTIFICATE OF SERVICE**

12 I HEREBY CERTIFY on this 9th day of November, 2016, I served the foregoing via U.S.

13 Mail postage prepaid to the following:

14 Leon Greenberg, Esq.
15 Leon Greenberg Professional Corporation
16 2965 South Jones Boulevard, Suite E4
17 Las Vegas, Nevada 89146
18 *Counsel for Plaintiff*
19 (702) 385-1827

20 /s/ Susan Dillow
21 An Employee of Rodriguez Law Offices, P.C.
22
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA

COUNTY OF CLARK

I, the undersigned, state that I am the General Manager of A Cab, LLC, the Defendant in the above-entitled action, that I have read the foregoing **Defendants' Answers to Plaintiffs' Fifth Set of Interrogatories** and know the contents thereof; that the same is true of my own knowledge, except for those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

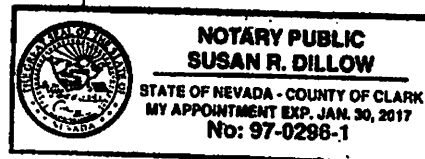
Executed under penalty of perjury under the laws of the State of Nevada this 9 day of November, 2016.

A Cab, LLC

By: [Signature]
Jon Gathright, General Manager

Subscribed and sworn to before me
this 9 day of November, 2016.

[Signature]
Notary Public in and for said
County and State



EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Abdella	Juhar Mamo	140.40	35.06	8.68	1.99	10.67
Abuel	Alan Barriga	232.31	58.03	14.33	3.36	17.69
Adamian	Robert	200.56	50.12	12.37	2.85	15.22
Adamson	Nicole Kay	294.11	73.49	18.2	4.22	22.42
Ahmed	Ahmed Ali	364.11	90.99	22.54	5.22	27.76
Andersen	Jason Elliott	770.96	192.72	47.76	11.11	58.87
Anderson	Roosevelt Alexander	672.72	168.13	41.65	9.7	51.35
Applegate	Angela	58.45	14.58	3.55	0.84	4.39
Arar	Isam Khaderismail	509.14	127.25	31.52	7.32	38.84
Arell	Roger D	49.61	12.35	3.02	0.7	3.72
Arellano	Miguel Angel	365.49	91.34	22.61	5.23	27.84
Armwine	Howard Blake	164.15	41.02	10.12	2.34	12.46
Aurich	Juan Pablo	1,018.94	254.69	63.14	14.73	77.87
Bakhtiari	Marco	583.05	145.71	36.12	8.42	44.54
Barbu	Ion	54.59	13.61	3.36	0.73	4.09
Barr	Kenneth William	41.45	10.36	2.54	0.57	3.11
Barseghyan	Artur	114.70	28.63	7.05	1.59	8.64
Benel	Christian E.	132.63	33.11	8.16	1.86	10.02
Bialorucki	Richard Matthew	238.35	59.56	14.73	3.4	18.13
Borges	Antonio G	834.27	208.54	51.68	12.06	63.74
Borja	Virginia	289.32	72.3	17.92	4.13	22.05
Brauchle	Michael James	709.56	177.35	43.96	10.24	54.2
Briski	Louis Bradley	188.47	47.07	11.64	2.69	14.33
Casiello	Anthony Ralph	151.16	40.25	9.96	2.28	12.24
Chatrizch	Shahin	205.70	51.4	12.74	2.95	15.69
Cohoon	Thomas Stafford	174.41	43.56	10.78	2.52	13.3
Collier	Ella Ruth	154.70	38.65	9.55	2.24	11.79
Collins	Lincoln	111.51	27.86	6.88	1.57	8.45
Conway	James Hubert	499.86	124.94	30.96	7.19	38.15
Crawford	Darryl Wayne	83.22	20.76	5.09	1.15	6.24
Daniels	Katherine Ann	1,524.25	381.01	94.44	22.05	116.49
Dillard	Corey Lamar	74.00	18.48	4.53	1.01	5.54

AA008437

EMPLOYER: A Cab. LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Disbrow Sr	Ronald Lynn	382.79	95.67	23.69	5.49	29.18
Dobszewicz	Gary Stephen	785.51	196.36	48.65	11.36	60.01
Dotson	Eugene Brian	65.66	16.39	4.05	0.9	4.95
Draper	Ivan Lee	1,102.77	275.66	68.34	15.96	84.3
Durey	Robert James	291.96	72.98	18.07	4.2	22.27
Edwards	Jeffrey Alan	484.00	120.99	29.98	7	36.98
Emling	Paul Edward	323.78	80.92	20.04	4.65	24.69
Ernst	William Lee	1,590.62	397.63	98.6	23	121.6
Eshaghi	Mohammad	103.10	25.76	6.34	1.44	7.78
Fears	Thomas Archer	593.04	148.22	36.71	8.56	45.27
Feleke	Melak Mekonnen	200.82	50.17	12.39	2.85	15.24
Feschazion	Tcabe	559.06	139.75	34.61	8.03	42.64
Garcia	John Eugene	158.56	39.62	9.8	2.26	12.06
Gebreyes	Fanuel Hailu	420.15	105.03	26.03	6.05	32.08
Gelane	Samuel Gebretsadik	1,146.40	286.58	71.04	16.56	87.6
Gillett	David C	915.70	228.88	56.73	13.21	69.94
Gleason	John Terry	1,349.99	337.45	83.65	19.51	103.16
Glogovac	Goran	548.72	137.13	33.96	7.89	41.85
Gray	Gary David	666.26	166.54	41.25	9.61	50.86
Green	Tony	1,189.03	297.22	73.69	17.22	90.91
Greever	Rickey Eugene	50.81	12.66	3.11	0.71	3.82
Guinan	William J.	234.30	58.54	14.47	3.37	17.84
Hadley	Aaron Scott	111.89	27.93	6.89	1.57	8.46
Hansen	Jordan Zachary	171.73	42.89	10.64	2.43	13.07
Harris	Dennis Raymond	391.05	97.76	24.22	5.62	29.84
Harris	Jay L	158.99	39.7	9.82	2.26	12.08
Haskell	William Lee	1,092.90	273.19	67.7	15.82	83.52
Hays	Larry Martin	238.31	59.53	14.73	3.4	18.13
Hinks	Dana Kyle	149.22	37.26	9.24	2.12	11.36
Holler	Alfonso	94.35	23.55	5.79	1.31	7.1
Hooper	Donald Lowell	181.22	45.27	11.2	2.57	13.77
Hoschouer	Christina Adela	0.00	0	0	0	0

AA008438

EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Hughes	Jerry Neville	1,336.02	333.95	82.8	19.34	102.14
Hurd	Donald P	259.51	64.85	16.03	3.69	19.72
Ivey	Timothy Carlos	458.77	114.67	28.42	6.61	35.03
Jackson	Frederick D	377.79	94.42	23.39	5.46	28.85
Jarmosco	John Joseph	170.19	42.51	10.52	2.41	12.93
Jclancic	Vladko	406.76	101.68	25.2	5.88	31.08
Jellison	Charles Stuart	185.79	46.41	11.49	2.66	14.15
Jimenez	Michael Jonathan	196.04	48.98	12.09	2.81	14.9
Johnson	Kennard T	992.29	248.04	61.48	14.33	75.81
Johnson	Rodney Lee	161.66	40.37	9.97	2.28	12.25
Jones	Glenn Otis	393.97	98.47	24.38	5.65	30.03
Karner	Adam M	268.37	67.06	16.57	3.83	20.4
Keba	Woldmarim Gebrmarim	429.76	107.42	26.62	6.19	32.81
Kenary	Brian T	1,354.01	338.49	83.91	19.6	103.51
Kern	Gary Frank	940.66	235.14	58.28	13.6	71.88
King Jr.	John	64.36	16.06	3.95	0.87	4.82
Krouse	Stephen Paul	281.04	70.21	17.38	4.06	21.44
Lacock	Brian Kieth	1,204.38	301.05	74.64	17.4	92.04
Leal	Jill I	410.88	102.68	25.41	5.91	31.32
Legesse	Dereje G	220.99	55.22	13.64	3.13	16.77
Link	Peter Joseph	303.82	75.93	18.79	4.36	23.15
Little	Dennis Paul	273.35	68.3	16.92	3.93	20.85
Lovin	Charles Edwin	175.10	43.74	10.81	2.52	13.33
Macato	Jaime L.	403.11	100.73	24.95	5.78	30.73
Manor	Quincy Antwon	178.43	44.58	11.01	2.54	13.55
Maras	Maria Mirti	418.79	104.65	25.92	6.04	31.96
Martinez-Ramirez	Eduardo	285.70	71.4	17.67	4.09	21.76
McCarter	Patrick Edward	119.41	29.83	7.33	1.7	9.03
McCarthy	John L.	707.51	176.85	43.84	10.23	54.07
Meloro	Paul Michael	250.03	62.47	15.44	3.55	18.99
Mengesha	Alemayehu	339.36	84.79	21.01	4.9	25.91
Mezzenasco	Pedro Jose	206.78	51.68	12.77	2.96	15.73

