

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

v.

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

Respondents.

) Supreme Court No. 77050

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

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

HUTCHISON & STEFFEN, PLLC

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

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

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

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

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

CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this date **APPENDIX TO APPELLANTS OPENING BRIEF VOLUME XLIII of LII** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

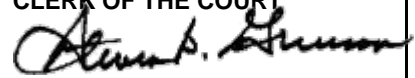
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Attorneys for Respondents

DATED this 5th day of August, 2020.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC



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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, and A
CAB, LLC,

Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that the Court entered the attached Order Granting
Summary Judgment, Severing Claims, and Directing Entry of Final Judgment on
August 21, 2018.

Dated: August 22, 2018

LEON GREENBERG PROFESSIONAL CORP.

/s/ Leon Greenberg

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

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

NOTICE OF ENTRY OF ORDER

6 by court electronic service to:

7 TO:

8 Esther C. Rodriguez, Esq.
 RODRIGUEZ LAW OFFICES, P.C.
 9 10161 Park Run Drive, Suite 150
 Las Vegas, NV 89145

/s/ Dana Sniegocki

Dana Sniegocki

Steven D. Grierson

1 ORDR
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

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

17 Defendants.
18
19
20
21

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.**

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

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Judgment of Arbitration
<input type="checkbox"/> Motion to Dismiss by Deft(s)	

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AA008678

1 up hearing. Certain portions of Plaintiffs' Motion, not further discussed in this Order,
2 were resolved pursuant to other Orders issued by the Court and at a hearing held on
3 May 23, 2018. The Court grants plaintiffs' motion, to the extent indicated in this
4 Order; it Orders a severance of the previously bifurcated claims against defendant
5 Creighton J. Nady ("Nady"); and it Orders entry of final judgment against defendants
6 A Cab Taxi Service LLC and A Cab, LLC (collectively "A Cab") and other relief as
7 indicated herein.
8

9 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

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

1 *Inc.*, 383 P.3d 257 (Nev. Sup. Ct. 2016) on the MWA's applicable statute of
2 limitations and what the Court found was the proper granting of an equitable toll of
3 the statute of limitations under the MWA for certain class members.
4

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

6

7 The Court makes the following findings of fact and law supporting the relief
8 granted by this Order. The recited findings are not necessarily all of the findings that
9 would appropriately support the relief granted based upon the extensive record
10 presented, but they are the ones of fact and law that the Court believes provide at least
11 minimally sufficient support for its decision to grant the relief set forth in this Order:
12

- 13 1. A Cab was an employer of the class members during the time period at
14 issue and was required to pay the class members the minimum wage
15 specified by the MWA.
16
- 17 2. A Cab used Quickbooks computer software to prepare the paychecks
18 issued to the class members during the class period. A record of the
19 gross wages paid by A Cab to every class member during every pay
20 period exists in the Quickbooks computer files maintained by A Cab.
21 The Court Ordered A Cab to produce those records to the plaintiffs'
22 counsel and A Cab provided certain Excel files to the plaintiffs' counsel
23 in compliance with that Order.
24
- 25 3. A Cab used a computer software system called Cab Manager in which it
26 recorded the activities of its taxi cabs and the class members. The Cab
27 Manager software created a computer data file record indicating that a
28

1 particular class member worked, meaning they drove a taxi cab, on a
2 particular date. The Court Ordered A Cab to produce its Cab Manager
3 computer data file records to the plaintiffs' counsel and A Cab provided
4 those computer data files to the plaintiffs' counsel in compliance with that
5 Order.

- 6
- 7 4. Pursuant to NRS 608.115(1)(d), A Cab was required to maintain a record
8 of the total hours worked by each class member for both each day they
9 worked and for each pay period. NRS 608.115(2) required A Cab to
10 furnish to each employee the information required by that section within
11 10 days after the employee submits a request. A Cab had this obligation
12 throughout the entire period of July 1, 2007 through December 31, 2015
13 during which the class members' damages under the MWA are at issue
14 (the "Class Period").
- 15
- 16 5. Except for the period between January 1, 2013 and December 31, 2015, A
17 Cab has not produced any record of hours worked by the class members
18 that it can properly claim complies with any of the requirements of NRS
19 608.115(1)(d).
- 20
- 21 6. For the period between January 1, 2013 and December 31, 2015, the
22 Excel files produced by A Cab and discussed in ¶ 2 set forth an amount of
23 hours worked by each class member during each pay period. A Cab gave
24 testimony at an NRCP Rule 30(b)(6) deposition, the relevant excerpts
25 being placed in the record, that its Quickbooks records for that time
26 period contained an accurate statement of the total hours worked by each
27 class member during each pay period. Plaintiffs do not agree that such

1 Quickbooks hours of work are fully accurate, but insist A Cab should be
2 bound by its testimony that such hours of work are accurately set forth in
3 those Quickbooks records. The Court agrees and finds A Cab cannot
4 dispute that the Quickbooks records it produced for the period between
5 January 1, 2013 and December 31, 2015 contain an accurate statement of
6 the hours worked during each pay period by each class member.
7

- 8 7. Except for the Quickbooks records discussed in ¶ 6, the only information
9 that A Cab admits possessing on the hours worked by the class members
10 during the Class Period is information in paper "trip sheets" that its taxi
11 drivers are required to complete each work shift. Those trip sheets, when
12 properly completed and legible, will be time stamped with the taxi
13 driver's shift start time and shift end time for a workday and will also
14 indicate periods of time that the taxi driver recorded themselves as being
15 on a break and not working during that workday. A Cab has repeatedly
16 asserted that those trip sheets contain an accurate record of the hours
17 worked by every class member and can, and should, be relied upon to
18 determine their hours of work.
19
- 20 8. The trip sheets in the possession of A Cab, to the extent they contain
21 accurate information, do not meet the requirements of NRS 608.115(1)(d)
22 or NRS 608.115(2). They are not a record of a total amount of hours or
23 fractions thereof worked in a pay period or in a workday by an individual
24 taxi driver. They are, at most, a record from which such information
25 could be obtained by further examination and calculation, however such
26 examination and calculation could not, and was not, furnished within 10
27 days as required by NRS 608.115(2). Assuming a trip sheet is accurate,
28

1 by examining the start time and end time of each trip sheet and
2 calculating the interval between those two times a workday length could
3 be ascertained. After deducting any non-working break time recorded on
4 the trip sheet from that workday length, the total amount of time worked
5 by the taxi driver for that workday could be determined.
6

7 9. The requirements of NRS 608.115(1)(d) are mandatory for employers and
8 compliance with those requirements are of critical importance to the
9 MWA.¹ Whether an employer has paid the minimum wage required by
10 the MWA during a particular pay period requires an examination of both
11 the wages paid to the employee and the hours they worked during the pay
12 period.² A Cab's failure to maintain the records required by NRS
13 608.115(1)(d) prior to 2013, unless remedied, would render a pay period
14 by pay period accounting of its MWA compliance, based upon an exact
15 record of the hours worked by and wages paid to each individual class
16 member, impossible for the period prior to 2013.
17

18 10. The MWA, being a provision of the Nevada Constitution, commands and
19 requires vigorous enforcement by this Court. By its express language it
20 confers upon employees a right to "...be entitled to all remedies available
21

22
23 ¹ A Cab was also advised on April 30, 2009 by an investigator for the United States
24 Department of Labor that it "must keep a record of actual hours worked" of the class
25 members. *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015, Ex. "B."
26 While the absence of such an advisement would not relieve A Cab of its duty to keep
the records required by NRS 608.115(1)(d), such history would support a conclusion
that A Cab's failure to maintain those records was intentional and designed to render
any future minimum wage law enforcement less effective.

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

1 under the law or in equity appropriate to remedy any violation..."³ of its
2 provisions. As a result, A Cab's failure to maintain the records required
3 by NRS 608.115(1)(d) can be neither minimized nor tolerated and cannot
4 be allowed to frustrate the enforcement of the class members' rights
5 secured by the MWA.
6

- 7
8 11. The Court, in response to its foregoing findings, and in furtherance of its
9 obligation under the MWA, via Orders entered on February 7, 2018 and
10 February 13, 2018, appointed a Special Master in this case who was
11 tasked with reviewing the trip sheets in the possession of A Cab and
12 creating the record of hours worked per pay period for each class member
13 required by NRS 608.115(1)(d). The Court directed that A Cab pay for
14 such Special Master because of A Cab's failure to maintain proper
15 records under NRS 608.115, and to deposit \$25,000 with the Special
16 Master as a payment towards the cost of their work. At that stage in
17 litigation, it would not have been equitable nor justified to require
18 Plaintiffs to pay for work performed by the Special Master when it was
19 Defendant A Cab's failure to comply with NRS.608.115. A Cab failed to
20 make such payment within the time period specified by the Court. As a
21 result, the Special Master advised the Court that they have incurred
22 \$41,000 in costs towards their completion of their assignment and will
23 not proceed further with that assignment until they are in receipt of
24 sufficient assurances that they will be paid for their work. The Special
25 Master has budgeted \$180,000 as the projected total cost to complete
26 their assignment.

27 ³ Nevada Constitution, Article 15, Section 16 (B).
28 7.

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12. In assessing the character of A Cab's conduct, it is instructive to note that A Cab did not make, or offer to make, an *admissible* showing of its financial position in order to evidence that it was unable to make such payment. Rather, it relied solely on its strenuous protests and summary balance sheet buttressed only by the self-serving affidavit of Defendant Nady.
 13. The Court, in a minute Order issued on March 6, 2018, noted its awareness of A Cab's failure to pay the then overdue \$25,000 deposit to the Special Master and A Cab's communication with the Court advising it was experiencing financial difficulties and claiming it did not currently possess the funds to make that payment. For unrelated reasons the Court in that Order stayed this case, suspended the Special Master's work, and granted A Cab additional time to raise the funds needed to pay the Special Master during the pendency of that stay. Via a minute Order on May 22, 2018 the Court lifted that stay.
 14. On May 23, 2018, June 2, 2018, and June 5, 2018 the Court conducted hearings in connection with Plaintiffs' Motion and also received various written submissions from A Cab and plaintiffs' counsel regarding A Cab's failure to pay the Special Master. The result of those hearings and submissions, in respect to the status of the Special Master and A Cab's payment to him for the completion of his work, was that A Cab either will not or cannot make any payment to the Special Master. Except for urging this Court to stay this case, and await the conclusion of certain other proceedings that A Cab asserts will narrow the class claims in this

1 case, A Cab proposed no cure for its violation of the Court's Orders
2 appointing the Special Master. It did not state when, if ever, it intended
3 to comply with those Orders or propose any other method for the Court to
4 properly, promptly and appropriately bring this case to conclusion.
5

- 6 15. The conduct of A Cab in violating the Court's Orders appointing a Special
7 Master is not the first instance of A Cab violating the Court's Orders or
8 engaging in documented litigation misconduct in this case. On March 4,
9 2016 the Court, over A Cab's objections, entered an Order adopting the
10 Report and Recommendation of the Discovery Commissioner sanctioning
11 A Cab \$3,238.95 for obstructing discovery. The Court made specific and
12 detailed findings in that Order in respect to A Cab's failure to produce the
13 Quickbooks and Cab Manager computer data files; A Cab's delay in
14 producing such materials during the eight months plaintiffs' motion to
15 compel their production had been pending; A Cab's compelling of the
16 unnecessary deposition of a non-party witness in respect to the production
17 of the Cab Manager records; and the abusive and inexcusable conduct of
18 defendant Nady as an NRCP Rule 30(b)(6) deposition witness. As
19 reflected at pages 2 and 3 in the transcript of the hearing held on
20 November 18, 2015 by the Discovery Commissioner that resulted in such
21 Order, the Discovery Commissioner's review of that deposition transcript
22 raised extremely serious concerns about the defendants' inexcusable
23 conduct.⁴
24

25 ⁴ The Discovery Commissioner advised defendants of her concern at that time that
26 defendant's conduct, if it continued, might result in some form of default judgment:
27 "It was inexcusable, what your client called Plaintiffs' counsel during the deposition,
28 which I will not repeat in open court. Inexcusable, almost to the point where I'm not
sure he should be allowed to be a Defendant in the 8th Judicial District Court-- that's
how serious this is-- because I have no confidence in what he's-- how he's answering
questions." 9.

1
2
3 16. The Court has made every effort to fashion a method for the fair, just, and
4 most precise disposition of the MWA claims in this case in light of A
5 Cab's failure to maintain a record of the hours worked per pay period of
6 each class members as required by NRS 608.115(1)(d). It is not disputed
7 that an accurate record exists in A Cab's Quickbooks computer files of the
8 amount of wages paid every pay period to every class member. If the
9 records required by NRS 608.115(1)(d) had been maintained, disposition
10 of the "lower tier" (currently \$7.25 an hour) MWA claims in this case
11 would be a matter of simple arithmetic. In response to A Cab's
12 insistence that the hours of work information required by NRS
13 608.115(1)(d) can be accurately ascertained by examining and performing
14 calculations on the trip sheets, albeit not within 10 days as required by
15 NRS 608.115(2), the Court appointed a Special Master. Yet A Cab's
16 failure to pay the Special Master, or propose any other process, such as
17 the application of statistical sample or other reasonable methodology as a
18 substitute would, unless other measures were taken by the Court, render a
19 recovery for the class members on their MWA claims impossible. That
20 would appear to be precisely what A Cab's conduct is designed to
21 achieve.

22
23 17. A Cab's argument that the only way to determine the class members'
24 hours of work is to examine every one of their trip sheets, and that it
25 should be the burden of the plaintiffs' themselves (or more properly their
26 appointed class counsel) to bear the expense of doing so, cannot be
27 adopted by the Court, and is inapposite under the guidance provided by
28 *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 687 (1946),

1 superseded by statute on other grounds, 29 U.S.C. § 254(a) ("When the
2 employer has kept proper and accurate records the employee may easily
3 discharge his burden by securing the production of those records. But
4 where the employer's records are inaccurate or inadequate and the
5 employee cannot offer convincing substitutes a more difficult problem
6 arises. The solution, however, is not to penalize the employee by denying
7 him any recovery on the ground that he is unable to prove the precise
8 extent of uncompensated work. Such a result would place a premium on
9 an employer's failure to keep proper records in conformity with his
10 statutory duty; it would allow the employer to keep the benefits of an
11 employee's labors without paying due compensation"). Doing so would
12 serve to reward A Cab for its violation of NRS 608.115(1)(d) by shifting
13 the now considerable burden and cost of ascertaining the class members'
14 hours of work onto the plaintiffs' themselves. It is A Cab that should
15 properly bear that burden and expense and it was directed to do so
16 through the offices of the Special Master that it has failed to pay.

- 17
18
19 18. In resolving MWA claims where no record of the total hours of work of
20 the employees per pay period exists as required by NRS 608.115(1)(d), or
21 such an amount cannot be precisely calculated in every instance (in this
22 case as a result of A Cab's failure to pay the Special Master), the Court
23 must adopt a reasonable approximation of those hours of work and
24 fashion an award of unpaid minimum wages based upon that
25 approximation even though the amount so awarded is not exact. *See,*
26 *Anderson v. Mt. Clemons Pottery Co.*, 328 U.S. 680, 685-88 (1946) ("The
27 employer cannot be heard to complain that the damages lack the
28 exactness of measurement that would be possible had he kept records....")

1 *Bell v. Farmers Ins. Exchange*, 115 Cal. App. 4th 715, 750 (Cal. Ct. App.,
2 1st Dist. 2004) and other cases. Applying any approach other than the
3 one adopted by *Mt. Clemons* would frustrate the purposes of the MWA
4 and make effective enforcement of the Nevada Constitution's right to a
5 minimum wage impossible.
6

7
8 19. In support of their motion for partial summary judgment ("plaintiffs'
9 MPSJ"), filed on November 2, 2017, the plaintiffs rely on portions of an
10 Excel file that contain information for the time period of January 1, 2013
11 through December 31, 2015, such information for that time period being
12 compiled from the Quickbooks records produced by defendants. That
13 Excel file, "ACAB-ALL," was created by Charles Bass whose work
14 doing so was reviewed by Terrence Clauretie Ph.D. and the subject of his
15 report, at Ex. "B" of plaintiffs' MPSJ, which was furnished to A Cab
16 along with the "ACAB-ALL" Excel file. Both Dr. Clauretie and Charles
17 Bass were designated as expert witnesses by the plaintiffs and deposed by
18 the defendants in that capacity.

19
20 20. The "A CAB ALL" Excel file created by plaintiffs contains various types
21 of information taken from the Quickbooks and Cab Manager computer
22 data files produced by A Cab to plaintiffs. As germane to this Order, it
23 summarizes that information for the period October 8, 2010 through
24 December 31, 2015 and makes calculations on that information, in
25 respect to the following:

- 26
27 (a) In respect to every pay period, it sets forth the amount of
28 wages paid by A Cab to the class member as recorded in A

1 Cab's Quickbooks records and the number of shifts they
2 worked during the pay period as recorded in A Cab's Cab
3 Manager records (the "shifts worked");
4

5 (b) For the period January 1, 2013 through December 31, 2015,
6 it sets forth the amount of hours worked by the class member
7 for each pay period as recorded by A Cab's Quickbooks
8 records (the "payroll hours");
9

10 (c) By dividing the class member's wages paid per pay period by
11 the recorded payroll hours worked per pay, for the period
12 January 1, 2013 through December 31, 2015, it calculates the
13 amount, if any, that the class member's wages were below
14 the \$7.25 an hour requirement for each pay period;
15

16 (d) It allows the user of the Excel file to enter a "shift length"
17 amount that it applies as a uniform length to every shift
18 worked during every pay period from October 8, 2010
19 through December 31, 2012. It then, based upon that
20 selected shift length, calculates the amount, if any, that the
21 class members' wages were below the \$7.25 an hour
22 requirement for each pay period.
23

24 21. A Cab argues that the "A CAB ALL" Excel file is inaccurate and
25 the calculations it makes cannot be relied upon but it cites no error
26 in any calculation it purports to perform. That Excel file was
27 furnished to defendants and examined by their own expert, Scott
28

1 Leslie, who testified at his deposition, the relevant excerpts being
2 presented to the Court, that he concurred with Dr. Clauretie's
3 finding that the calculations it made were arithmetically correct. A
4 Cab also argues it cannot be sure the information contained in the
5 "A CAB ALL" Excel file and upon which its calculations rely (the
6 payroll hours worked recorded in the Quickbooks records from
7 January 1, 2013 through December 31, 2015, the wages paid, and
8 the shifts worked, during each pay period for each class member) is
9 accurately taken from A Cab's Quickbooks and Cab Manager
10 records. Yet it has not provided to the Court a single instance
11 where its records contain information that conflicts with the per
12 pay period information set forth in the "A CAB ALL" Excel file.
13

- 14 22. Plaintiffs assert the "ACAB ALL" Excel file, and the work of
15 Charles Bass in placing information from A Cab's Quickbooks and
16 Cab Manager files in that Excel file and performing calculations on
17 that information, is a "summary or calculation" of A Cab's
18 voluminous records pursuant to NRS 52.275 though Charles Bass
19 is also designated as an expert witness. It asserts the calculations
20 made by the "ACAB ALL" Excel file are properly considered on
21 that basis. A Cab asserts that the "ACAB ALL" Excel file's
22 calculations are not properly considered under NRS 52.275 or on
23 any other basis and that neither Charles Bass nor Dr. Clauretie are
24 properly qualified as expert witnesses. The calculations made by
25 the "ACAB ALL" Excel file are not the product of any expert
26 "opinion." They involve simple arithmetic, dividing an amount
27 paid per pay period by a number of hours worked per pay period
28

1 and calculating the amount, if any, that such resulting number is
2 less than \$7.25 an hour. The plaintiffs, based upon Dr. Clauretie's
3 report of the detailed review he conducted of how Charles Bass
4 assembled the "ACAB ALL" Excel file, and the declaration of
5 Charles Bass, have met their *prima facie* burden of showing that
6 such Excel file contains information properly assembled from the
7 Quickbooks and Cab Manager computer files produced by A Cab
8 pursuant to the Court's Order. A Cab has provided no contrary
9 evidence identifying even a single instance in the many thousands
10 of pay periods set forth in the "ACAB ALL" Excel file where it
11 contains either inaccurate information that does not match A Cab's
12 records or incorrect arithmetic calculations. Accordingly, the
13 Court finds that the calculations made by the "ACAB ALL" Excel
14 file are properly relied upon and constitute facts which are
15 undisputed by any evidence to the contrary and may be properly
16 relied upon by the Court, both to establish liability and to establish
17 the amount of damages..
18

- 19 23. Plaintiffs have also furnished to defendants on September 29, 2017
20 an Excel File "Damages 2007-2010" with the Supplemental Expert
21 Report (Declaration) of Charles Bass of September 27, 2017.⁵
22 That "Damages 2007-2010" Excel file, as discussed in the
23 September 27, 2017 declaration of Charles Bass, performs
24 calculations in a fashion identical to the "A CAB ALL" file by
25 allowing the assignment of a uniform "shift length" to every shift
26

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

1 worked by a class member during a pay period. It also contains the
2 same information in respect to wages paid and shifts worked for
3 that time period for each pay period for each class member, as
4 taken from A Cab's Quickbooks and Cab Manager computer files.
5 It was assembled using the same process reviewed by Dr. Clauretie
6 and discussed in his report in respect to the "A CAB ALL" file. A
7 Cab has not disputed the accuracy of any calculations made in, or
8 information contained in, the "Damages 2007-2010" Excel file.
9 For the reasons discussed in ¶ 22, the Court finds that the
10 calculations made by the "Damages 2007-2010" Excel file are
11 properly relied upon and constitute facts undisputed by any
12 counter evidence from A Cab.
13

- 14 24. The "ACAB ALL" Excel file, for the 14,200 pay periods it
15 examines for the time period January 1, 2013 through December
16 31, 2015, calculates that the class members' average shift length
17 (average working time per shift) was 9.21 hours. It arrived at that
18 figure based upon A Cab's payroll hours worked Quickbooks
19 records and the total number of shifts class members were recorded
20 as working by A Cab's Cab Manager records. A Cab does not
21 dispute that is an accurate figure and Dr. Clauretie, in his report,
22 verifies its accuracy. A Cab's expert, Scott Leslie, in connection
23 with his rebuttal expert report,⁶ for which he was paid \$47,203,⁷
24

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

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

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

26
27 25. Plaintiffs' MPSJ includes the calculations made by the "ACAB
28

1 ALL" Excel file using A Cab's Quickbooks payroll hours for the
2 2013-2015 time period in respect to unpaid minimum wages owed
3 at the \$7.25 an hour "lower tier" minimum wage rate (Column "K"
4 to Ex. "D" to that motion, showing its examination of each of
5 14,200 pay period and consisting of 375 pages). It also includes a
6 consolidated statement of the amount, if any, of unpaid minimum
7 wages owed to each class member at \$7.25 an hour (Column "D" to
8 Ex. "E" listing 548 class members stretching over 19 pages).

9
10 26. Plaintiffs have introduced into the record the following:

- 11
12 (a) The amounts owed at \$7.25 an hour, if any, using the
13 "ACAB ALL" Excel file for the period October 8, 2010
14 through December 31, 2012 for each of 9,759 pay periods
15 and to each of 527 class members when a constant shift
16 length of 9.21 hours per shift is used to make those
17 calculations;⁸
18
19 (b) The amounts owed at \$7.25 an hour, and prior to July 1,
20 2010 at the applicable "lower tier" minimum wage which
21 was less than \$7.25 an hour, if any, using the "Damages
22 2007-2010" Excel file for the period July 1, 2007 through
23 October 7, 2010 for each of 13,948 pay periods and to each
24 of 378 class members when a constant shift length of 9.21
25

26
27 ⁸ These are introduced into the record at Ex. "3" and Ex. "4" to Ex. "C" of the
28 declaration of class counsel filed on June 20, 2018.

1 hours per shift is used to make those calculations;⁹

2
3 (c) A consolidated chart listing the amounts owed to each class
4 member when the amounts detailed in ¶ 25 and ¶ 26(a) and
5 ¶ 26(b) are combined.¹⁰
6

7 27. On November 5, 2014, A Cab and Nady entered into a consent
8 judgment in the United States District Court for the District of
9 Nevada with the United States Department of Labor that provided
10 for the payment by A Cab of \$139,988.80 to resolve certain claims
11 for unpaid minimum wages owed under the Fair Labor Standards
12 Act for the time period October 1, 2010 through October 1, 2012.
13 *See*, Plaintiffs' Motion for Class Certification filed May 19, 2015,
14 Ex. "A." That consent judgment included a list of persons, A Cab
15 employees who are also class members in this case, who were
16 subject to that consent judgment and were to receive portions of
17 such \$139,988.80 payment in amounts determined by the United
18 States Secretary of Labor. *Id.* Such consent judgment does not, by
19 its terms, or by operation of law, either preempt or resolve the
20 MWA claims made in this case. A Cab, in its Answers filed with
21 the Court, has raised a Twenty-Third Affirmative defense of accord
22 and satisfaction. Plaintiffs served an interrogatory request seeking
23 details of that defense, including the amounts paid to the class
24

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

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

1 members alleged by A Cab to support such defense.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
5 of documents that it implied may contain such information.
6 Plaintiffs' counsel asserts it has not been provided with
7 documentation from A Cab of the amounts so paid, in respect to
8 the exact amount paid to each individual involved class member
9 and not the entire \$139,988.80, though it does believe some such
10 amounts were paid.¹²
11

- 12 28. In response to plaintiffs' counsel's assertions regarding the United
13 States Department of Labor ("USDOL") settlement, A Cab, in its
14 "Supplemental Authority In Response to Declaration of June 20,
15 2018," filed on July 10, 2018, asserts it provided relevant
16 documentation regarding that settlement at Response 7 to
17 plaintiffs' Fifth Set of Interrogatories. That response to plaintiffs'
18 request that A Cab specify the amounts paid to each involved class
19 member under the USDOL settlement consists of three words:
20 "Please see attached." A Cab provides "attached" to that
21 interrogatory response seven pages of documents with the names of
22 various persons, and associated amounts that, facially, would seem
23 to indicate a record of payments made to those persons. It offers no
24 explanation, in its interrogatory response, of what those documents
25