AA008439

EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Mindyas	James Bernard	276.08	68.97	17.09	3.95	21.04
Mitrikov	Ilko Ivanov	183.61	45.85	11.35	2.66	14.01
Montoya Villa	Francisco Javier	561.06	140.23	34.74	8.12	42.86
Moore	Jerry Irvin	42.36	10.54	2.57	0.58	3.15
Moreno	James M	847.46	211.81	52.51	12.23	64.74
Morley	David Lee Warren	203.93	50.96	12.61	2.94	15.55
Nazarov	Mikael Armenakov	280.65	70.14	17.37	4.06	21.43
Negashe	Legesse Maru	335.93	83.93	20.77	4.81	25.58
Netrayana	Kanchalee	117.55	29.34	7.28	1.68	8.96
Newell	John	37.96	9.43	2.29	0.47	2.76
Nigussie	Gulilat Tadesse	140.62	35.14	8.69	1.99	10.68
Norvell	Chris Duane	77.62	19.36	4.78	1.12	5.9
Ocampo	Leonardo Oswald	85.43	21.31	5.23	1.17	6.4
Ogbazghi	Dawit	585.56	146.36	36.27	8.43	44.7
Ohlson	Ryan Earl	172.69	43.14	10.66	2.43	13.09
Osterman	Victor Lewis	474.24	118.51	29.35	6.86	36.21
Ozgulgec	Tunc	149.25	37.27	9.24	2.12	11.36
Pak	Sam U	154.42	38.57	9.54	2.17	11.71
Parker	Shawnette M	232.35	58.03	14.34	3.36	17.7
Patry	Michael Jason	397.30	99.3	24.57	5.74	30.31
Pearson	Jon Carter	162.00	40.47	9.98	2.29	12.27
Penera	Eric Scott	154.55	38.59	9.54	2.2	11.74
Pilkington	Margaret Ann	823.75	205.9	51.03	11.91	62.94
Platania	John Anthony	481.31	120.3	29.82	6.91	36.73
Pletz	David E	1,018.95	254.69	63.14	14.73	77.87
Price	James Lynn	1,480.38	370.06	91.75	21.43	113.18
Purdue	Robert Henry	102.01	25.48	6.3	1.43	7.73
Reid	Marvin D.	1,689.53	422.34	104.67	24.44	129.11
Relopez	Craig Michael	767.17	191.76	47.52	11.08	58.6
Rohlas	Polly Ann	629.78	157.42	38.99	9.1	48.09
Salamch	George S.	560.25	140.04	34.72	8.12	42.84
Schoeb	Kirk Curtis	35.15	8.74	2.13	0.45	2.58

AA008440

EMPLOYER: A Cab, LLC

EIN: 88-0470590

PERIOD: 10/01/2015 to 12/31/2015

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 1/5/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Serio	John Anthony	352.58	88.12	21.84	5.07	26.91
Serrano	I Hector Nicolas	495.81	123.94	30.69	7.16	37.85
Sevillet	Otto	253.72	63.4	15.7	3.65	19.35
Shallufa	Azmy Joseph	485.01	121.2	30.02	7	37.02
Shoyombo	Rilwan Olalekan	407.21	101.76	25.22	5.88	31.1
Siljak	Lidija	164.34	41.04	10.13	2.38	12.51
Siljkovic	Becir	162.41	40.59	9.99	2.29	12.28
Simmons	John	1,012.42	253.08	62.74	14.61	77.35
Smith	Jepthy Lee	200.28	50.04	12.36	2.84	15.2
Smith Jr.	Willie	836.42	209.1	51.82	12.07	63.89
Sorrosa	Juan	325.88	81.41	20.17	4.66	24.83
Soto	Jacob David	285.09	71.25	17.64	4.09	21.73
Soto	Johnny B	156.43	39.08	9.67	2.24	11.91
Spilmon	Mark A	637.32	159.29	39.48	9.19	48.67
Steck	Gregory Carl	682.43	170.58	42.28	9.84	52.12
Stevenson	John Fran	179.11	44.73	11.07	2.55	13.62
Stonebreaker-Kaplon	Mark	336.71	84.16	20.86	4.81	25.67
Tedros	Biscrat Ghebre	182.87	45.68	11.27	2.57	13.84
Thompson	Glen	300.00	74.96	18.53	4.34	22.87
Travis	Brian Thomas	718.98	179.71	44.54	10.38	54.92
Villegas	Gene L.	80.83	20.18	4.95	1.14	6.09
Wallace	James Soochan	1,547.17	386.74	95.85	22.4	118.25
Warner	Terrance	662.36	165.56	41.04	9.55	50.59
Weaver	Gerie L.	1,637.32	409.28	101.45	23.69	125.14
Webb	Ricky	298.46	74.56	18.48	4.25	22.73
Welborn	Paul M	122.90	30.68	7.58	1.72	9.3
Welzbacher	Dan R	422.22	105.5	26.11	6.06	32.17
Yabut	Gerry Caguin	121.04	30.24	7.45	1.71	9.16
Zelege	Abraham Abebe	590.72	147.65	36.57	8.54	45.11
Total FICA Deductions for 157 Employees		\$67,462.41	\$16,860.27	\$4,175.98	\$971.16	\$5,147.14

AA008441

EMPLOYER: A Cab, I.I.C

EIN: 88-0470590

PERIOD: 01/01/2016 to 03/31/2016

BACK WAGE FINANCIAL SYSTEM

EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 4/4/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Adams	Michael J	90.23	22.54	5.52	1.28	6.8
Bradley	Leroy Velasquez	418.60	104.62	25.92	6.04	31.96
Dontchev	Nedelcho	105.85	26.46	6.49	1.45	7.94
Durtschi	Jeffrey Craig	89.01	22.22	5.48	1.26	6.74
Gilmore	Paula Jean	66.27	16.54	4.08	0.89	4.97
Guil	Inessa V	28.80	7.16	1.73	0.33	2.06
Harrell	Mark King	414.77	103.66	25.66	5.95	31.61
Harris	Jason Benjamin	272.31	68.06	16.83	3.92	20.75
Herga	Ryan	109.35	27.31	6.74	1.55	8.29
Hollis Jr	James Leonard	159.82	39.92	9.85	2.27	12.12
Joseph	Leroy Anselmo	130.22	32.51	8.01	1.84	9.85
Kogan	Martin J	835.43	208.83	51.73	12.07	63.8
Magana	Luis Antonio	183.87	45.94	11.36	2.66	14.02
Pariso	David J	716.52	179.1	44.4	10.36	54.76
Perrotti	Dominic William	78.38	19.57	4.8	1.12	5.92
Pitts	Amir Gamal	235.13	58.73	14.56	3.38	17.94
Romano	Anthony Louis	137.08	34.23	8.44	1.96	10.4
Rosenthal	John S.	1,399.92	349.95	86.74	20.24	106.98
Sayed	Jamil Ahmad	259.50	64.84	16.03	3.69	19.72
Stonebreaker	Dawn Marie	497.59	124.37	30.82	7.17	37.99
Viado	Ramon Soriano	318.14	79.5	19.67	4.53	24.2
Total FICA Deductions for 21 Employees		\$6,546.79	\$1,636.06	\$404.86	\$93.96	\$498.82

AA008442

EMPLOYER: A Cab, LLC
 EIN: 88-0470590
 PERIOD: 04/01/2016 to 06/30/2016

BACK WAGE FINANCIAL SYSTEM
 EMPLOYEE FICA TAX DEDUCTIONS

Run Date: 7/7/2016

Last Name	First Name	Taxable Wages for Period	Federal Tax for period	Social Security Tax for period	Medicare Tax for period	FICA Tax for period
Fleming	Gary Gene	851.80	212.91	52.78	12.32	65.1
Hasen	Akmei Waba	73.81	18.4	4.52	1.01	5.53
Lonbani	Khosro O	222.20	55.51	13.74	3.2	16.94
Milliron	Darrol Q	1,772.19	443.02	109.83	25.65	135.48
Presnall	Darryl Lee	129.83	32.41	8	1.84	9.84
Sexner	Alexis Lurene	119.84	29.94	7.42	1.7	9.12
Total FICA Deductions for 6 Employees		\$3,169.67	\$792.19	\$196.29	\$45.72	\$242.01

AA008443

EXHIBIT "B"

Subject: Re: Murray v. A-Cab - USDOL Set Off Issue

From: Leon Greenberg <wagelaw@hotmail.com>

Date: 7/11/2018 8:23 PM

To: "Esther C. Rodriguez" <esther@rodriguezlaw.com>, "Michael K. Wall, Esq." <mwall@hutchlegal.com>, 'Christian Gabroy' <christian@gabroy.com>, 'Kaine Messer' <kmesser@gabroy.com>, 'Dana Sniegocki' <dana@overtimelaw.com>

Esther:

I appreciate your response. Thank you. There is no "attack" on you, and what I wrote earlier today, and I summarize below, is true:

1. Despite your awareness I was seeking to have A Cab receive a full and proper credit on amounts it owes to the class members you made no effort to contact me to have the information you claim is germane to that credit incorporated into a judgment. Instead you waited as long as possible to present that information to the Court. You could have presented this information to me 2 weeks, or more, ago and we could have cooperatively commenced work with it. Instead you have delayed any such process

2. You do not actually present the information you claim is germane in any corroborated form sufficient for the Court's purposes. For discovery purposes perhaps it was provided in a sufficient form. But the Court is now entering a judgment. An evidentiary record is needed to support each aspect of that judgment, including any credit due to A Cab. I do not oppose the credit, but I have a duty to the class to be sure such a credit is properly corroborated to the Court. You have failed to provide such corroboration.

3. Your client refuses to engage in any further waiver of any time constraints under Rule 41(e) associated with this litigation. As a result, your delays in more promptly communicating with me and attending to steps in this litigation have a very real prejudicial impact on the class members' claims. Otherwise I would be content to allow these issues to take a much more relaxed and lengthy period of time to resolution. But I cannot do that. Nor for that reason can the Court continue to delay entering final judgment.

Feel free to call me, I certainly do want to resolve issues and not burden the Court. But I do not intend to wait for your telephone call to communicate further with the Court about this matter and urge it to proceed to enter a final judgment.

On 7/11/2018 5:30 PM, Esther C. Rodriguez wrote:

Leon, your attack on me is unnecessary and simply not true. You are the one who indicated in 2 separate pleadings that you had no info on payments made. This also was untrue as these items were produced during discovery. I'll be happy to call you on this issue Monday upon my return to the office. If you left me a further message, I have not received it.

AA008445

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-----Original Message-----

From: Leon Greenberg [mailto:wagelaw@hotmail.com]
Sent: Wednesday, July 11, 2018 1:31 PM
To: Esther Rodriguez; Michael K. Wall, Esq.; Christian Gabroy; 'Kaine Messer'; 'Dana Sniegocki'
Subject: Murray v. A-Cab - USDOL Set Off Issue

Esther:

I telephoned you a little while ago, I was told you were unavailable so I left you a reasonably detailed message about this. I write to confirm the same.

We should work cooperatively to be sure whatever set off is due to A Cab from the USDOL settlement is properly credited against individual class members claims in respect to the judgment to be entered. I expressly fashioned the judgment to not only do so, but to impose a duty on class counsel to work vigorously post-judgment to see that was done properly and also to limit any collection of the judgement that could, possibly, impinge upon the set off amount due. Since you claim to have information right now that is germane to this issue you should have contacted me about this to work this out "on the front end" so to speak and fashioned the judgment accordingly. Unfortunately, you did not, which is sadly typical, as this litigation has consistently proceeded in a fashion that requires burdening the Court to resolve every single issue even when the issue is obviously, and easily, resolved by counsel. So please, give me a call, let us fashion a method to work this out, and stop piling more unnecessary things on the Court. Specifically, in regard to what you stated in your submission of late yesterday, and the materials you furnished, I note and advise as follows:

1. The itemized listings you provide are not corroborated by anything. Please provide a declaration from someone at A-Cab confirming the listing you reference was provided by the USDOL to A Cab which indicated these payments were being made to these A Cab employees from the USDOL settlement (A Cab got that communication from the USDOL so it

AA008446

could make the required employer FICA and Medicare tax contributions on those payments, the declarant can so state to confirm these settlement payments were made by the USDOL). I cannot work off of this list without corroboration, the Court needs some sort of verified assurance, confirmation, that this information is correct. If you provide such confirmation I will include it in the submission to the Court (get it in the record) and have the judgment amounts modified accordingly in respect to each of these persons.

2. The itemized listing you provided accounts for \$77,178.87 of payments to 183 employees (there are 184 listed persons but employee Househour is listed as receiving a payment of zero). Yet the payments made by A Cab to the USDOL were \$139,988.80. If A Cab cannot provide any confirmation that anything beyond that \$77,178.87 was paid to the class members from the settlement I do not see how a set off in excess of that \$77,178.87 amount can be credited to A Cab against the judgment. But we can discuss that and also ask the Court to decide what should be done, if such is the case. As per paragraph 5 of the USDOL Consent Judgment any funds the USDOL did not succeed in paying to an employee or their estate would be retained by the U.S. Treasury after 3 years - that 3 year period will conclude on August 24, 2018, so a full accounting from the USDOL should be available soon if that is needed. I do not believe A Cab should receive a credit against the class claims for funds that were retained by the U.S. Treasury from the USDOL settlement, but, again, we can discuss that and ask the Court to decide that issue.

Finally, as you are well aware, there is a pressing need to enter judgment in this case in light of the Rule 41(e) limitations and defendants' refusal to waive those limitations. Indeed, it is precisely for that reason I believe you did NOT contact me to resolve this issue and I expect you WILL NOT work cooperatively with me to resolve it since defendants have instructed you to delay all proceedings in this case to secure a Rule 41(e) dismissal. (PLEASE prove my expectation on that wrong, I would very much welcome being proved wrong on that). Accordingly, I intend to further address this issue to the Court directly no later than July 13, 2018 if you decline to call me and work out a reasonable resolution for this issue prior to such date. I will urge the Court to proceed in substantially the fashion I have already requested and direct that this issue be fully addressed via post-judgment proceedings, in light of your failure to cooperatively work to resolve it prior to judgment.

--

Leon Greenberg
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Las Vegas, Nevada 89146
(702) 383-6085
website: overtimelaw.com
Member of Nevada, California, New York,
New Jersey and Pennsylvania Bars

AA008447

EXHIBIT "C"

ORDR

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Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

**ORDER GRANTING SUMMARY
JUDGMENT, SEVERING
CLAIMS, AND DIRECTING
ENTRY OF FINAL JUDGMENT**

Hearing Date: June 5, 2018
Hearing Time: 3:00 p.m.

On June 5, 2018, with all the parties appearing before the Court by their respective counsel as noted in the record, the Court heard argument on plaintiffs' motion filed on April 17, 2018 on an Order Shortening Time seeking various relief ("Plaintiffs' Motion"), including the holding of defendants in contempt for their violation of the Court's prior Orders appointing a Special Master; granting partial summary judgment to the plaintiffs pursuant to their motion filed on November 2, 2017; striking defendants' answer, granting a default judgment, and directing a prove up hearing. Certain portions of Plaintiffs' Motion, not further discussed in this Order, were resolved pursuant to other Orders issued by the Court and at a hearing held on May 23, 2018. The Court grants plaintiffs' motion, to the extent indicated in this Order; it Orders a severance of the previously bifurcated claims against defendant

1 Creighton J. Nady ("Nady"); and it Orders entry of final judgment against defendants A
2 Cab Taxi Service LLC and A Cab, LLC (collectively "A Cab") and other relief as
3 indicated herein.

4 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

5 On February 10, 2016 the Court initially granted class action certification under
6 NRCP Rule 23(b)(2) and (b)(3) of claims made in this case pursuant to Article 15,
7 Section 16 of the Nevada Constitution, the Minimum Wage Amendment (the "MWA")
8 and for penalties under NRS 608.040 alleged to have arisen in favor of certain class
9 members as a result of such MWA violations. The class so certified in that Order was,
10 for purposes of damages under NRCP Rule 23(b)(3), composed of current and former
11 taxi driver employees of defendant A-Cab from July 1, 2007 through December 31,
12 2015, and for appropriate equitable or injunctive relief under NRCP Rule 23(b)(2) from
13 July 1, 2007 to the present and continuing into the future. Via subsequent Orders the
14 Court modified and amended that initial class certification order pursuant to NRCP
15 Rule 23(c)(1). Via its Order entered on November 21, 2016, it granted class
16 certification under NRCP Rule 23 of the third and fourth claims for relief, first made in
17 the Second Amended and Supplemental Complaint filed on August 19, 2016 and made
18 solely against defendant Nady based upon "alter ego" and similar allegations. Via its
19 Order entered on June 7, 2017, it limited the membership in the class for the period of
20 July 1, 2007 through October 8, 2010 and dismissed certain class members and claims
21 under the MWA accruing during that time period. It did so consistent with the Nevada
22 Supreme Court's ruling in *Perry v. Terrible Herbst, Inc.*, 383 P.3d 257 (Nev. Sup. Ct.
23 2016) on the MWA's applicable statute of limitations and what the Court found was the
24 proper granting of an equitable toll of the statute of limitations under the MWA for
25 certain class members.