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

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

1 are. Nor in its July 10, 2018 filing did A Cab include any
2 declaration corroborating and authenticating those seven pages of
3 documents that, facially, seem to indicate payments of itemized
4 amounts to certain class members from the USDOL settlement. In
5 a further supplement filed by plaintiffs' counsel on July 13, 2018
6 plaintiffs' counsel noted that A Cab's supplement filed on July 10,
7 2018 lacked any proper corroboration or authentication of the
8 facially relevant documents. Plaintiffs' counsel also noted that
9 those documents only itemized payments totaling \$77,178.87 of the
10 total \$139,988.80 paid under the USDOL settlement, meaning A
11 Cab could not, from those documents, corroborate which class
12 members may have received an additional \$62,800.43 from that
13 settlement. In a further supplement filed on July 18, 2018 A Cab's
14 counsel furnished their declaration (Ex. "F" thereto) purporting to
15 authenticate the previously provided documents from the USDOL
16 and certain additional, and not previously furnished, USDOL
17 documents provided with that supplement.
18

- 19 29. Plaintiffs, upon review of the July 18, 2018 supplement filed by A
20 Cab, filed a further supplement with the Court on August 3, 2018.
21 In that August 3, 2018 Supplement and the Ex. "A" declaration of
22 plaintiffs' counsel thereto, plaintiffs have established to the Court's
23 satisfaction that A Cab has demonstrated the disposition of
24 \$81,852.19 from the USDOL settlement. The Court is further
25 satisfied that Ex. "B" of such supplement, based upon that
26 \$81,852.19 from the USDOL settlement, properly applies a set off
27 in A Cab's favor of the judgment amounts owed to the class
28

1 members previously submitted to the Court and discussed at ¶ 26.
2 As further detailed by that supplement, \$58,136.61 of the
3 \$139,988.80 USDOL settlement paid by A Cab remains
4 unaccounted for. That \$58,136.61 is potentially, in whole or in
5 part, an additional amount that A Cab can set off against the
6 judgments to be awarded by the Court to the class members if A
7 Cab can itemize the amounts of that \$58,136.61 paid to the
8 involved class members.
9

10 **DISCUSSION OF RELIEF GRANTED**

11 **Plaintiffs' Motion for Summary Judgment**

12
13
14 The Court notes we are dealing with important rights, important because the
15 people of Nevada have said so by virtue of inserting what would have otherwise been
16 a statutory provision into the Constitution of the State of Nevada. The Court has great
17 respect for the constitutions and constitutional law. The Court believes that they form
18 the basic backbone of the laws and government enumerated therein, both for the
19 United States of America and for the State of Nevada. If the people of this state have
20 said that there is a minimum wage act which entitles employees to be paid a certain
21 amount, in conformity therewith, it is incumbent upon the Court to assure that at the
22 end of the day justice is done, even though the justice that is done turns out to be of a
23 somewhat imprecise nature.

24 Plaintiffs filed three (3) versions of their motion for partial summary judgment
25 (filed on January 11, 2017, November 2, 2017, and April 17, 2018) each of which was
26 opposed by defendants, fully briefed and argued through several hours of oral
27 argument. Although fashioned as a motion for partial summary judgment, by the time
28 22.

1 Plaintiffs reached oral argument on the present motion it became clear that application
2 of their arguments regarding the Quickbooks records and the *Mt. Clemens* rationale
3 effectively resolved not only the period January 1, 2013 to December 31, 2015, but
4 also July 1, 2007 to January 1, 2013, effectively resolving all issues in the case and
5 that therefore final summary judgment is warranted.¹³ The Court finds that because
6 the Defendants could not or would not pay for the special master then pursuant to *Mt.*
7 *Clemens* the burden of proof shifted to the defense. The Court is satisfied that the
8 rationale of the *Mt. Clemens* case not only provides ample authority and justification
9 for this result, but also provides an avenue for this Court to do essential justice to the
10 parties.

11 Even under *Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005), the
12 Defendants, as the nonmoving party, had the burden to “do more than simply show
13 that there is some metaphysical doubt’ as to the operative facts in order to avoid
14 summary judgment being entered in the moving party’s favor.” *Id* quoting *Matsushita*
15 *Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). The Court
16 finds there is an absence of evidence to support the Defendants’ arguments and to
17 demonstrate a triable issue of fact. Defendants failed to transcend the pleadings by
18 putting forth admissible evidence to show a genuine issue of material fact exists given
19 the aforementioned posture of the case. See *Cuzze v. U. and Community College*
20 *System of Nevada*, 172 P.3d 131, 134 (Nev. 2007).

21 Furthermore, under *Mt. Clemens Pottery Co.*, 328 U.S. 680, 687–88 (1946) “the
22 burden then shifts to the employer to come forward with evidence of the precise
23 amount of work performed or with evidence to negative the reasonableness of the
24

25 ¹³ On June 5, 2018, during the hours-long oral argument regarding A Cab’s failure to
26 comply with the Court’s Orders and Plaintiffs’ basis for their calculations, Plaintiffs’
27 counsel moved the Court for summary judgment on the entire case applying an
28 approximation to the time period July 1, 2007, to January 1, 2013, based on A Cab’s
Quickbooks records. 23.

1 inference to be drawn from the employee's evidence. If the employer fails to produce
2 such evidence, the court may then award damages to the employee, even though the
3 result be only approximate.”

4 Upon the filing of plaintiffs’ first motion for partial summary judgment, and its
5 attendant evidence showing the class members performed work for which they were
6 improperly compensated, filed on January 11, 2017, defendants had the burden to
7 either put forth evidence of the precise amount of work performed, or negate the
8 reasonableness of the inference to be drawn by plaintiffs’ evidence in order to create a
9 genuine issue of material fact. *See Anderson v. Mt. Clemens Pottery Co.*, 328 U.S.
10 680, 688 (1946); *see also Wood v. Safeway, Inc.*, 121 P.3d 1026, 1031 (Nev. 2005).
11 However, the defendants have failed to do so. Thus, to ensure a both equitable and just
12 determination of the calculation of damages, the Court appointed a Special Master to
13 review the tripsheets in order to determine the precise amount of damages. However,
14 the defendants failed to comply with the Court’s orders and failed to pay for the
15 special master. Therefore, the Court finds that summary judgment is appropriate as “it
16 would be a perversion of fundamental principles of justice to deny all relief to the
17 injured person[s], and thereby relieve the wrongdoer from making any amend for his
18 acts.” *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 688 (1946) quoting *Story*
19 *Parchment Co. v. Paterson Parchment Co.*, 282 U.S. 555, 563, 51 S.Ct. 248, 250, 75
20 L.Ed. 544. Plaintiffs have put forth enough evidence to prove that the class members
21 have performed work and have not been paid in accordance with the MWA; the
22 uncertainty lies only in the amount of damages arising from the Defendants’
23 violations. *See Id.* It is enough for this Court to follow *Mt. Clemens* in that it is enough
24 under these circumstances for this Court to find a reasonable inference as to the extent
25 of the damages and grants summary judgment accordingly as set forth in this order.
26 *See Id.*

27 The Court made effort to provide fair, equitable, and precise justice to the
28

1 drivers and to the defendant business. However, it was the Defendants, through a
2 claimed but unproven inability to pay for the special master, whom continued to
3 frustrate the Court's intent to provide precise justice, thereby requiring the Court to
4 deviate from an exact calculation and instead rely upon an approximation as set forth
5 by *Mt. Clemens*.

6 No disputed triable issues of material fact are presented by A Cab warranting a
7 denial of the plaintiffs' Motion for Summary Judgment. The motions involve a
8 review of every pay period, 14,200 in total, contained in A Cab's Quickbooks records
9 for the time period from January 1, 2013 through December 31, 2015. The question
10 presented by the motions, is whether A Cab during those 14,200 pay periods
11 complied with the MWA during the period in question. The Court is satisfied that
12 information, furnished by A Cab, was accurately placed in the "ACAB ALL" Excel
13 file upon which plaintiffs' rely. The Court is also satisfied that the "ACAB ALL"
14 Excel file performs the correct arithmetical calculation to determine the underpaid
15 minimum wage amount, if any, at \$7.25 an hour, for each of the 14,200 pay periods.
16 The Court is also satisfied it provides an accurate resulting statement of the total
17 amount, if any, owed for that reason to each class member.

18 A Cab's assertions that the amounts calculated and presented by plaintiffs' are
19 unreliable is speculative. A Cab does not set forth even a single instance where the
20 calculations presented in those Exhibits is performed upon information that is not set
21 forth in A Cab's Quickbooks records or that involves erroneous arithmetic. Its
22 opposition to the plaintiffs' MPSJ is based upon pure speculation (or an assertion it
23 should be relieved of its admissions that the Quickbooks records contained accurate
24 information) and the MPSJ is granted.

25 The primary principle upon which the Court relies in entering the judgment
26 specified, *infra*, is derived from *Mt. Clemens*. A Cab cannot successfully oppose the
27 entry of such a judgment in the summary judgment context under the principles set
28

1 forth in *Mt. Clemons*. There is no other practical means by which the Court can
2 resolve the MWA claims in this case, except by applying a reasonable approximation
3 of hours worked to render substantial, though inexact, justice as in *Mt. Clemons*. As
4 discussed in ¶ 24, the Court's application of an average shift length of 9.21 hours to
5 fashion a judgment for the class members under the MWA for the time period prior to
6 January 1, 2013 is a proper, albeit perhaps too favorable to A Cab, application of the
7 *Mt. Clemons* principles. That 9.21 hours long average shift length is taken from the
8 very records (the 2013-2015 Quickbooks records) that defendant Nady swore under
9 oath were *more* accurate than the trip sheets. The class members assert their hours of
10 work per shift were, on average, considerably longer. Defendants' own expert came
11 up with *longer* average shift lengths (9.5 and 9.8 hours) based upon his review of 56
12 and 38 trips sheets for two periods and a 9.7 hours long average shift length for 123
13 pay periods that he studied. A Cab is bound by its NRCP Rule 30(b)(6) testimony
14 that it can only "guess" at the proper average shift length of the class members.
15 Accordingly, it has no competent evidence it can present as to the proper average shift
16 length prior to January 1, 2013 that should be adopted by the Court and applied under
17 *Mt. Clemons*. As a result, plaintiffs' request that the Court, as discussed at the June 5,
18 2018 hearing, enter a final judgment in this matter applying the *Mt. Clemons*
19 principals, and using an average shift length of 9.21 hours for the class members'
20 claims accruing prior to January 1, 2013, is properly adopted by the Court and it is
21 granting a judgment accordingly. Such judgment shall also include interest on each
22 amount as calculated from January 1, 2016 given the difficulty of applying NRS
23 17.130 to all of the class members' MWA claims, some of which did not arise until
24 after the service of the summons and complaint.¹⁴ there is no material issue of fact
25

26
27 ¹⁴ The judgment amounts, with interest, so calculated for each class member are at
28 Column "G" of Ex. "5" to Ex. "C" of class counsel's declaration of June 20, 2018, that
chart being annexed hereto as Ex. "A." 26.

1 that A Cab can dispute in respect to the Court's entry of judgment using the *Mt.*
2 *Clemons* principles given A Cab's inability to proffer any competent evidence on the
3 class members' average shift length prior to January 1, 2013.

4 A Cab's assertion, made in its affirmative defense and interrogatory response,
5 that it is entitled to some measure of satisfaction of the class members' MWA claims
6 based upon the payments it made under the U.S. Department of Labor's consent
7 judgment (§ 27) would be properly ignored as a sanction. Such action by the Court
8 would be justified and appropriate in light of A Cab's documented litigation abuses in
9 this case and its failure to properly respond to plaintiffs' interrogatory seeking such
10 information. Such action by the Court would also be justified in light of its need to
11 enter a judgment under the *Mt. Clemons* principles in response to A Cab's conduct, a
12 judgment that does not afford the class members the full, and precise, measure of
13 justice they would be entitled to, and receive, if A Cab had complied with NRS
14 608.115(1)(d). In the exercise of discretion, the Court will, nonetheless, afford A Cab
15 an opportunity to proffer proof of such payments post judgment and receive
16 appropriate satisfactions of the judgment amounts entered by this Order for the
17 involved class members. The Court will not delay entry of final judgment over this
18 issue, involving a potential offset to A Cab of less than 20% of the amount it is
19 awarding to the class, and only involving claims accruing to certain identified class
20 members during the period October 1, 2010 to October 1, 2012. But it has fashioned,
21 *infra*, provisions that afford A Cab a very fair opportunity to receive the offset it
22 claims from the consent judgment.