26 **FINDINGS SUPPORTING RELIEF GRANTED BY THE COURT**

27 The Court makes the following findings of fact and law supporting the relief
28 granted by this Order. The recited findings are not necessarily all of the findings that

1 would appropriately support the relief granted based upon the extensive record
2 presented, but they are the ones of fact and law that the Court believes provide at least
3 minimally sufficient support for its decision to grant the relief set forth in this Order:

- 4 1. A Cab was an employer of the class members during the time period at
5 issue and was required to pay the class members the minimum wage
6 specified by the MWA.
7
- 8 2. A Cab used Quickbooks computer software to prepare the paychecks
9 issued to the class members during the class period. A record of the gross
10 wages paid by A Cab to every class member during every pay period
11 exists in the Quickbooks computer files maintained by A Cab. The Court
12 Ordered A Cab to produce those records to the plaintiffs' counsel and A
13 Cab provided certain Excel files to the plaintiffs' counsel in compliance
14 with that Order.
15
- 16 3. A Cab used a computer software system called Cab Manager in which it
17 recorded the activities of its taxi cabs and the class members. The Cab
18 Manager software created a computer data file record indicating that a
19 particular class member worked, meaning they drove a taxi cab, on a
20 particular date. The Court Ordered A Cab to produce its Cab Manager
21 computer data file records to the plaintiffs' counsel and A Cab provided
22 those computer data files to the plaintiffs' counsel in compliance with that
23 Order.
24
- 25 4. Pursuant to NRS 608.115(1)(d), A Cab was required to maintain a record
26 of the total hours worked by each class member for both each day they
27 worked and for each pay period. A Cab had this obligation throughout the
28

entire period of July 1, 2007 through December 31, 2015 during which the class members' damages under the MWA are at issue (the "Class Period").

5. Except for the period between January 1, 2013 and December 31, 2015, A Cab has not produced any record of hours worked by the class members that it can properly claim complies with any of the requirements of NRS 608.115(1)(d).
6. For the period between January 1, 2013 and December 31, 2015, the Excel files produced by A Cab and discussed in ¶ 2 set forth an amount of hours worked by each class member during each pay period. A Cab gave testimony at an NRCP Rule 30(b)(6) deposition, the relevant excerpts being placed in the record, that its Quickbooks records for that time period contained an accurate statement of the total hours worked by each class member during each pay period. Plaintiffs do not agree that such Quickbooks hours of work are fully accurate, but insist A Cab should be bound by its testimony that such hours of work are accurately set forth in those Quickbooks records. The Court agrees and finds A Cab cannot dispute that the Quickbooks records it produced for the period between January 1, 2013 and December 31, 2015 contain an accurate statement of the hours worked during each pay period by each class member.
7. Except for the Quickbooks records discussed in ¶ 6, the only information that A Cab admits possessing on the hours worked by the class members during the Class Period is information in paper "trip sheets" that its taxi drivers are required to complete each work shift. Those trip sheets, when properly completed and legible, will be time stamped with the taxi driver's shift start time and shift end time for a workday and will also indicate

1 periods of time that the taxi driver recorded themselves as being on a
2 break and not working during that workday. A Cab has repeatedly
3 asserted that those trip sheets contain an accurate record of the hours
4 worked by every class member and can, and should, be relied upon to
5 determine their hours of work.

6 8. The trip sheets in the possession of A Cab, to the extent they contain
7 accurate information, do not meet the requirements of NRS 608.115(1)(d).
8 They are not a record of a total amount of hours or fractions thereof
9 worked in a pay period or in a workday by an individual taxi driver. They
10 are, at most, a record from which such information could be obtained by
11 further examination and calculation. Assuming a trip sheet is accurate, by
12 examining the start time and end time of each trip sheet and calculating
13 the interval between those two times a workday length could be
14 ascertained. After deducting any non-working break time recorded on the
15 trip sheet from that workday length, the total amount of time worked by
16 the taxi driver for that workday could be determined.

17
18 9. The requirements of NRS 608.115(1)(d) are mandatory for employers and
19 compliance with those requirements are of critical importance to the
20 MWA.¹ Whether an employer has paid the minimum wage required by
21 the MWA during a particular pay period requires an examination of both
22 the wages paid to the employee and the hours they worked during the pay
23

24 ¹ A Cab was also advised on April 30, 2009 by an investigator for the United
25 States Department of Labor that it "must keep a record of actual hours worked" of the
26 class members. *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015, Ex.
27 "B." While the absence of such an advisement would not relieve A Cab of its duty to
28 keep the records required by NRS 608.115(1)(d), such history would support a
conclusion that A Cab's failure to maintain those records was intentional and designed
to render any future minimum wage law enforcement less effective.

period.² A Cab's failure to maintain the records required by NRS 608.115(1)(d) prior to 2013, unless remedied, would render a pay period by pay period accounting of its MWA compliance, based upon an exact record of the hours worked by and wages paid to each individual class member, impossible for the period prior to 2013.

10. The MWA, being a provision of the Nevada Constitution, commands and requires vigorous enforcement by this Court. By its express language it confers upon employees a right to "....be entitled to all remedies available under the law or in equity appropriate to remedy any violation..."³ of its provisions. As a result, A Cab's failure to maintain the records required by NRS 608.115(1)(d) cannot be allowed to frustrate the enforcement of the class members' rights secured by the MWA.

11. The Court, in response to its foregoing findings, and in furtherance of its obligation under the MWA, via Orders entered on February 7, 2018 and February 13, 2018, appointed a Special Master in this case who was tasked with reviewing the trip sheets in the possession of A Cab and creating the record of hours worked per pay period for each class member required by NRS 608.115(1)(d). The Court directed that A Cab pay for such Special Master and deposit \$25,000 with the Special Master as a payment towards the cost of their work. A Cab failed to make such payment within the time period specified by the Court. As a result, the Special Master advised the Court that they have incurred \$41,000 in costs towards their completion of their assignment and will not proceed further

² An exception exists if the wages paid are large enough to render an MWA violation impossible. A week only contains 168 hours and a weekly wage of \$1,218 would establish minimum wage compliance at \$7.25 an hour ($168 \times 7.25 = \$1,218$).

³ Nevada Constitution, Article 15, Section 16 (B).

1 with that assignment until they are in receipt of sufficient assurances that
2 they will be paid for their work. The Special Master has budgeted
3 \$180,000 as the projected total cost to complete their assignment.

- 4
5 12. A Cab has not requested that the Special Master, in lieu of reviewing
6 every trip sheet for every class member, review an appropriate statistical
7 sample of the trip sheets to arrive at an accurate approximation of the
8 number of hours worked during each pay period by each class member
9 and that A Cab be bound by such a finding. The cost of the Special
10 Master's work would be greatly reduced if such a statistical sampling
11 approach was used and A Cab agreed to be bound by that finding. It has
12 been, and remains, A Cab's contention that the trip sheets contain fully
13 accurate information that should be relied upon in this case in their
14 entirety and that it is plaintiffs' duty to review all of those trip sheets to
15 prove their case.
- 16
17 13. The Court, in a minute Order issued on March 6, 2018, noted its
18 awareness of A Cab's failure to pay the then overdue \$25,000 deposit to
19 the Special Master and A Cab's communication with the Court advising it
20 was experiencing financial difficulties and claiming it did not currently
21 possess the funds to make that payment. For unrelated reasons the Court
22 in that Order stayed this case, suspended the Special Master's work, and
23 granted A Cab additional time to raise the funds needed to pay the Special
24 Master during the pendency of that stay. Via a minute Order on May 22,
25 2018 the Court lifted that stay.
- 26
27 14. On May 23, 2018, June 2, 2018, and June 5, 2018 the Court conducted
28 hearings in connection with Plaintiffs' Motion and also received various
written submissions from A Cab and plaintiffs' counsel regarding A Cab's

1 failure to pay the Special Master. The result of those hearings and
2 submissions, in respect to the status of the Special Master and A Cab's
3 payment to him for the completion of his work, was that A Cab either will
4 not or cannot make any payment to the Special Master. Except for urging
5 this Court to stay this case, and await the conclusion of certain other
6 proceedings that A Cab asserts will narrow the class claims in this case, A
7 Cab proposed no cure for its violation of the Court's Orders appointing the
8 Special Master. It did not state when, if ever, it intended to comply with
9 those Orders or propose any other method for the Court to properly,
10 promptly and appropriately bring this case to conclusion.