23 In connection with the MPSJ the plaintiffs have asked that the Court forego
24 entering judgment in favor of any class member when the amount so indicated by Ex.
25 "E" to the MPSJ is less than \$10.00, on the basis that amounts of under \$10.00 are *de*
26 *minimis*. Accordingly, the final judgment to be entered in this case for the amount of
27 unpaid minimum wages owed to the class members for the period January 1, 2013

1 through December 31, 2015 shall be the amounts calculated to be owed to every class
2 member in Column "D" of Ex. "E" of the MPSJ if such amount is at least \$10.00. As
3 discussed at ¶ 25 and ¶ 26 plaintiffs have introduced into the record calculations
4 showing the total amount (if any) owed to each A Cab taxi driver in unpaid minimum
5 wages for the January 1, 2013 through December 31, 2015 time period, based upon
6 the Quickbooks time worked records as sought in the MPSJ, and for the period of time
7 from July 1, 2007 through January 1, 2013 based upon the application of *Mt. Clemons*
8 principles as discussed further *infra*. The Court has found those calculations to be
9 accurate as discussed at ¶¶ 19-24. Accordingly, attached to this Order as Ex. "A," as
10 discussed further, *infra*, are the total amounts the Clerk of the Court shall enter as
11 Judgment amounts for each class member.¹⁵ Those total owed amounts are based
12 upon the reasoning of the MPSJ which is adopted by the Court to grant judgment to
13 the class members for the period January 1, 2013 through December 31, 2015 and the
14 application of the *Mt. Clemons* principles for the time period prior to January 1, 2013.
15

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

19 Alternatively, given the deference this Court must give in enforcing the
20 Constitution of the State of Nevada, the Court finds that Defendants' persistent failure
21 to comply with Court orders, and for reasons stated herein, warrants holding
22 defendants in contempt and striking their answer. Plaintiffs have argued strenuously
23 for the Court to strike Defendants' answer and award judgment accordingly. While
24 this Court has been at pains to resolve important issues without resort to sanctions, the
25 Court cannot avoid the conclusion that if other, less drastic bases were not available, it
26

27 ¹⁵ These amounts are the same amounts as Ex. "5" to Ex. "C" of the declaration of class
28 counsel filed on June 20, 2018 28.

1 would proceed by way of sanction, strike the answer, and award judgment to
2 Plaintiffs.¹⁶

3
4 Accordingly, the following alternative basis is offered.

5
6 While Plaintiffs' Motion uses the term contempt it does not seek an arrest for
7 civil contempt but an appropriate remedy, sanction, against A Cab for its failure to
8 comply with the Court's Orders appointing a Special Master. If those Orders had been
9 complied with, the Special Master's work would now be complete. The Court would
10 be proceeding to fashion an appropriate final judgment for the class members based
11 upon that report and the precise findings, in respect to the hours of work, wages paid,
12 and minimum wage amounts owed to the class members, it would have contained. A
13 Cab's failure to comply with those Orders has prevented that result. Plaintiffs do not
14 propose an order of civil contempt and imprisonment against defendant Nady, A Cab's
15 principal, as a remedy for that failure. Nor does the Court believe such an Order,
16 while within the Court's power, is sensible or will serve the interests of justice. As the
17 Plaintiffs' Motion requests, the Court should fashion some sort of alternative relief,
18 and judgment, that will resolve this litigation and render substantial justice, albeit not
19 in the precise form that would have been arrived at if A Cab had complied with the
20 Court's Orders appointing the Special Master.

21 The Court has inherent power to appropriately sanction, and tailor remedies for,
22

23 ¹⁶ The Court finds no prove up hearing is necessary under NRCP Rule 55(b)(2) as A
24 Cab admits it has no evidence to present on the proper average shift length to be used
25 by the Court in fashioning a judgment. The Court also finds A Cab is properly
26 prohibited from presenting further evidence on the proper amount of a default
27 judgment even if it possessed any germane evidence on that issue as a sanction under
28 *Young* for the reasons already stated. *See, Blanco v. Blanco*, 311 P.3d 1170, 1176
(Nev. Sup. Ct. 2013) *citing Foster v. Dingwall*, 227 P.3d 1042, 1050 (Nev. Sup. Ct.
2010) (Recognizing such a sanction is proper under *Young*).

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

20 The Court concludes that the record in this case is sufficient under *Young* and
21 the other controlling precedents to warrant an award of relief in the form requested by
22 plaintiffs, a striking of defendant A Cab's answer and the entry of a default judgment.
23 A Cab's improper conduct in violating the Court's Orders appointing a Special Master
24 is not an isolated incident but "repetitive." Its prior history of improper conduct is
25 discussed in ¶ 15. That improper conduct has also caused "interminable delays" in the
26 production of A Cab's critically important Cab Manager and Quickbooks records,
27 delays A Cab may well have intended to foster in pursuit of an NRCP Rule 41(e)

1 dismissal. The willfulness of A Cab in disregarding the Court's Orders appointing a
2 Special Master is apparent and A Cab's assertion its failure to comply with those
3 Orders is a result of a financial inability to pay the Special Master cannot be properly
4 considered and its evidence to establish same is deficient. If A Cab truly lacks the
5 financial resources to comply with those Orders it has a remedy under the United
6 States Bankruptcy Code to seek the protection of the Bankruptcy Court which is
7 empowered to relieve it from those Orders and oversee the proper disposition of
8 whatever financial resources it does possess. It has declined to do so and continues to
9 do business and defend this case in this Court. Having elected to do so, it must
10 comply with this Court's Orders or face the consequences of its failure to do so.

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

24 The prejudice that would inure to the class members if the Court failed to enter
25 the judgment specified, *infra*, is manifest and extreme. A Cab's proposal that the
26 Court await the outcome of other proceedings that may or may not impact some
27 amount of the class members' claims seeks to have the Court abdicate its

1 responsibility to hear and resolve the claims before it, something it cannot do.
2 Alternatively, A Cab postures it is entitled to rely on its failure to create the records
3 required by NRS 608.115(1)(d) and place upon the plaintiffs the burden, which they
4 should not have to meet and clearly cannot meet, to specify from their trip sheets their
5 precise hours of work for each pay period. Indeed, A Cab paid its expert in excess of
6 \$47,000 to produce a report asserting that position in its defense.

7 Despite plaintiffs' warranted request to hold defendants in contempt and strike
8 their answer, the Court has not viewed this as warranted to remedy this point, and
9 therefore has declined to do so. As an alternative ruling, the Court is prepared to do so
10 now.

11 12 **THE COURT'S JUDGMENT AND THE RELIEF ORDERED**

13
14 For the foregoing reasons, the Court hereby Orders the following relief and
15 enters a Final Judgment in this case in the following form:

- 16
17 A. The Court, pursuant to NRCP Rule 23(c)(1) amends the class claims
18 certified for disposition pursuant to NRCP Rule 23(b)(3). Those claims,
19 in respect to defendant A Cab, are now limited to the claims of the
20 previously identified class members arising under the MWA against A
21 Cab prior to January 1, 2016 but only to the extent A Cab failed to pay
22 such class members the "lower tier" (health benefits provided) minimum
23 wage required by the MWA; only in the amounts specified and arrived at
24 in this Order based upon the hours of work used by the Court to
25 determine such amounts; and only for interest owed on those claims on
26 and after January 1, 2016. Individual class members who seek to collect
27 "higher tier" minimum wage payments under the MWA; or amounts
28

1 owed under the MWA based upon them having actually worked more
2 hours in a pay period than the Court used in making the award to them in
3 this Order; or to collect the penalties proscribed by NRS 608.040; or for
4 additional amounts in interest that may be owed to them on their MWA
5 claims from A Cab may pursue those claims individually. Such claims
6 are dismissed from this case for all class members without prejudice;
7

8 B. All claims made against the defendant Nady are severed from the claims
9 against A Cab pursuant to NRCP Rule 21;
10

11 C. The Clerk of the Court shall enter judgment for each individual class
12 member in the amount specified in Column "F" in Ex. "A" as annexed
13 hereto against defendants A CAB TAXI SERVICE LLC and A CAB,
14 LLC. Such judgment shall conclude the class claims for damages
15 certified for disposition pursuant to NRCP Rule 23(b)(3) and constitute a
16 final judgment on such claims;
17

18 D. The Court retains continuing jurisdiction over the class claims it has
19 certified for disposition pursuant to NRCP Rule 23(b)(2), and for
20 enforcement of the monetary judgments it has rendered in favor of the
21 class members, and appoints class counsel, Leon Greenberg, Dana
22 Sniegocki, Christian Gabroy and Kaine Messer, as counsel for the class
23 member judgment creditors listed on Exhibit "A" and for whom the Court
24 is directing entry of judgment. Defendants, their agents, and their
25 attorneys, are prohibited from communicating with the class member
26 judgment creditors about their judgments granted by this Order or
27 securing any release or satisfaction of those judgments without first
28


1 securing a further Order of this Court in this case. Class counsel is
2 authorized to proceed with whatever remedies it deems advisable to
3 enforce the money judgments rendered for the class members but shall
4 hold in their IOLTA account any amounts collected on such judgments
5 and only release such monies as specified by a further Order of this Court
6 in this case. Class counsel is also authorized to use all of the judgment
7 enforcement remedies provided for by NRS Chapter 21 in the name of
8 "Michael Murray as Judgment Creditor" for the total amount of the
9 unsatisfied judgments rendered in favor of all class members, they need
10 not seek or issue writs of judgment execution or levy individually for
11 each judgment creditor class member. Class counsel is also prohibited, in
12 light of the potential for A Cab to receive satisfaction of certain judgment
13 amounts as provided for under G, *infra*, until further Order is issued by
14 the Court, from taking action to collect more than \$960,000 of the
15 combined judgment value of \$1,033,027.81 that is entered under this
16 Order;

17
18 E. The time for class counsel to apply for an award of fees and costs
19 pursuant to NRCP Rule 54 is extended to 60 days after the service of this
20 Order with Notice of Entry;

21
22 F. The court stays the severed case against defendant Nady for 60 days from
23 the date of entry of this Order. That case shall remain stayed after that
24 date until the Court issues an Order lifting such stay, the Court not
25 anticipating doing so, or receiving any request from the parties to do so,
26 until expiration of that 60 day period.

1 G. A Cab may present to the Court, at anytime after entry of this Order, a
2 motion to have the Court enter satisfactions towards each class member
3 judgment creditor's judgment amount for the amounts A Cab paid them
4 under the consent judgment that are a portion of the \$58,136.61 paid
5 under the consent judgment but not previously accounted for (§ 29). . It
6 shall also have the right, within 60 days from the date of service of this
7 Judgment and Order with Notice of Entry, to present to class counsel
8 evidence of how the \$58,136.61 paid under the consent judgment but not
9 previously accounted for (§ 29) should be set off against each class
10 member judgment creditor. Class counsel shall be obligated to advise A
11 Cab within 30 days thereafter if it agrees that A Cab it is entitled to a
12 judgment satisfaction based upon such evidence. If it so agrees, class
13 counsel must submit a motion to the Court within 10 days thereafter
14 seeking an Order entering such agreed upon satisfactions. If after that
15 date A Cab, after completing that process of conferral with class counsel,
16 must still file a motion with the Court to secure any such judgment
17 satisfactions, the Court will, if it grants that motion and also finds class
18 counsel did not act reasonably in cooperating with A Cab on determining
19 the amount of the satisfactions, award A Cab attorney's fees in connection
20 with the bringing of such a motion.
21

22 **IT IS SO ORDERED.**

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

Date 8-21-18

EXHIBIT "A"

	A	B	C	D	E	F	G	H
1	Totals for All Class Members			\$900,317.34	\$132,710.47	\$1,033,027.81	\$975,666.16	\$75,348.82
2	EE Number	Last Name	First Name	Total Lower Tier Minimum Wages Owed 7/1/2007 - 12/31/2015 After Set Off and Over \$10.00	Interest from 1/1 2016 through 6/30/2018	Total with Interest	Total 2007- 2015 Shortage	Set Off From USDOL Settlement
3	3861	Abarca	Enrique	\$815.12	\$120.15	\$935.27	\$815.12	
4	3638	Abdella	Juhar	\$178.63	\$26.33	\$204.96	\$319.03	\$140.40
5	3331	Abdulahi	Faud	\$286.07	\$42.17	\$328.23	\$286.07	
6	105408	Abdulle	Abdirashid	\$165.36	\$24.38	\$189.74	\$165.36	
7	3606	Abebe	Tamrat	\$3,010.66	\$443.78	\$3,454.44	\$3,010.66	
8	3302	Abraha	Tesfalem	\$669.17	\$98.64	\$767.81	\$669.17	
9	105813	Abt	Daniel	\$891.35	\$131.39	\$1,022.74	\$891.35	
10	2640	Abuel	Alan	\$148.52	\$21.89	\$170.41	\$380.83	\$232.31
11	3513	Abuhay	Fasil	\$529.05	\$77.98	\$607.03	\$720.06	\$191.01
12	100221	Ackman	Charles	\$385.21	\$56.78	\$441.99	\$385.21	
13	3853	Acosta	Lorrie	\$135.08	\$19.91	\$154.99	\$135.08	
14	3257	Adam	Elhadi	\$522.90	\$77.08	\$599.98	\$522.90	
15	3609	Adamian	Robert	\$794.61	\$117.13	\$911.74	\$995.17	\$200.56
16	3896	Adams	Michael	\$193.46	\$28.52	\$221.98	\$283.69	\$90.23
17	3641	Adamson	Nicole	\$1,012.32	\$149.22	\$1,161.54	\$1,306.43	\$294.11
18	3035	Adem	Sued	\$731.28	\$107.79	\$839.07	\$731.28	
19	25411	Adhanom	Tewoldebrhan	\$124.16	\$18.30	\$142.46	\$124.16	
20	3846	Agacevic	Ibnel	\$299.99	\$44.22	\$344.21	\$299.99	
21	100821	Agostino	Nicholas	\$1,436.35	\$211.72	\$1,648.07	\$1,436.35	
22	3684	Ahmed	Ahmed	\$926.12	\$136.51	\$1,062.63	\$1,290.23	\$364.11
23	3678	Alemayehu	Tewodros	\$42.09	\$6.20	\$48.30	\$42.09	
24	3692	Alessi	Anthony	\$13.62	\$2.01	\$15.63	\$13.62	
25	3712	Alexander	Darvious	\$63.13	\$9.30	\$72.43	\$63.13	
26	3869	Alfaro	Joe	\$300.71	\$44.33	\$345.03	\$300.71	