- 11 15. The conduct of A Cab in violating the Court's Orders appointing a Special
12 Master is not the first instance of A Cab violating the Court's Orders or
13 engaging in documented litigation misconduct in this case. On March 4,
14 2016 the Court, over A Cab's objections, entered an Order adopting the
15 Report and Recommendation of the Discovery Commissioner sanctioning
16 A Cab \$3,238.95 for obstructing discovery. The Court made specific and
17 detailed findings in that Order in respect to A Cab's failure to produce the
18 Quickbooks and Cab Manager computer data files; A Cab's delay in
19 producing such materials during the eight months plaintiffs' motion to
20 compel their production had been pending; A Cab's compelling of the
21 unnecessary deposition of a non-party witness in respect to the production
22 of the Cab Manager records; and the abusive and inexcusable conduct of
23 defendant Nady as an NRCP Rule 30(b)(6) deposition witness. As
24 reflected at pages 2 and 3 in the transcript of the hearing held on
25 November 18, 2015 by the Discovery Commissioner that resulted in such
26 Order, the Discovery Commissioner's review of that deposition transcript
27 raised extremely serious concerns about the defendants' inexcusable
28

conduct.⁴

16. The Court has made every effort to fashion a method for the fair, just, and most precise disposition of the MWA claims in this case in light of A Cab's failure to maintain a record of the hours worked per pay period of each class members as required by NRS 608.115(1)(d). It is not disputed that an accurate record exists in A Cab's Quickbooks computer files of the amount of wages paid every pay period to every class member. If the records required by NRS 608.115(1)(d) had been maintained, disposition of the "lower tier" (currently \$7.25 an hour) MWA claims in this case would be a matter of simple arithmetic. In response to A Cab's insistence that the hours of work information required by NRS 608.115(1)(d) can be accurately ascertained by examining and performing calculations on the trip sheets, the Court appointed a Special Master. Yet A Cab's failure to pay the Special Master, or propose any other process, such as the application of statistical sample or other reasonable methodology as a substitute would, unless other measures were taken by the Court, render a recovery for the class members on their MWA claims impossible. That would appear to be precisely what A Cab's conduct is designed to achieve.

17. A Cab's argument that the only way to determine the class members' hours of work is to examine every one of their trip sheets, and that it should be the burden of the plaintiffs' themselves (or more properly their appointed

⁴ The Discovery Commissioner advised defendants of her concern at that time that defendant's conduct, if it continued, might result in some form of default judgment: "It was inexcusable, what your client called Plaintiffs' counsel during the deposition, which I will not repeat in open court. Inexcusable, almost to the point where I'm not sure he should be allowed to be a Defendant in the 8th Judicial District Court-- that's how serious this is-- because I have no confidence in what he's-- how he's answering questions."

1 class counsel) to bear the expense of doing so, cannot be adopted by the
2 Court. Doing so would serve to reward A Cab for its violation of NRS
3 608.115(1)(d) by shifting the now considerable burden and cost of
4 ascertaining the class members' hours of work onto the plaintiffs'
5 themselves. It is A Cab that should properly bear that burden and expense
6 and it was directed to do so through the offices of the Special Master that
7 it has failed to pay.

8
9 18. In resolving MWA claims where no record of the total hours of work of
10 the employees per pay period exists as required by NRS 608.115(1)(d), or
11 such an amount cannot be precisely calculated in every instance (in this
12 case as a result of A Cab's failure to pay the Special Master), the Court
13 must adopt a reasonable approximation of those hours of work and fashion
14 an award of unpaid minimum wages based upon that approximation even
15 though the amount so awarded is not exact. *See, Anderson v. Mt. Clemons*
16 *Pottery Co.*, 328 U.S. 680, 685-88 (1946) ("The employer cannot be heard
17 to complain that the damages lack the exactness of measurement that
18 would be possible had he kept records....") *Bell v. Farmers Ins. Exchange*,
19 115 Cal. App. 4th 715, 750 (Cal. Ct. App., 1st Dist. 2004) and other cases.
20 Applying any approach other than the one adopted by *Mt. Clemons* would
21 frustrate the purposes of the MWA and make effective enforcement of the
22 Nevada Constitution's right to a minimum wage impossible.

23 19. In support of their motion for partial summary judgment ("plaintiffs'
24 MPSJ"), filed on November 2, 2017, the plaintiffs rely on portions of an
25 Excel file that contain information for the time period of January 1, 2013
26 through December 31, 2015, such information for that time period being
27 compiled from the Quickbooks records produced by defendants. That
28 Excel file, "ACAB-ALL," was created by Charles Bass whose work doing

1 so was reviewed by Terrence Clauretie Ph.D. and the subject of his report,
2 at Ex. "B" of plaintiffs' MPSJ, which was furnished to A Cab along with
3 the "ACAB-ALL" Excel file. Both Dr. Clauretie and Charles Bass were
4 designated as expert witnesses by the plaintiffs and deposed by the
5 defendants in that capacity.

6
7 20. The "A CAB ALL" Excel file created by plaintiffs contains various
8 information taken from the Quickbooks and Cab Manager computer data
9 files produced by A Cab to plaintiffs. As germane to this Order, it
10 summarizes that information for the period October 8, 2010 through
11 December 31, 2015 and makes calculations on that information, in respect
12 to the following:

- 13 (a) In respect to every pay period, it sets forth the amount of
14 wages paid by A Cab to the class member as recorded in A
15 Cab's Quickbooks records and the number of shifts they
16 worked during the pay period as recorded in A Cab's Cab
17 Manager records (the "shifts worked");
- 18
19 (b) For the period January 1, 2013 through December 31, 2015, it
20 sets forth the amount of hours worked by the class member
21 for each pay period as recorded by A Cab's Quickbooks
22 records (the "payroll hours");
- 23
24 (c) By dividing the class member's wages paid per pay period by
25 the recorded payroll hours worked per pay, for the period
26 January 1, 2013 through December 31, 2015, it calculates the
27 amount, if any, that the class member's wages were less than
28 \$7.25 an hour for each pay period;

1 (d) It allows the user of the Excel file to enter a "shift length"
2 amount that it applies as a uniform length to every shift
3 worked during every pay period from October 8, 2010
4 through December 31, 2012. It then, based upon that selected
5 shift length, calculates the amount, if any, that the class
6 members' wages were less than \$7.25 an hour for each pay
7 period.

8
9 21. A Cab argues that the "A CAB ALL" Excel file is inaccurate and
10 the calculations it makes cannot be relied upon but it cites no error
11 in any calculation it purports to perform. That Excel file was
12 furnished to defendants and examined by their own expert, Scott
13 Leslie, who testified at his deposition, the relevant excerpts being
14 presented to the Court, that he concurred with Dr. Clauretie's
15 finding that the calculations it made were arithmetically correct. A
16 Cab also argues it cannot be sure the information contained in the
17 "A CAB ALL" Excel file and upon which its calculations rely (the
18 payroll hours worked recorded in the Quickbooks records from
19 January 1, 2013 through December 31, 2015, the wages paid, and
20 the shifts worked, during each pay period for each class member) is
21 accurately taken from A Cab's Quickbooks and Cab Manager
22 records. Yet it has not provided to the Court a single instance
23 where its records contain information that conflicts with the per pay
24 period information set forth in the "A CAB ALL" Excel file.

25 22. Plaintiffs assert the "ACAB ALL" Excel file, and the work of
26 Charles Bass in placing information from A Cab's Quickbooks and
27 Cab Manager files in that Excel file and performing calculations on
28 that information, is a "summary or calculation" of A Cab's

1 voluminous records pursuant to NRS 52.275 though Charles Bass is
2 also designated as a expert witness. It asserts the calculations made
3 by the "ACAB ALL" Excel file are properly considered on that
4 basis. A Cab asserts that the "ACAB ALL" Excel file's calculations
5 are not properly considered under NRS 52.275 or on any other basis
6 and that neither Charles Bass nor Dr. Clauretie are properly
7 qualified as expert witnesses. The calculations made by the
8 "ACAB ALL" Excel file are not the product of any expert
9 "opinion." They involve simple arithmetic, dividing an amount
10 paid per pay period by a number of hours worked per pay period
11 and calculating the amount, if any, that such resulting number is
12 less than \$7.25 an hour. The plaintiffs, based upon Dr. Clauretie's
13 report of the detailed review he conducted of how Charles Bass
14 assembled the "ACAB ALL" Excel file, and the declaration of
15 Charles Bass, have met their *prima facie* burden of showing that
16 such Excel file contains information properly assembled from the
17 Quickbooks and Cab Manager computer files produced by A Cab
18 pursuant to the Court's Order. A Cab has provided no contrary
19 evidence identifying even a single instance in the many thousands
20 of pay periods set forth in the "ACAB ALL" Excel file where it
21 contains either inaccurate information that does not match A Cab's
22 records or incorrect arithmetic calculations. Accordingly, the
23 Court finds that the calculations made by the "ACAB ALL" Excel
24 file are properly relied upon and constitute undisputed facts.

- 25 23. Plaintiffs have also furnished to defendants on September 29, 2017
26 an Excel File "Damages 2007-2010" with the Supplemental Expert
27
28

1 Report (Declaration) of Charles Bass of September 27, 2017.⁵ That
2 "Damages 2007-2010" Excel file, as discussed in the September 27,
3 2017 declaration of Charles Bass, performs calculations in a fashion
4 identical to the "A CAB ALL" file by allowing the assignment of a
5 uniform "shift length" to every shift worked by a class member
6 during a pay period. It also contains the same information in
7 respect to wages paid and shifts worked for that time period for
8 each pay period for each class member, as taken from A Cab's
9 Quickbooks and Cab Manager computer files. It was assembled
10 using the same process reviewed by Dr. Clauretie and discussed in
11 his report in respect to the "A CAB ALL" file. A Cab has not
12 disputed the accuracy of any calculations made in, or information
13 contained in, the "Damages 2007-2010" Excel file. For the reasons
14 discussed in ¶ 22, the Court finds that the calculations made by the
15 "Damages 2007-2010" Excel file are properly relied upon and
16 constitute undisputed facts.

- 17 24. The "ACAB ALL" Excel file, for the 14,200 pay periods it
18 examines for the time period January 1, 2013 through December 31,
19 2015, calculates that the class members' average shift length
20 (average working time per shift) was 9.21 hours. It arrived at that
21 figure based upon A Cab's payroll hours worked Quickbooks
22 records and the total number of shifts class members were recorded
23 as working by A Cab's Cab Manager records. A Cab does not
24 dispute that is an accurate figure and Dr. Clauretie, in his report,
25 verifies its accuracy. A Cab's expert, Scott Leslie, in connection
26

27
28 ⁵ This document, but not the Excel file, is introduced into the record at Ex. "A"
of the declaration of class counsel filed on June 20, 2018.

1 with his rebuttal expert report,⁶ for which he was paid \$47,203,⁷
2 undertook to examine the actual trip sheets of class members for 56
3 pay periods between January 1, 2013 and December 31, 2015 and
4 concluded that, on average, each shift worked by each class member
5 during those 56 pay periods consisted of 9.5 hours of working time.
6 He also undertook an examination of the actual trip sheets of class
7 members for 38 pay periods between October 8, 2010 and
8 December 31, 2012 and concluded that, on average, each shift
9 worked by each class member during those 38 pay periods consisted
10 of 9.8 hours of working time. He concluded that the average shift
11 length was 9.7 hours of working time for all of the trip sheets he
12 examined for 123 pay periods. Plaintiffs submitted declarations
13 from three class members indicating that class members were, in
14 most instances, assigned to work 12 hour shifts; they typically
15 worked shifts of 11 hours or longer in length after deducting their
16 break time; that class members took few breaks during their shifts
17 or averaged breaks of less than one hour in length during a shift;
18 and unless a taxi broke down a shift was at least 10 hours long. *See*,
19 Ex "F" and "O" plaintiffs' motion for class certification filed May
20 19, 2015, Ex. "B" of opposition to defendants' motion for summary
21 judgment filed December 14, 2017. A Cab, through Nady,
22 pursuant to an NRCP Rule 30(b)(6) deposition notice directed to the
23 topic, testified it could only provide a "guess" as to the average
24 amount of time worked by the class members each shift. *See*,

25
26 ⁶ This report is introduced into the record at Ex. "B" of the declaration of class
27 counsel filed on June 20, 2018 who, in that declaration, also states the particulars
28 contained in the report regarding the average shift length shown by the trip sheet
review conducted by Mr. Leslie.

⁷ Ex. "B" of the declaration of class counsel filed on June 20, 2018.

1 plaintiffs' motion in limine filed December 22, 2017 at Ex. "J" and
2 "K."

3 25. Plaintiffs' MPSJ includes the calculations made by the "ACAB
4 ALL" Excel file using A Cab's Quickbooks payroll hours for the
5 2013-2015 time period in respect to unpaid minimum wages owed
6 at the \$7.25 an hour "lower tier" minimum wage rate (Column "K"
7 to Ex. "D" to that motion, showing its examination of each of
8 14,200 pay period and consisting of 375 pages). It also includes a
9 consolidated statement of the amount, if any, of unpaid minimum
10 wages owed to each class member at \$7.25 an hour (Column "D" to
11 Ex. "E" listing 548 class members stretching over 19 pages).

12
13 26. Plaintiffs have introduced into the record the following:

- 14
15 (a) The amounts owed at \$7.25 an hour, if any, using the "ACAB
16 ALL" Excel file for the period October 8, 2010 through
17 December 31, 2012 for each of 9,759 pay periods and to each
18 of 527 class members when a constant shift length of 9.21
19 hours per shift is used to make those calculations;⁸
20
21 (b) The amounts owed at \$7.25 an hour, and prior to July 1, 2010
22 at the applicable "lower tier" minimum wage which was less
23 than \$7.25 an hour, if any, using the "Damages 2007-2010"
24 Excel file for the period July 1, 2007 through October 7, 2010
25 for each of 13,948 pay periods and to each of 378 class
26 members when a constant shift length of 9.21 hours per shift
27
28

⁸ These are introduced into the record at Ex. "3" and Ex. "4" to Ex. "C" of the declaration of class counsel filed on June 20, 2018.

is used to make those calculations;⁹

- (c) A consolidated chart listing the amounts owed to each class member when the amounts detailed in ¶ 25 and ¶ 26(a) and ¶ 26(b) are combined.¹⁰

27. On November 5, 2014, A Cab and Nady entered into a consent judgment in the United States District Court for the District of Nevada with the United States Department of Labor that provided for the payment by A Cab of \$139,988.80 to resolve certain claims for unpaid minimum wages owed under the Fair Labor Standards Act for the time period October 1, 2010 through October 1, 2012. *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015, Ex. "A." That consent judgment included a list of persons, A Cab employees who are also class members in this case, who were subject to that consent judgment and were to receive portions of such \$139,988.80 payment in amounts determined by the United States Secretary of Labor. *Id.* Such consent judgment does not, by its terms, or by operation of law, either preempt or resolve the MWA claims made in this case. A Cab, in its Answers filed with the Court, has raised a Twenty-Third Affirmative defense of accord and satisfaction. Plaintiffs served an interrogatory request seeking details of that defense, including the amounts paid to the class

⁹ These are introduced into the record at Ex. "1" and Ex. "2" to Ex. "C" of the declaration of class counsel filed on June 20, 2018.

¹⁰ These are introduced into the record at Ex. "5" to Ex. "C" of the declaration of class counsel filed on June 20, 2018.

1 members alleged by A Cab to support such defense.¹¹ A Cab
2 referenced the consent judgment case in its interrogatory answer,
3 but provided no information on the amounts so paid under the same
4 to any particular class members. It also referred to its production of
5 documents that it implied may contain such information. Plaintiffs'
6 counsel asserts it has not been provided with documentation from A
7 Cab of the amounts so paid, in respect to the exact amount paid to
8 each individual involved class member and not the entire
9 \$139,988.80, though it does believe some such amounts were
10 paid.¹² In response to plaintiffs' counsel's assertions, A Cab, in its
11 "Supplemental Authority In Response To Declaration of June
12 20, 2018," filed on July 10, 2018, asserts such documentation
13 was provided at Response 7 to plaintiffs' Fifth Set of
14 Interrogatories. That response to plaintiffs' request
15 that A Cab specify the amounts paid to each involved class
16 member consists of three words: "Please see attached."
17 A Cab provides "attached" to that interrogatory response seven
18 pages of documents with the names of various persons, and
19 associated amounts that, facially, would seem to indicate a record of
20 payments made to those persons. It offers no explanation, in its
21 interrogatory response, of what those documents are. Nor does
22 Response 7, or any other declaration it furnished, confirm that those
23 documents are, in fact, a record of payments made to particular
24 persons under the consent judgment. A Cab's failure to corroborate
25 and explain the "attached" documents to its interrogatory Response
26

27 ¹¹ That interrogatory and defendants' response, No. 26, is introduced into the
28 record at Ex. "D" of the declaration of class counsel filed on June 20, 2018.

¹² This is set forth at ¶ 5 of the declaration of class counsel filed on June 20, 2018.

7 renders that response inadequate and improper.