	A	B	C	D	E	F	G	H
27	3661	Ali	Abraham	\$2,224.87	\$327.95	\$2,552.82	\$2,224.87	
28	104525	Allegue	Yusnier	\$1,414.77	\$208.54	\$1,623.31	\$1,414.77	
29	2903	Allen	Otis	\$9,556.92	\$1,408.73	\$10,965.65	\$9,556.92	
30	25979	Alnaif	Abdul	\$926.14	\$136.52	\$1,062.65	\$958.49	\$32.35
31	3787	Altamura	Vincent	\$503.89	\$74.28	\$578.17	\$503.89	
32	103822	Alvarado	Santiago	\$94.08	\$13.87	\$107.95	\$94.08	
33	3106	Alvero	Jose	\$105.62	\$15.57	\$121.18	\$105.62	
34	3769	Alves	Mary	\$988.61	\$145.72	\$1,134.33	\$988.61	
35	2968	Amato	Richard	\$4,000.14	\$589.64	\$4,589.78	\$4,000.14	
36	3645	Ameha	Samuale	\$244.82	\$36.09	\$280.91	\$244.82	
37	24038	Anantagul	Kamol	\$154.39	\$22.76	\$177.15	\$154.39	
38	3564	Anastasio	James	\$111.24	\$16.40	\$127.63	\$111.24	
39	2834	Anders	Matthew	\$417.90	\$61.60	\$479.50	\$417.90	
40	29709	Andersen	Jason	\$1,224.18	\$180.45	\$1,404.63	\$1,995.14	\$770.96
41	3672	Anderson	Roosevelt	\$2,114.65	\$311.71	\$2,426.36	\$2,787.37	\$672.72
42	106828	Anderson	Calvin	\$1,353.44	\$199.50	\$1,552.95	\$1,353.44	
43	3943	Anderson	William	\$289.40	\$42.66	\$332.06	\$289.40	
44	3650	Anif	Janeid	\$1,406.55	\$207.33	\$1,613.88	\$1,406.55	
45	2662	Antoine	Albert	\$310.19	\$45.72	\$355.91	\$310.19	
46	2942	Appel	Howard	\$23.47	\$3.46	\$26.93	\$23.47	
47	3614	Applegate	Angela	\$260.97	\$38.47	\$299.44	\$319.42	\$58.45
48	3730	Arar	Isam	\$1,726.82	\$254.54	\$1,981.36	\$2,235.96	\$509.14
49	104910	Archer	Bert	\$362.37	\$53.41	\$415.78	\$362.37	
50	3037	Archuleta	Alex	\$2,031.51	\$299.45	\$2,330.96	\$2,031.51	
51	3709	Arell	Roger	\$42.41	\$6.25	\$48.66	\$92.02	\$49.61
52	3931	Arena	Francis	\$527.13	\$77.70	\$604.83	\$527.13	
53	26553	Arnwine	Howard	\$2,020.90	\$297.89	\$2,318.78	\$2,185.05	\$164.15
54	2439	Artigue	David	\$315.09	\$46.45	\$361.53	\$315.09	
55	3676	Asad	Tassawar	\$28.49	\$4.20	\$32.69	\$28.49	
56	31622	Asefa	Wossen	\$456.31	\$67.26	\$523.57	\$456.31	
57	3828	Aseffa	Mulubahan	\$1,992.18	\$293.66	\$2,285.84	\$2,431.45	\$439.27
58	3741	Assena	Zenebech	\$41.86	\$6.17	\$48.02	\$41.86	
59	3873	Atanasov	Nikolay	\$154.17	\$22.73	\$176.90	\$154.17	

	A	B	C	D	E	F	G	H
60	3406	Atoigue	Marco	\$259.34	\$38.23	\$297.57	\$259.34	
61	3825	Atterbury	Joseph	\$159.92	\$23.57	\$183.49	\$159.92	
62	110476	Auberry Jr.	Glenn	\$309.98	\$45.69	\$355.67	\$309.98	
63	2432	Auckermar	Katherine	\$215.32	\$31.74	\$247.06	\$215.32	
64	3667	Aurich	Juan	\$1,489.26	\$219.52	\$1,708.78	\$2,508.20	\$1,018.94
65	2926	Awalom	Alemayehu	\$8,201.42	\$1,208.92	\$9,410.35	\$8,201.42	
66	3707	Azmoudeh	Bobby	\$208.23	\$30.69	\$238.92	\$208.23	
67	3605	Azzouay	El	\$135.48	\$19.97	\$155.45	\$135.48	
68	20210	Ba	Awa	\$1,270.02	\$187.21	\$1,457.22	\$1,270.02	
69	2555	Babinchak	Blaine	\$15.52	\$2.29	\$17.80	\$15.52	
70	108404	Baca	James	\$105.93	\$15.61	\$121.54	\$105.93	
71	27358	Baca-Paez	Sergio	\$2,124.87	\$313.21	\$2,438.08	\$2,501.92	\$377.05
72	2708	Badillo	Cesar	\$280.24	\$41.31	\$321.55	\$280.24	
73	3130	Bafrdu	Solomon	\$221.55	\$32.66	\$254.21	\$221.55	
74	3838	Baker	Timothy	\$2,135.81	\$314.83	\$2,450.64	\$2,431.20	\$295.39
75	27315	Bakhtiari	Marco	\$2,118.28	\$312.24	\$2,403.53	\$3,284.38	\$1,166.10
76	112015	Bambenek	Matthew	\$337.56	\$49.76	\$387.31	\$337.56	
77	112193	Bandi	Pedram	\$11.21	\$1.65	\$12.86	\$11.21	
78	2523	Banuelos	Ruben	\$150.22	\$22.14	\$172.36	\$150.22	
79	3909	Barbu	Ion	\$2,507.70	\$369.64	\$2,877.34	\$2,562.29	\$54.59
80	3760	Bardo	Timothy	\$746.65	\$110.06	\$856.71	\$746.65	
81	3369	Barich	Edward	\$1,270.10	\$187.22	\$1,457.31	\$1,270.10	
82	100158	Barnes	Benjamin	\$5,936.88	\$875.12	\$6,812.00	\$5,936.88	
83	2993	Barr	Kenneth	\$574.03	\$84.61	\$658.64	\$615.48	\$41.45
84	107792	Barrameda	Danilo	\$56.83	\$8.38	\$65.20	\$56.83	
85	3601	Barseghyan	Artur	\$373.48	\$55.05	\$428.54	\$488.18	\$114.70
86	3887	Barstow	Lance	\$131.44	\$19.37	\$150.81	\$131.44	
87	3829	Bartunek	Johnny	\$19.47	\$2.87	\$22.34	\$19.47	
88	3649	Bataineh	Ali	\$218.35	\$32.18	\$250.53	\$218.35	
89	2454	Batista	Eugenio	\$49.03	\$7.23	\$56.25	\$49.03	
90	3926	Bauer	William	\$217.42	\$32.05	\$249.47	\$217.42	
91	2063	Bean	Ronald	\$214.50	\$31.62	\$246.12	\$214.50	
92	2786	Bekele	Abraham	\$77.01	\$11.35	\$88.36	\$77.01	

	A	B	C	D	E	F	G	H
93	2856	Bell	Arthur	\$328.15	\$48.37	\$376.52	\$328.15	
94	25454	Bell	Jeffrey	\$26.45	\$3.90	\$30.34	\$26.45	
95	3594	Bellegarde	Josue	\$11.51	\$1.70	\$13.21	\$11.51	
96	3622	Benel	Christian	\$1,457.21	\$214.80	\$1,672.01	\$1,589.84	\$132.63
97	110687	Berger	James	\$58.09	\$8.56	\$66.65	\$58.09	
98	103219	Berichon	Mike	\$947.14	\$139.61	\$1,086.75	\$947.14	
99	23373	Bey	Ronald	\$3,483.14	\$513.43	\$3,996.57	\$3,483.14	
100	2960	Bialorucki	Richard	\$6,538.58	\$963.81	\$7,502.40	\$6,776.93	\$238.35
101	2986	Black	Burton	\$1,658.10	\$244.41	\$1,902.51	\$1,658.10	
102	29914	Bliss	Valerie	\$124.09	\$18.29	\$142.38	\$124.09	
103	112455	Blum III	Arthur	\$47.07	\$6.94	\$54.01	\$47.07	
104	3072	Blumenthal	Alan	\$1,925.31	\$283.80	\$2,209.10	\$1,925.31	
105	3101	Bly	Vertito	\$3,955.45	\$583.05	\$4,538.50	\$3,955.45	
106	3180	Bolden	Quincy	\$284.99	\$42.01	\$327.00	\$284.99	
107	2487	Boling	Freddy	\$2,571.76	\$379.09	\$2,950.85	\$2,571.76	
108	2814	Booth	Sean	\$643.34	\$94.83	\$738.17	\$643.34	
109	2802	Borja	Virginia	\$3,665.99	\$540.38	\$4,206.37	\$3,955.31	\$289.32
110	3003	Borowski	Edwin	\$227.27	\$33.50	\$260.77	\$227.27	
111	3723	Bowen	Christopher	\$674.72	\$99.46	\$774.17	\$674.72	
112	2767	Boyd	Kevin	\$862.73	\$127.17	\$989.90	\$862.73	
113	3508	Bozic	Nebojsa	\$1,242.08	\$183.09	\$1,425.17	\$1,242.08	
114	28324	Bradley	Leroy	\$2,391.80	\$352.56	\$2,744.36	\$2,810.40	\$418.60
115	2056	Brauchle	Michael	\$6,402.82	\$943.80	\$7,346.62	\$7,112.38	\$709.56
116	3254	Breault	Ronald	\$208.05	\$30.67	\$238.72	\$208.05	
117	2806	Brennan	Sheila	\$78.89	\$11.63	\$90.52	\$78.89	
118	3697	Briggs	Andrew	\$52.36	\$7.72	\$60.08	\$52.36	
119	3716	Brimhall	Tracy	\$3,804.84	\$560.85	\$4,365.69	\$3,804.84	
120	3621	Brisco	Allen	\$3,226.36	\$475.58	\$3,701.93	\$3,226.36	
121	100299	Briski	Louis	\$704.15	\$103.79	\$807.94	\$892.62	\$188.47
122	110579	Brooks	Jose	\$46.30	\$6.83	\$53.13	\$46.30	
123	3067	Brown	Maurice	\$1,528.59	\$225.32	\$1,753.91	\$1,528.59	
124	3949	Brown	Daniel	\$730.19	\$107.63	\$837.82	\$730.19	
125	2704	Buergey	Christopher	\$1,051.28	\$154.96	\$1,206.24	\$1,051.28	