DISCUSSION OF RELIEF GRANTED

Plaintiffs' Motion for Partial Summary Judgment

No disputed triable issues of material fact are presented by A Cab warranting a denial of the plaintiffs' MPSJ. That motion involves a review of every pay period, 14,200 in total, contained in A Cab's Quickbooks records for the time period from January 1, 2013 through December 31, 2015. The question presented by that motion is whether A Cab during those 14,200 pay periods, based upon the gross wages its Quickbooks records indicate A Cab paid to the class members each pay period and the hours they indicate each class member worked each pay period, complied with the MWA's \$7.25 an hour "lower tier" minimum wage. A Cab admits its Quickbooks records contain an accurate record of such information (wages paid and hours worked each pay period for each class member from January 1, 2013 through December 31, 2015). A Cab was Ordered by the Court to provide that information to plaintiffs' counsel and cannot now dispute the accuracy of the information it so produced. As discussed, the Court is satisfied that information, furnished by A Cab, was accurately placed in the "ACAB ALL" Excel file upon which plaintiffs' rely. The Court is also satisfied that the "ACAB ALL" Excel file performs the correct arithmetical calculation to determine the underpaid minimum wage amount, if any, at \$7.25 an hour, for each of the 14,200 pay periods. The Court is also satisfied it provides an accurate resulting statement of the total amount, if any, owed for that reason to each class member.

A Cab's assertions that the amounts calculated and presented with plaintiffs' MPSJ and arrived at through the use of the "ACAB ALL" Excel file (Ex. "D" and "E" of the MPSJ) are inaccurate or unreliable is speculative. A Cab does not set forth even a single instance where the calculations presented in those Exhibits is performed upon information that is not set forth in A Cab's Quickbooks records or that involves erroneous arithmetic. Its opposition to the plaintiffs' MPSJ is based upon pure speculation (or an assertion it should be relieved of its admissions that the Quickbooks

records contained accurate information) and the MPSJ is granted.

In connection with the MPSJ the plaintiffs have asked that the Court forego entering judgment in favor of any class member when the amount so indicated by Ex. "E" to the MPSJ is less than \$10.00. Accordingly, judgment is granted on the MPSJ to every class member for the amount indicated in Column "D" of Ex. "E" of the MPSJ if such amount is at least \$10.00. As discussed, *infra*, the Clerk of the Court shall enter such Judgment amount as combined with the amount, if any, also owed to the class member under this Order for the time period prior to January 1, 2013.

Plaintiffs' Motion to Hold Defendants in Contempt for Their Violation of the Court's Prior Orders Appointing a Special Master and Striking Defendants' Answer and Directing a Prove Up Hearing.

While Plaintiffs' Motion uses the term contempt it does not seek an arrest for civil contempt but an appropriate remedy, sanction, against A Cab for its failure to comply with the Court's Orders appointing a Special Master. If those Orders had been complied with, the Special Master's work would now be complete. The Court would be proceeding to fashion an appropriate final judgment for the class members based upon that report and the precise findings, in respect to the hours of work, wages paid, and minimum wage amounts owed to the class members, it would have contained. A Cab's failure to comply with those Orders has prevented that result. Plaintiffs do not propose an order of civil contempt and imprisonment against defendant Nady, A Cab's principal, as a remedy for that failure. Nor does the Court believe such an Order, while within the Court's power, is sensible or will serve the interests of justice. As the Plaintiffs' Motion requests, the Court should fashion some sort of alternative relief, and judgment, that will resolve this litigation and render substantial justice, albeit not in the precise form that would have been arrived at if A Cab had complied with the Court's Orders appointing the Special Master.

In granting the relief specified, *infra*, the Court relies upon two principles. The first is the Court's inherent power to appropriately sanction, and tailor remedies for,

violations of its Orders and in response to a party's improper conduct. *See, Young v. Johnny Ribeiro* 787 P.2d 777, 779 (Nev. Sup. Ct. 1990) ("Litigants and attorneys alike should be aware that these [inherent] powers may permit sanctions for discovery and other litigation abuses not specifically proscribed by statute.") As discussed in *Young* and the subsequent cases from the Nevada Supreme Court that follow *Young*, this Court should make appropriately detailed and thoughtful written findings when imposing such sanctions, which can include the striking of an answer and the granting of a default judgment. Some of the factors the Supreme Court has said may be considered in determining whether to impose such sanctions are the degree of willfulness of the offending party, the feasibility and fairness of lesser sanctions, and the prejudice sustained by the non-offending party. *Id.*, 787 P.2d at 780. It is also apparent from *Bahena v. Goodyear Tire & Rubber Co.*, 235 P.3d 592, 599 (Nev. Sup. Ct. 2010) citing and quoting *Foster v. Dingwall*, 227 P.3d 1042, 1047, 1048 (Nev. Sup. Ct. 2010) that a demonstrated course of "repetitive, abusive and recalcitrant" conduct by a party can justify the imposition of such sanctions. *Bahena*, further discussing *Foster* and approving of its holding, also stated: "[w]e further concluded [in *Forster*] that entries of complete default are proper where "litigants are unresponsive and engaged in abusive litigation practices that cause interminable delays." *Id.*

The Court concludes that the record in this case is sufficient under *Young* and the other controlling precedents to warrant an award of relief in the form requested by plaintiffs, a striking of defendant A Cab's answer and the entry of a default judgment. A Cab's improper conduct in violating the Court's Orders appointing a Special Master is not an isolated incident but "repetitive." Its prior history of improper conduct is discussed in ¶ 15. That improper conduct has also caused "interminable delays" in the production of A Cab's critically important Cab Manager and Quickbooks records, delays A Cab may well have intended to foster in pursuit of an NRCP Rule 41(e) dismissal. The willfulness of A Cab in disregarding the Court's Orders appointing a Special Master is apparent and A Cab's assertion its failure to comply with those Orders is a result of a financial inability to pay the Special Master cannot be properly considered. If A Cab truly lacks the financial resources to comply with those Orders it

1 has a remedy under the United States Bankruptcy Code to seek the protection of the
2 Bankruptcy Court which is empowered to relieve it from those Orders and oversee the
3 proper disposition of whatever financial resources it does possess. It has declined to do
4 so and continues to do business and defend this case in this Court. Having elected to
5 do so, it must comply with this Court's Orders or face the consequences of its failure to
6 do so.

7 The Court also finds there are no feasible or fair lesser sanctions that it can
8 properly impose in lieu of the judgment it is granting *infra*, and the prejudice sustained
9 by the non-offending party in this case, the class members, would be too great if it
10 failed to grant that judgment. A Cab has violated its obligations under NRS
11 608.115(1)(d), obligations which, if met, would allow the Court to render full,
12 complete, and precise justice in this matter on the class members' MWA claims. In
13 response to that violation, the Court directed A Cab to pay a Special Master to correct
14 such deficiencies in its NRS 608.115(1)(d) compliance. It has failed to do so and
15 proposed no alternative approach to bring this case to a proper conclusion. The Court
16 cannot envision any sanction or any other feasible means to justly and properly resolve
17 this case under the circumstances presented, except through directing entry of the
18 judgment specified, *infra*, even if the Court was not resolving this case in a "sanctions"
19 context.

20 The prejudice that would inure to the class members if the Court failed to enter
21 the judgment specified, *infra*, is manifest and extreme. A Cab's proposal that the
22 Court await the outcome of other proceedings that may or may not impact some
23 amount of the class members' claims seeks to have the Court abdicate its responsibility
24 to hear and resolve the claims before it, something it cannot do. Alternatively, A Cab
25 postures it is entitled to rely on its failure to create the records required by NRS
26 608.115(1)(d) and place upon the plaintiffs the burden, which they should not have to
27 meet and clearly cannot meet, to specify from their trip sheets their precise hours of
28 work for each pay period. Indeed, A Cab paid its expert in excess of \$47,000 to
produce a report asserting that position in its defense.