	A	B	C	D	E	F	G	H
126	28249	Bunns	Tommy	\$564.89	\$83.27	\$648.16	\$564.89	
127	3340	Burgema	Kelemework	\$1,408.98	\$207.69	\$1,616.67	\$1,408.98	
128	111670	Burns	Brittany	\$122.95	\$18.12	\$141.08	\$122.95	
129	3327	Butler	Bonnie	\$984.83	\$145.17	\$1,129.99	\$984.83	
130	3160	Butts	Phillip	\$315.09	\$46.45	\$361.54	\$315.09	
131	3537	Cadman	Linda	\$43.84	\$6.46	\$50.31	\$43.84	
132	109309	Caldwell Jr	Paul	\$364.22	\$53.69	\$417.90	\$364.22	
133	3892	Calise	Domenic	\$57.13	\$8.42	\$65.55	\$57.13	
134	3791	Cancio-Bet	Rene	\$282.86	\$41.69	\$324.55	\$282.86	
135	3070	Canelstein	Glen	\$168.33	\$24.81	\$193.14	\$168.33	
136	106463	Capone	Gary	\$1,177.79	\$173.61	\$1,351.40	\$1,177.79	
137	3733	Carr	Jamaal	\$127.11	\$18.74	\$145.84	\$127.11	
138	2660	Carracedo	Sonny	\$380.97	\$56.16	\$437.13	\$380.97	
139	3899	Casiello	Anthony	\$552.19	\$81.39	\$633.58	\$703.35	\$151.16
140	102334	Castellano	Joaquin	\$419.56	\$61.84	\$481.40	\$419.56	
141	2850	Castillo	Franzes	\$32.11	\$4.73	\$36.84	\$32.11	
142	2740	Cater	Leslie	\$863.76	\$127.32	\$991.09	\$863.76	
143	3463	Catoera	Nestor	\$327.05	\$48.21	\$375.25	\$327.05	
144	2531	Catoggio	Alfred	\$143.11	\$21.10	\$164.21	\$143.11	
145	3843	Caymite	Luc	\$221.02	\$32.58	\$253.60	\$221.02	
146	2907	Cease	Alan	\$367.94	\$54.24	\$422.18	\$367.94	
147	2969	Champigny	Paul	\$133.62	\$19.70	\$153.31	\$133.62	
148	104310	Chana	Chen	\$658.00	\$96.99	\$754.99	\$658.00	
149	3420	Chang	Yun-Yu	\$1,093.43	\$161.18	\$1,254.60	\$1,093.43	
150	3831	Charouat	Malek	\$412.11	\$60.75	\$472.86	\$412.11	
151	24737	Charov	Ivaylo	\$67.83	\$10.00	\$77.83	\$67.83	
152	3663	Chasteen	Jeffery	\$38.80	\$5.72	\$44.52	\$38.80	
153	3714	Chatrizeh	Shahin	\$744.82	\$109.79	\$854.61	\$950.52	\$205.70
154	2420	Chau	Phi	\$45.97	\$6.78	\$52.74	\$45.97	
155	112394	Chavez	Rosemarie	\$13.29	\$1.96	\$15.25	\$13.29	
156	3249	Chico	David	\$3,982.14	\$586.98	\$4,569.12	\$3,982.14	
157	3258	Child	Gregg	\$232.80	\$34.32	\$267.11	\$232.80	
158	3729	Choudhary	Krishna	\$1,694.88	\$249.83	\$1,944.71	\$1,694.88	

	A	B	C	D	E	F	G	H
159	3588	Christense	Rosa	\$1,878.35	\$276.88	\$2,155.22	\$1,878.35	
160	3881	Christodou	Panos	\$584.13	\$86.10	\$670.23	\$584.13	
161	26783	Clark	Dennis	\$513.57	\$75.70	\$589.27	\$513.57	
162	31467	Clarke	Michael	\$69.42	\$10.23	\$79.65	\$69.42	
163	2994	Clift	Daniel	\$519.14	\$76.52	\$595.67	\$519.14	
164	2679	Clores	Edgardo	\$363.66	\$53.60	\$417.26	\$363.66	
165	107430	Cobon	Karl	\$1,023.14	\$150.81	\$1,173.95	\$1,023.14	
166	3802	Cobos	Aaron	\$258.72	\$38.14	\$296.85	\$258.72	
167	3885	Cohoon	Thomas	\$2,087.12	\$307.65	\$2,394.77	\$2,261.53	\$174.41
168	3552	Coizeau	Leonardo	\$3,285.52	\$484.30	\$3,769.81	\$3,433.58	\$148.06
169	2527	Colello	Robert	\$123.39	\$18.19	\$141.58	\$123.39	
170	3321	Collier	Samuel	\$326.95	\$48.19	\$375.15	\$326.95	
171	102415	Collier	Ella	\$293.00	\$43.19	\$336.19	\$447.70	\$154.70
172	3862	Collins	Lincoln	\$408.91	\$60.27	\$469.18	\$520.42	\$111.51
173	2676	Collins	Donald	\$297.17	\$43.80	\$340.97	\$297.17	
174	2481	Colon	James	\$999.75	\$147.37	\$1,147.12	\$999.75	
175	108041	Comeau	Brian	\$70.76	\$10.43	\$81.19	\$70.76	
176	3596	Conde	Carlos	\$103.01	\$15.18	\$118.19	\$103.01	
177	3900	Coney-Cun	Keisha	\$531.04	\$78.28	\$609.32	\$531.04	
178	3738	Conway	James	\$3,480.75	\$513.08	\$3,993.82	\$3,980.61	\$499.86
179	3546	Cook	Eugene	\$1,466.17	\$216.12	\$1,682.29	\$1,466.17	
180	3284	Cook	Robert	\$1,223.89	\$180.41	\$1,404.29	\$1,223.89	
181	112398	Corona	Fernando	\$775.97	\$114.38	\$890.35	\$775.97	
182	2051	Costello	Brad	\$2,277.69	\$335.74	\$2,613.44	\$2,668.39	\$390.70
183	3550	Craddock	Charles	\$1,473.65	\$217.22	\$1,690.87	\$1,473.65	
184	3935	Craffey	Richard	\$672.27	\$99.09	\$771.36	\$672.27	
185	23774	Crawford	Darryl	\$395.48	\$58.29	\$453.77	\$478.70	\$83.22
186	21457	Crawford	Maximillian	\$156.56	\$23.08	\$179.64	\$156.56	
187	30300	Cruz-Decas	Antonio	\$47.37	\$6.98	\$54.35	\$47.37	
188	3301	Csorba	Laszlo	\$512.50	\$75.54	\$588.04	\$512.50	
189	109796	Curtin	Ronald	\$1,891.68	\$278.84	\$2,170.52	\$1,891.68	
190	109130	Dacayanan	Liza	\$515.01	\$75.91	\$590.92	\$515.01	
191	23948	Daffron	Daniel	\$1,242.13	\$183.10	\$1,425.23	\$1,242.13	

	A	B	C	D	E	F	G	H
192	32238	Daggett Jr.	Rudolph	\$618.68	\$91.20	\$709.87	\$618.68	
193	3231	Dagley	Darryl	\$429.11	\$63.25	\$492.36	\$429.11	
194	3777	Daniels	Donald	\$3,274.58	\$482.69	\$3,757.26	\$3,274.58	
195	3480	Daniels	Katherine	\$645.94	\$95.21	\$741.15	\$2,170.19	\$1,524.25
196	110936	Daniels	James	\$57.14	\$8.42	\$65.56	\$57.14	
197	3511	Danielsen	Danny	\$508.57	\$74.97	\$583.54	\$508.57	
198	3428	D'Arcy	Timothy	\$5,450.15	\$803.37	\$6,253.52	\$5,450.15	
199	101103	Davila-Ron	Monica	\$58.85	\$8.67	\$67.52	\$58.85	
200	28065	Davis	Bradley	\$2,249.11	\$331.53	\$2,580.64	\$2,249.11	
201	2590	Davis	Nancy	\$71.07	\$10.48	\$81.54	\$71.07	
202	3419	Degefa	Dejene	\$385.27	\$56.79	\$442.06	\$385.27	
203	3548	Degracia	Bob	\$342.00	\$50.41	\$392.42	\$342.00	
204	3675	Deguzman	Leloi	\$619.41	\$91.30	\$710.71	\$619.41	
205	2573	Deguzman	Fermin	\$294.22	\$43.37	\$337.59	\$294.22	
206	3027	Dein	Fred	\$97.00	\$14.30	\$111.29	\$97.00	
207	111137	Dejacto	Giovanna	\$660.42	\$97.35	\$757.77	\$660.42	
208	25935	Delgado	Carlos	\$105.26	\$15.52	\$120.78	\$105.26	
209	2057	DeMarco	William	\$581.36	\$85.69	\$667.05	\$581.36	
210	3566	Deocampo	Michael	\$198.88	\$29.31	\$228.19	\$222.51	\$23.63
211	3936	Dial	Donald	\$811.92	\$119.68	\$931.60	\$811.92	
212	111062	Diamond	Jeffrey	\$273.19	\$40.27	\$313.46	\$273.19	
213	3719	Diaz	Aiser	\$22.90	\$3.38	\$26.28	\$22.90	
214	3657	Dibaba	Desta	\$958.68	\$141.31	\$1,099.99	\$958.68	
215	3905	Dillard	Corey	\$904.27	\$133.29	\$1,037.56	\$978.27	\$74.00
216	2031	Dinok	Ildiko	\$3,031.54	\$446.86	\$3,478.41	\$3,031.54	
217	6832	Dionas	John	\$87.73	\$12.93	\$100.66	\$87.73	
218	3756	Disbrow	Ronald	\$2,475.64	\$364.92	\$2,840.56	\$2,858.43	\$382.79
219	3395	Dixon	Julius	\$702.55	\$103.56	\$806.11	\$702.55	
220	2812	Djapa-Ivos	Davor	\$1,028.61	\$151.62	\$1,180.23	\$1,028.61	
221	3704	Dobszewic	Gary	\$2,278.69	\$335.89	\$2,614.57	\$3,064.20	\$785.51
222	3024	Donahoe	Stephen	\$998.20	\$147.14	\$1,145.34	\$998.20	
223	2811	Donleycott	Kevin	\$622.75	\$91.80	\$714.55	\$622.75	
224	3478	Dontchev	Nedeltcho	\$3,455.50	\$509.36	\$3,964.86	\$3,561.35	\$105.85

	A	B	C	D	E	F	G	H
225	3378	Dotson	Eugene	\$590.77	\$87.08	\$677.85	\$656.43	\$65.66
226	3830	Dotson	Contessa	\$49.54	\$7.30	\$56.84	\$49.54	
227	2067	Doughty	Michael	\$308.33	\$45.45	\$353.78	\$308.33	
228	2919	Downing	Jennifer	\$133.31	\$19.65	\$152.96	\$133.31	
229	2839	Downs	David	\$324.58	\$47.85	\$372.43	\$324.58	
230	106763	Doyle	William	\$304.91	\$44.94	\$349.85	\$304.91	
231	2871	Draper	Ivan	\$5,002.36	\$737.37	\$5,739.72	\$6,105.13	\$1,102.77
232	2874	Dreitzer	Gail	\$294.20	\$43.37	\$337.56	\$294.20	
233	3754	Dudek	Anthony	\$1,421.81	\$209.58	\$1,631.39	\$1,421.81	
234	3084	Duff	Tommy	\$215.34	\$31.74	\$247.09	\$215.34	
235	3916	Duna	Lawrence	\$760.98	\$112.17	\$873.15	\$760.98	
236	3617	Durey	Robert	\$795.00	\$117.19	\$912.19	\$1,086.96	\$291.96
237	2006	Durtschi	Jeffrey	\$496.97	\$73.26	\$570.23	\$585.98	\$89.01
238	100046	Dymond	Ernest	\$62.96	\$9.28	\$72.24	\$62.96	
239	3220	Dyson	Edward	\$237.76	\$35.05	\$272.81	\$237.76	
240	1095	Eckert	Michael	\$44.98	\$6.63	\$51.61	\$44.98	
241	3907	Eddik	Muhannad	\$31.60	\$4.66	\$36.26	\$31.60	
242	2637	Edwards	Jeffrey	\$2,251.54	\$331.89	\$2,583.42	\$2,735.54	\$484.00
243	3381	Egan	Joseph	\$3,566.11	\$525.66	\$4,091.77	\$3,566.11	
244	3595	Ekoue	Ayi	\$2,813.75	\$414.76	\$3,228.50	\$2,813.75	
245	3125	Elam	Damon	\$2,368.35	\$349.10	\$2,717.46	\$2,368.35	
246	111822	Elgendy	Mohamed	\$96.88	\$14.28	\$111.17	\$96.88	
247	18678	Eliades	George	\$272.83	\$40.22	\$313.04	\$272.83	
248	3242	Eljawhary	Farid	\$233.11	\$34.36	\$267.47	\$233.11	
249	3771	Ellis	Charles	\$763.81	\$112.59	\$876.40	\$763.81	
250	109641	Emling	Paul	\$146.38	\$21.58	\$167.95	\$470.16	\$323.78
251	106698	Emter	Christopher	\$124.52	\$18.36	\$142.88	\$124.52	
252	2975	English	David	\$419.94	\$61.90	\$481.84	\$419.94	
253	3567	Ernst	William	\$2,071.00	\$305.27	\$2,376.27	\$3,661.62	\$1,590.62
254	3937	Esfarjany	Mahmood	\$61.93	\$9.13	\$71.06	\$61.93	
255	3689	Eshaghi	Mohammad	\$243.90	\$35.95	\$279.85	\$347.00	\$103.10
256	2865	Esser	David	\$57.32	\$8.45	\$65.77	\$57.32	
257	3889	Estrada	Michael	\$217.71	\$32.09	\$249.80	\$217.71	

	A	B	C	D	E	F	G	H
258	3628	Evans	Steven	\$23.51	\$3.46	\$26.97	\$23.51	
259	3703	Fadlallah	Michel	\$675.34	\$99.55	\$774.88	\$857.18	\$181.84
260	29981	Fair	Kirby	\$496.57	\$73.20	\$569.77	\$496.57	
261	3795	Farah	Yohannes	\$391.88	\$57.76	\$449.64	\$391.88	
262	2758	Feakes	Curtis	\$57.53	\$8.48	\$66.01	\$57.53	
263	2682	Fears	Thomas	\$4,474.10	\$659.50	\$5,133.60	\$5,067.14	\$593.04
264	3591	Feleke	Melak	\$979.78	\$144.42	\$1,124.20	\$1,190.60	\$210.82
265	3324	Ferrall	Edwin	\$240.80	\$35.49	\$276.29	\$240.80	
266	3549	Fesehazior	Teabe	\$2,143.08	\$315.90	\$2,458.98	\$2,702.14	\$559.06
267	111068	Filatov	Andrey	\$20.19	\$2.98	\$23.16	\$20.19	
268	3877	Filfel	Kamal	\$3,138.25	\$462.59	\$3,600.84	\$3,138.25	
269	3528	Fitz-Patrick	Michael	\$150.98	\$22.26	\$173.24	\$150.98	
270	109381	Fitzsimmon	Marc	\$327.92	\$48.34	\$376.25	\$327.92	
271	111729	Flanders	Mary	\$208.19	\$30.69	\$238.88	\$208.19	
272	3705	Fleming	Gary	\$3,227.44	\$475.74	\$3,703.17	\$4,079.24	\$851.80
273	2583	Foley	John	\$324.12	\$47.78	\$371.90	\$324.12	
274	3939	Ford	Todd	\$982.51	\$144.83	\$1,127.33	\$982.51	
275	3927	Fox	Gordon	\$258.33	\$38.08	\$296.41	\$258.33	
276	3860	Frankenbe	Grant	\$625.40	\$92.19	\$717.58	\$625.40	
277	2614	Franklin	David	\$530.60	\$78.21	\$608.81	\$530.60	
278	3196	Fredrickson	Steven	\$221.29	\$32.62	\$253.90	\$221.29	
279	3184	Friedman	Robert	\$384.78	\$56.72	\$441.50	\$384.78	
280	3774	Furst III	James	\$48.51	\$7.15	\$55.66	\$48.51	
281	107590	Galtieri	Frank	\$269.32	\$39.70	\$309.02	\$269.32	
282	2782	Garcia	John	\$10,117.38	\$1,491.34	\$11,608.72	\$10,275.94	\$158.56
283	3652	Garcia	Miguel	\$1,119.02	\$164.95	\$1,283.96	\$1,119.02	
284	3522	Gardea	Alfred	\$2,589.33	\$381.68	\$2,971.01	\$2,589.33	
285	3694	Gared	Yaekob	\$76.99	\$11.35	\$88.34	\$76.99	
286	3793	Garras	Bill	\$160.33	\$23.63	\$183.97	\$160.33	
287	26636	Garrett	Kathleen	\$20.07	\$2.96	\$23.03	\$20.07	
288	3642	Gaumont	Gerard	\$197.50	\$29.11	\$226.61	\$197.50	
289	3503	Gebrayes	Henock	\$582.20	\$85.82	\$668.02	\$582.20	
290	2870	Gebregiorg	Tewodros	\$57.35	\$8.45	\$65.81	\$57.35	

	A	B	C	D	E	F	G	H
291	3300	Gebrehan	Kebere	\$1,330.65	\$196.14	\$1,526.79	\$1,330.65	
292	3801	Gebremari	Meley	\$200.99	\$29.63	\$230.61	\$200.99	
293	3580	Gebreyes	Fanuel	\$513.28	\$75.66	\$588.93	\$933.43	\$420.15
294	3328	Gelane	Samuel	\$4,752.58	\$700.55	\$5,453.13	\$5,898.98	\$1,146.40
295	3589	Gessese	Worku	\$81.57	\$12.02	\$93.59	\$81.57	
296	3153	Getnet	Girma	\$151.67	\$22.36	\$174.03	\$151.67	
297	3865	Ghuri	Azhar	\$205.23	\$30.25	\$235.48	\$205.23	
298	3759	Gianopoul	Samuel	\$1,133.49	\$167.08	\$1,300.57	\$1,406.99	\$273.50
299	3016	Giatropoul	John	\$68.57	\$10.11	\$78.68	\$68.57	
300	3696	Gillett	David	\$519.94	\$76.64	\$596.58	\$1,435.64	\$915.70
301	3600	Gilmore	Paula	\$16.54	\$2.44	\$18.98	\$82.81	\$66.27
302	3924	Gilo	Hobart	\$645.59	\$95.16	\$740.75	\$645.59	
303	31076	Glaser	Stephen	\$153.87	\$22.68	\$176.55	\$153.87	
304	3121	Gleason	John	\$4,310.08	\$635.32	\$4,945.41	\$5,660.07	\$1,349.99
305	3540	Glogovac	Goran	\$1,243.82	\$183.34	\$1,427.16	\$1,792.54	\$548.72
306	3762	Godsey	Kelly	\$1,233.95	\$181.89	\$1,415.83	\$1,233.95	
307	3739	Godsey	Thomas	\$90.55	\$13.35	\$103.89	\$90.55	
308	106897	Goettsche	Dale	\$31.60	\$4.66	\$36.26	\$31.60	
309	2064	Gohlke	James	\$381.88	\$56.29	\$438.17	\$381.88	
310	31840	Gokcek	Guney	\$99.83	\$14.72	\$114.55	\$99.83	
311	3688	Golden	Theresa	\$686.85	\$101.24	\$788.10	\$686.85	
312	3538	Goldman	Kevin	\$334.92	\$49.37	\$384.28	\$334.92	
313	3646	Golla	Dawit	\$72.45	\$10.68	\$83.12	\$72.45	
314	3848	Gomez-Go	Arlene	\$138.32	\$20.39	\$158.70	\$138.32	
315	3903	Gonzalez	Luis	\$1,355.04	\$199.74	\$1,554.78	\$1,355.04	
316	3586	Gonzalez	Ramon	\$503.17	\$74.17	\$577.33	\$503.17	
317	111390	Gonzalez	Pedro	\$263.79	\$38.88	\$302.67	\$263.79	
318	3929	Gonzalez-F	Jose	\$178.96	\$26.38	\$205.34	\$178.96	
319	3794	Goolsby	Victor	\$933.19	\$137.56	\$1,070.74	\$933.19	
320	3391	Grafton	Natasha	\$2,352.74	\$346.80	\$2,699.54	\$2,352.74	
321	3219	Gramatiko	Petko	\$88.94	\$13.11	\$102.05	\$88.94	
322	24757	Granchelle	Andrew	\$700.68	\$103.28	\$803.96	\$700.68	
323	19253	Gray	Gary	\$3,124.58	\$460.58	\$3,585.16	\$3,790.84	\$666.26

	A	B	C	D	E	F	G	H
324	3197	Green	Tony	\$3,009.20	\$443.57	\$3,452.77	\$4,198.23	\$1,189.03
325	2755	Greever	Rickey	\$3,835.37	\$565.35	\$4,400.72	\$3,886.18	\$50.81
326	2843	Gregg	Gary	\$532.59	\$78.51	\$611.10	\$532.59	
327	2971	Gross	Timothy	\$1,831.66	\$269.99	\$2,101.65	\$1,831.66	
328	2868	Gross	Daniel	\$936.11	\$137.99	\$1,074.10	\$936.11	
329	3346	Gross	Mark	\$99.84	\$14.72	\$114.55	\$99.84	
330	2897	Gruttadauri	Martin	\$46.47	\$6.85	\$53.32	\$46.47	
331	18964	Guerrero	Daniel	\$1,211.23	\$178.54	\$1,389.76	\$1,211.23	
332	3655	Guinan	William	\$318.19	\$46.90	\$365.09	\$552.49	\$234.30
333	2832	Guinto	Philip	\$285.36	\$42.06	\$327.43	\$285.36	
334	3296	Gutierrez	Jose	\$196.73	\$29.00	\$225.73	\$196.73	
335	2841	Gutierrez	Michael	\$69.27	\$10.21	\$79.48	\$69.27	
336	3895	Gyuro	John	\$343.12	\$50.58	\$393.70	\$343.12	
337	103550	Habte	Amanuel	\$1,165.61	\$171.82	\$1,337.43	\$1,165.61	
338	3636	Habtom	Ermias	\$663.42	\$97.79	\$761.21	\$663.42	
339	3799	Hadley	Aaron	\$221.75	\$32.69	\$254.44	\$333.64	\$111.89
340	3827	Haigh III	Walter	\$202.61	\$29.87	\$232.48	\$202.61	
341	2619	Haley	Thomas	\$157.70	\$23.25	\$180.94	\$157.70	
342	111568	Hammoud	Wissam	\$618.64	\$91.19	\$709.83	\$618.64	
343	21446	Handlon	Michael	\$649.91	\$95.80	\$745.71	\$649.91	
344	2571	Hanley	David	\$188.29	\$27.75	\$216.04	\$188.29	
345	3734	Hanna	Christopher	\$353.39	\$52.09	\$405.48	\$353.39	
346	3402	Hansen	Jordan	\$1,997.58	\$294.45	\$2,292.03	\$2,169.31	\$171.73
347	2695	Hansen	Diana	\$104.28	\$15.37	\$119.66	\$104.28	
348	29609	Haralambc	Valko	\$260.48	\$38.40	\$298.88	\$260.48	
349	3519	Harms	Michael	\$1,568.25	\$231.17	\$1,799.42	\$1,568.25	
350	3761	Harrell	Mark	\$1,070.06	\$157.73	\$1,227.79	\$1,484.83	\$414.77
351	3855	Harris	Dennis	\$2,455.84	\$362.00	\$2,817.84	\$2,846.89	\$391.05
352	2564	Harris	Jay	\$1,894.66	\$279.28	\$2,173.95	\$2,053.65	\$158.99
353	3811	Harris III	Reggie	\$19.13	\$2.82	\$21.95	\$19.13	
354	3941	Harrison	Andrew	\$297.76	\$43.89	\$341.65	\$297.76	
355	24039	Hart	Brandi	\$162.45	\$23.95	\$186.40	\$162.45	
356	3656	Harun	Idris	\$114.58	\$16.89	\$131.47	\$114.58	

	A	B	C	D	E	F	G	H
357	3515	Hasen	Akmel	\$483.59	\$71.28	\$554.87	\$557.40	\$73.81
358	3742	Haskell	William	\$3,803.40	\$560.64	\$4,364.03	\$4,896.30	\$1,092.90
359	2206	Hay	Mark	\$3,837.98	\$565.73	\$4,403.72	\$3,837.98	
360	3808	Hays	Larry	\$2,054.93	\$302.91	\$2,357.84	\$2,293.24	\$238.31
361	109457	Hearne	Stephen	\$188.99	\$27.86	\$216.85	\$188.99	
362	110194	Henderson	Lloyd	\$467.13	\$68.86	\$535.98	\$467.13	
363	3933	Hendricks	Mark	\$352.95	\$52.03	\$404.97	\$352.95	
364	3634	Herbert	Christopher	\$1,177.50	\$173.57	\$1,351.06	\$1,177.50	
365	3763	Herga	Ryan	\$299.22	\$44.11	\$343.32	\$408.57	\$109.35
366	3283	Hernandez	Luis	\$1,247.20	\$183.84	\$1,431.04	\$1,247.20	
367	3094	Hernandez	Norberto	\$608.82	\$89.74	\$698.56	\$608.82	
368	101555	Hernandez	Rene	\$272.18	\$40.12	\$312.30	\$272.18	
369	107072	Hernandez	Amilcar	\$219.91	\$32.42	\$252.33	\$219.91	
370	3100	Hilbert	Edward	\$1,307.11	\$192.67	\$1,499.78	\$1,307.11	
371	112038	Hill	Douglas	\$294.63	\$43.43	\$338.06	\$294.63	
372	2913	Hill	Fred	\$165.97	\$24.46	\$190.43	\$165.97	
373	109792	Hinds	Monroe	\$304.22	\$44.84	\$349.06	\$304.22	
374	2097	Hinks	Dana	\$970.54	\$143.06	\$1,113.61	\$1,119.76	\$149.22
375	3765	Hirsi	Kamal	\$533.66	\$78.66	\$612.33	\$533.66	
376	2464	Hodge	Lee	\$1,173.17	\$172.93	\$1,346.10	\$1,173.17	
377	2490	Hoffman	Gery	\$30.38	\$4.48	\$34.86	\$30.38	
378	2017	Holcomb	Dalton	\$1,162.76	\$171.40	\$1,334.16	\$1,162.76	
379	3864	Holler	Alfonso	\$491.70	\$72.48	\$564.18	\$586.05	\$94.35
380	3809	Hollis	James	\$92.91	\$13.70	\$106.61	\$252.73	\$159.82
381	3509	Holloway	Maynard	\$94.89	\$13.99	\$108.88	\$94.89	
382	3822	Holt	John	\$2,920.16	\$430.44	\$3,350.60	\$2,920.16	
383	3653	Hooper	Donald	\$528.58	\$77.92	\$606.50	\$709.80	\$181.22
384	3026	Hoopes	Bryant	\$110.98	\$16.36	\$127.33	\$110.98	
385	2022	Hopkins	Robert	\$191.91	\$28.29	\$220.20	\$191.91	
386	3607	Hoschouer	Christina	\$1,321.54	\$194.80	\$1,516.33	\$1,321.54	
387	109584	Hosley	Tracie	\$185.20	\$27.30	\$212.50	\$185.20	
388	2560	Houlihan	Beth	\$59.77	\$8.81	\$68.57	\$59.77	
389	2191	Howard	Robert	\$658.09	\$97.01	\$755.10	\$658.09	