The second principle upon which the Court relies in entering the judgment

1 specified, *infra*, is derived from *Mt. Clemons* and discussed at ¶ 18. Even if A Cab's
2 violations of the Court's Orders appointing a Special Master, and its other conduct in
3 this case, did not justify entry of the judgment specified, *infra*, A Cab could not
4 successfully oppose the entry of such a judgment in the summary judgment context.
5 There is no other practical means by which the Court can resolve the MWA claims in
6 this case, except by applying a reasonable approximation of hours worked to render
7 substantial, though inexact, justice as in *Mt. Clemons*. As discussed in ¶ 24, the
8 Court's application of an average shift length of 9.21 hours to fashion a judgment for
9 the class members under the MWA for the time period prior to January 1, 2013 is a
10 proper, and perhaps too favorable to A Cab, application of the *Mt. Clemons* principles.
11 That 9.21 hours long average shift length is taken from the very records (the 2013-2015
12 Quickbooks records) that defendant Nady swore under oath were *more* accurate than
13 the trip sheets. The class members assert their hours of work per shift were, on
14 average, considerably longer. Defendants' own expert came up with *longer* average
15 shift lengths (9.5 and 9.8 hours) based upon his review of 56 and 38 trips sheets for two
16 periods and a 9.7 hours long average shift length for 123 pay periods that he studied.
17 A Cab is bound by its NRCP Rule 30(b)(6) testimony that it can only "guess" at the
18 proper average shift length of the class members. Accordingly, it has no competent
19 evidence it can present as to the proper average shift length prior to January 1, 2013
20 that should be adopted by the Court and applied under *Mt. Clemons*.¹³ As a result,
21 plaintiffs' request that the Court, as discussed at the June 5, 2018 hearing, enter a final
22 judgment in this matter applying the *Mt. Clemons* principals, and using an average shift
23 length of 9.21 hours for the class members' claims accruing prior to January 1, 2013, is

24
25 ¹³ The Court finds no prove up hearing is necessary under NRCP Rule 55(b)(2)
26 as A Cab admits it has no evidence to present on the proper average shift length to be
27 used by the Court in fashioning a judgment. The Court also finds A Cab is properly
28 prohibited from presenting further evidence on the proper amount of a default
judgment even if it possessed any germane evidence on that issue as a sanction under
Young for the reasons already stated. See, *Blanco v. Blanco*, 311 P.3d 1170, 1176
(Nev. Sup. Ct. 2013) citing *Foster v. Dingwall*, 227 P.3d 1042, 1050 (Nev. Sup. Ct.
2010) (Recognizing such a sanction is proper under *Young*).

properly adopted by the Court and it is granting a judgment accordingly. Such judgment shall also include interest on each amount as calculated from January 1, 2016 given the difficulty of applying NRS 17.130 to all of the class members' MWA claims, some of which did not arise until after the service of the summons and complaint.¹⁴ Such a judgment would also be proper under normal summary judgment principles even in the absence of a finding of sanctionable conduct by A Cab. That is because there is no material issue of fact that A Cab can dispute in respect to the Court's entry of judgment using the *Mt. Clemons* principles given A Cab's inability to proffer any competent evidence on the class members' average shift length prior to January 1, 2013.

A Cab's assertion, made in its affirmative defense and interrogatory response, that it is entitled to some measure of satisfaction of the class members' MWA claims based upon the payments it made under the U.S. Department of Labor's consent judgment (§ 27) would be properly ignored as a sanction. Such action by the Court would be justified and appropriate in light of A Cab's documented litigation abuses in this case and its failure to properly respond to plaintiffs' interrogatory seeking such information. Such action by the Court would also be justified in light of its need to enter a judgment under the *Mt. Clemons* principles in response to A Cab's conduct, a judgment that does not afford the class members the full, and precise, measure of justice they would be entitled to, and receive, if A Cab had complied with NRS 608.115(1)(d). In the exercise of discretion, the Court will, nonetheless, afford A Cab an opportunity to proffer proof of such payments post judgment and receive appropriate satisfactions of the judgment amounts entered by this Order for the involved class members. The Court will not delay entry of final judgment over this issue, involving a potential offset to A Cab of less than 20% of the amount it is awarding to the class, and only involving claims accruing to certain identified class

¹⁴ The judgment amounts, with interest, so calculated for each class member are at Column "G" of Ex. "5" to Ex. "C" of class counsel's declaration of June 20, 2018, that chart being annexed hereto as Ex. "A."

1 members during the period October 1, 2010 to October 1, 2012. But it has fashioned,
2 *infra*, provisions that afford A Cab a very fair opportunity to receive the offset it claims
3 from the consent judgment.
4

5 **THE COURT'S JUDGMENT AND THE RELIEF ORDERED**

6

7 For the foregoing reasons, the Court hereby Orders the following relief and
8 enters a Final Judgment in this case in the following form:
9

10 A. The Court, pursuant to NRCP Rule 23(c)(1) amends the class claims
11 certified for disposition pursuant to NRCP Rule 23(b)(3). Those claims,
12 in respect to defendant A Cab, are now limited to the claims of the
13 previously identified class members arising under the MWA against A
14 Cab prior to January 1, 2016 but only to the extent A Cab failed to pay
15 such class members the "lower tier" (health benefits provided) minimum
16 wage required by the MWA; only in the amounts specified and arrived at
17 in this Order based upon the hours of work used by the Court to determine
18 such amounts; and only for interest owed on those claims on and after
19 January 1, 2016. Individual class members who seek to collect "higher
20 tier" minimum wage payments under the MWA; or amounts owed under
21 the MWA based upon them having actually worked more hours in a pay
22 period than the Court used in making the award to them in this Order; or
23 to collect the penalties proscribed by NRS 608.040; or for additional
24 amounts in interest that may be owed to them on their MWA claims from
25 A Cab may pursue those claims individually. Such claims are dismissed
26 from this case for all class members without prejudice;
27

28 B. All claims made against the defendant Nady are severed from the claims
against A Cab pursuant to NRCP Rule 21;

- 1 C. The Clerk of the Court shall enter judgment for each individual class
2 member in the amount specified in Column "F" in Ex. "A" as annexed
3 hereto against defendants A CAB TAXI SERVICE LLC and A CAB,
4 LLC. Such judgment shall conclude the class claims for damages
5 certified for disposition pursuant to NRCP Rule 23(b)(3) and constitute a
6 final judgment on such claims;
7
- 8 D. The Court retains continuing jurisdiction over the class claims it has
9 certified for disposition pursuant to NRCP Rule 23(b)(2), and for
10 enforcement of the monetary judgments it has rendered in favor of the
11 class members, and appoints class counsel, Leon Greenberg, Dana
12 Sniegocki, Christian Gabroy and Kaine Messer, as counsel for the class
13 member judgment creditors listed on Exhibit "A" and for whom the Court
14 is directing entry of judgment. Defendants, their agents, and their
15 attorneys, are prohibited from communicating with the class member
16 judgment creditors about their judgments granted by this Order or
17 securing any release or satisfaction of those judgments without first
18 securing a further Order of this Court in this case. Class counsel is
19 authorized to proceed with whatever remedies it deems advisable to
20 enforce the money judgments rendered for the class members but shall
21 hold in their IOLTA account any amounts collected on such judgments
22 and only release such monies as specified by a further Order of this Court
23 in this case. Class counsel is also authorized to use all of the judgment
24 enforcement remedies provided for by NRS Chapter 21 in the name of
25 "Michael Murray as Judgment Creditor" for the total amount of the
26 unsatisfied judgments rendered in favor of all class members, they need
27 not seek or issue writs of judgment execution or levy individually for each
28 judgment creditor class member. Class counsel is also prohibited, in light
of the potential for A Cab to receive satisfaction of certain judgment

1 amounts as provided for under G, *infra*, until further Order is issued by the
2 Court, from taking action to collect more than \$950,000 of the combined
3 judgment value of \$1,124,057.85 that is entered under this Order;

4 E. The time for class counsel to apply for an award of fees and costs pursuant
5 to NRCP Rule 54 is extended to 60 days after the service of this Order
6 with Notice of Entry;

7
8 F. The court stays the severed case against defendant Nady for 60 days from
9 the date of entry of this Order. That case shall remain stayed after that
10 date until the Court issues an Order lifting such stay, the Court not
11 anticipating doing so, or receiving any request from the parties to do so,
12 until expiration of that 60 day period.

13
14 G. A Cab may present to the Court, at anytime after entry of this Order, a
15 motion to have the Court enter satisfactions towards each class member
16 judgment creditor's judgment amount for the amounts A Cab paid them
17 under the consent judgment (§ 27). It shall also have the right, within 60
18 days from the date of service of this Judgment and Order with Notice of
19 Entry, to present to class counsel evidence of the amount of each payment
20 made under the consent judgment (§ 27) to each class member judgment
21 creditor. Class counsel shall be obligated to advise A Cab within 30 days
22 thereafter if it agrees that A Cab it is entitled to a judgment satisfaction
23 based upon such payments. If it so agrees, class counsel must submit a
24 motion to the Court within 10 days thereafter seeking an Order entering
25 such agreed upon satisfactions. If after that date A Cab, after completing
26 that process of conferral with class counsel, must still file a motion with
27 the Court to secure any such judgment satisfactions, the Court will, if it
28 grants that motion and also finds class counsel did not act reasonably in
cooperating with A Cab on determining the amount of the satisfactions,

award A Cab attorney's fees in connection with the bringing of such a motion.

IT IS SO ORDERED.

Honorable Kenneth Cory
District Court Judge

Date

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Date

Approved as to Form and Content:

NOT APROVED

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Date