	A	B	C	D	E	F	G	H
390	2863	Howard	Thomas	\$325.57	\$47.99	\$373.56	\$325.57	
391	31648	Hu	Karl	\$137.49	\$20.27	\$157.76	\$137.49	
392	3849	Huerena	Samuel	\$51.18	\$7.54	\$58.72	\$51.18	
393	2289	Huffman	Britton	\$1,911.79	\$281.81	\$2,193.60	\$1,911.79	
394	2400	Hughes	Jerry	\$2,720.00	\$400.94	\$3,120.94	\$4,056.02	\$1,336.02
395	3780	Hunter	James	\$320.69	\$47.27	\$367.96	\$320.69	
396	3120	Huntington	Walter	\$1,078.23	\$158.94	\$1,237.17	\$1,078.23	
397	27788	Hurd	Donald	\$1,527.27	\$225.13	\$1,752.39	\$1,786.78	\$259.51
398	3782	Hurley	Robert	\$246.55	\$36.34	\$282.89	\$246.55	
399	2751	Hurtado	Hubert	\$6,197.96	\$913.61	\$7,111.57	\$6,197.96	
400	3835	Hussien	Leykun	\$568.36	\$83.78	\$652.14	\$568.36	
401	3529	Hyman	Irving	\$56.35	\$8.31	\$64.65	\$56.35	
402	17189	Imran	Muhammad	\$104.12	\$15.35	\$119.46	\$104.12	
403	3187	Isaac	Edsel	\$263.62	\$38.86	\$302.48	\$263.62	
404	108273	Isanan	Claro	\$199.02	\$29.34	\$228.35	\$199.02	
405	107191	Ivanov	Yordan	\$74.55	\$10.99	\$85.54	\$74.55	
406	2114	Ivey	Timothy	\$1,046.55	\$154.27	\$1,200.82	\$1,505.32	\$458.77
407	108839	Jackson	Frederick	\$2,776.86	\$409.32	\$3,186.18	\$3,154.65	\$377.79
408	3701	Jackson	Willie	\$2,678.80	\$394.87	\$3,073.67	\$3,577.43	\$898.63
409	3928	Jackson	Anthony	\$495.57	\$73.05	\$568.62	\$495.57	
410	107992	Jacobi	Donald	\$1,157.97	\$170.69	\$1,328.66	\$1,157.97	
411	20466	Jafarian	Moharram	\$13.55	\$2.00	\$15.55	\$13.55	
412	3020	Jarmosco	John	\$54.71	\$8.07	\$62.78	\$224.90	\$170.19
413	2483	Javelona	Mario	\$3,199.71	\$471.65	\$3,671.36	\$3,199.71	
414	2412	Jelancic	Vladko	\$1,366.25	\$201.39	\$1,567.64	\$1,773.01	\$406.76
415	3851	Jellison	Charles	\$327.35	\$48.25	\$375.60	\$513.14	\$185.79
416	2083	Jennings	Stanley	\$331.46	\$48.86	\$380.32	\$331.46	
417	3315	Jimenez	Michael	\$3,308.60	\$487.70	\$3,796.31	\$3,504.64	\$196.04
418	3109	Jin	Casey	\$2,255.12	\$332.41	\$2,587.54	\$2,255.12	
419	3151	Johnson	Kennard	\$1,657.18	\$244.28	\$1,901.46	\$2,649.47	\$992.29
420	3602	Johnson	Tony	\$377.73	\$55.68	\$433.41	\$377.73	
421	3844	Johnson	Richard	\$162.40	\$23.94	\$186.34	\$162.40	
422	3898	Johnson	Cary	\$91.90	\$13.55	\$105.44	\$91.90	

	A	B	C	D	E	F	G	H
423	3539	Johnson	Brian	\$81.93	\$12.08	\$94.00	\$81.93	
424	2127	Johnson	Rodney	\$44.73	\$6.59	\$51.32	\$206.39	\$161.66
425	2253	Jones	Glenn	\$3,712.11	\$547.18	\$4,259.29	\$4,106.08	\$393.97
426	2639	Jones	James	\$247.93	\$36.55	\$284.48	\$247.93	
427	1058	Jones	Doug	\$223.09	\$32.88	\$255.98	\$223.09	
428	3784	Joseph	Leroy	\$2,440.47	\$359.74	\$2,800.21	\$2,570.69	\$130.22
429	3239	Joseph	Loradel	\$172.42	\$25.41	\$197.83	\$172.42	
430	2849	Justice	Jason	\$479.91	\$70.74	\$550.65	\$479.91	
431	3919	Kabbaz	David	\$76.92	\$11.34	\$88.26	\$76.92	
432	111813	Kadir	Tura	\$23.88	\$3.52	\$27.39	\$23.88	
433	106642	Kadri	Abdelkrim	\$10.24	\$1.51	\$11.75	\$10.24	
434	3772	Kaiyooraw	Chaipan	\$3,065.66	\$451.89	\$3,517.55	\$3,065.66	
435	101942	Kalimba	Gaston	\$530.48	\$78.19	\$608.67	\$530.48	
436	29542	Kang	Chong	\$219.01	\$32.28	\$251.30	\$219.01	
437	3631	Karner	Adam	\$873.51	\$128.76	\$1,002.27	\$1,141.88	\$268.37
438	3819	Keba	Woldmarim	\$569.14	\$83.89	\$653.03	\$998.90	\$429.76
439	3303	Keber	Yilma	\$116.56	\$17.18	\$133.74	\$116.56	
440	2482	Keith	Marcus	\$190.51	\$28.08	\$218.60	\$190.51	
441	106153	Keller	Roger	\$390.90	\$57.62	\$448.52	\$390.90	
442	3531	Kelley	Jared	\$253.10	\$37.31	\$290.41	\$253.10	
443	2736	Kenary	Brian	\$3,450.45	\$508.61	\$3,959.06	\$4,804.46	\$1,354.01
444	3484	Kern	Gary	\$9,231.17	\$1,360.71	\$10,591.89	\$10,171.83	\$940.66
445	3637	Key	Roy	\$174.71	\$25.75	\$200.46	\$174.71	
446	3651	Khan	Zaka	\$53.04	\$7.82	\$60.86	\$53.04	
447	105794	Kimler	Ryan	\$198.87	\$29.31	\$228.19	\$198.87	
448	3798	King Jr.	John	\$115.51	\$17.03	\$132.54	\$179.87	\$64.36
449	2901	Kingsley	David	\$49.73	\$7.33	\$57.06	\$49.73	
450	111283	Kissel	Sean	\$51.23	\$7.55	\$58.78	\$51.23	
451	3893	Klein	Phillip	\$3,633.02	\$535.52	\$4,168.54	\$3,633.02	
452	3837	Knight	Tyree	\$262.37	\$38.67	\$301.04	\$262.37	
453	3215	Koch	Frederick	\$379.05	\$55.87	\$434.93	\$379.05	
454	3630	Kogan	Martin	\$6,773.74	\$998.48	\$7,772.22	\$7,609.17	\$835.43
455	3273	Kolasienksi	Aemon	\$595.28	\$87.75	\$683.03	\$595.28	

	A	B	C	D	E	F	G	H
456	2789	Krouse	Stephen	\$906.46	\$133.62	\$1,040.07	\$1,187.50	\$281.04
457	103826	Kull Jr.	William	\$135.94	\$20.04	\$155.98	\$135.94	
458	3662	Kunik	Robert	\$301.44	\$44.43	\$345.87	\$301.44	
459	3878	Laico	Paul	\$102.52	\$15.11	\$117.63	\$102.52	
460	111231	Lant	Mark	\$694.00	\$102.30	\$796.29	\$694.00	
461	3535	Lantis	Glen	\$1,045.93	\$154.17	\$1,200.10	\$1,045.93	
462	3435	Laspada	Brian	\$746.94	\$110.10	\$857.04	\$746.94	
463	25362	Lathan	Joseph	\$269.57	\$39.73	\$309.30	\$269.57	
464	111290	Lay	Gilbert	\$139.80	\$20.61	\$160.40	\$139.80	
465	3013	Lazarov	Vasilije	\$205.51	\$30.29	\$235.80	\$205.51	
466	1053	Leacock	Brian	\$1,191.71	\$175.66	\$1,367.37	\$2,396.09	\$1,204.38
467	3685	Leal	Jill	\$2,181.82	\$321.61	\$2,503.43	\$2,592.70	\$410.88
468	2635	Ledbetter	Ernest	\$11.17	\$1.65	\$12.81	\$11.17	
469	3702	Lee	Thomas	\$2,952.81	\$435.26	\$3,388.06	\$2,952.81	
470	18960	Lee	Melvin	\$469.33	\$69.18	\$538.51	\$469.33	
471	3159	Lefevre	Stephen	\$405.67	\$59.80	\$465.47	\$405.67	
472	3666	Legesse	Dereje	\$555.76	\$81.92	\$637.68	\$776.75	\$220.99
473	2160	Leonardo	Vito	\$1,567.29	\$231.02	\$1,798.31	\$1,567.29	
474	3816	Ligus	Thomas	\$219.63	\$32.37	\$252.01	\$219.63	
475	25522	Link	Peter	\$1,068.46	\$157.50	\$1,225.96	\$1,372.28	\$303.82
476	3681	Linzer	Steven	\$42.56	\$6.27	\$48.83	\$42.56	
477	15804	Little	Dennis	\$742.99	\$109.52	\$852.50	\$1,016.34	\$273.35
478	3267	Liu	David	\$181.81	\$26.80	\$208.61	\$181.81	
479	3510	Lloyd	Mark	\$30.64	\$4.52	\$35.15	\$30.64	
480	3945	Lombana	Francisco	\$51.80	\$7.63	\$59.43	\$51.80	
481	3858	Lonbani	Khosro	\$607.51	\$89.55	\$697.06	\$829.71	\$222.20
482	111405	Lopez-Silve	Fidel	\$81.02	\$11.94	\$92.96	\$81.02	
483	3752	Lorenz	Dierdra	\$866.03	\$127.66	\$993.69	\$866.03	
484	3813	Lovelady	Warren	\$11.90	\$1.75	\$13.65	\$11.90	
485	2963	Lovett	Patrick	\$598.72	\$88.25	\$686.98	\$598.72	
486	1065	Lovin	Charles	\$247.32	\$36.46	\$283.77	\$422.42	\$175.10
487	3295	Lowe	John	\$767.67	\$113.16	\$880.82	\$767.67	
488	3006	Loyd	Gary	\$3,050.25	\$449.62	\$3,499.87	\$3,050.25	

	A	B	C	D	E	F	G	H
489	3326	Lucero	Arturo	\$1,825.80	\$269.13	\$2,094.93	\$1,825.80	
490	3339	Luo	Yue	\$490.93	\$72.36	\$563.29	\$490.93	
491	3778	Macato	Jaime	\$2,456.61	\$362.11	\$2,818.73	\$2,859.72	\$403.11
492	20936	Madi	Adam	\$137.47	\$20.26	\$157.74	\$137.47	
493	24918	Magana	Luis	\$565.73	\$83.39	\$649.12	\$749.60	\$183.87
494	3224	Magazin	Milorad	\$33.12	\$4.88	\$38.00	\$33.12	
495	107940	Maharit	Khamkhung	\$63.98	\$9.43	\$73.41	\$63.98	
496	2912	Mahmud	Omar	\$2,459.87	\$362.59	\$2,822.46	\$2,459.87	
497	2738	Mahoney	Kevin	\$638.30	\$94.09	\$732.39	\$638.30	
498	3096	Mainwarin	David	\$4,352.12	\$641.52	\$4,993.64	\$4,352.12	
499	2757	Majors	John	\$10,258.22	\$1,512.10	\$11,770.32	\$10,258.22	
500	3312	Mandefro	Nebiyu	\$1,046.39	\$154.24	\$1,200.63	\$1,046.39	
501	22809	Manitien	Ted	\$13.83	\$2.04	\$15.87	\$13.83	
502	3890	Manor	Quincy	\$1,366.55	\$201.44	\$1,567.99	\$1,544.98	\$178.43
503	3583	Maras	Maria	\$2,195.44	\$323.62	\$2,519.05	\$2,614.23	\$418.79
504	110053	Martinez	Francisco	\$1,713.26	\$252.54	\$1,965.80	\$1,713.26	
505	106666	Martinez	Arturo	\$63.48	\$9.36	\$72.83	\$63.48	
506	3866	Martinez-F	Eduardo	\$757.35	\$111.64	\$868.98	\$1,043.05	\$285.70
507	100287	Martins	Julio	\$298.27	\$43.97	\$342.24	\$298.27	
508	1033	Masetta	Ronald	\$593.06	\$87.42	\$680.48	\$593.06	
509	3088	Massey	Michael	\$752.45	\$110.91	\$863.36	\$752.45	
510	3325	Mastilovic	Branislav	\$296.04	\$43.64	\$339.68	\$296.04	
511	3698	Mastrio	Angelo	\$287.39	\$42.36	\$329.75	\$287.39	
512	110618	Mastrio	Pamela	\$234.23	\$34.53	\$268.76	\$234.23	
513	110108	Mathis	George	\$297.42	\$43.84	\$341.26	\$297.42	
514	3669	Maza	Inez	\$349.93	\$51.58	\$401.51	\$349.93	
515	111284	McCall	Melvin	\$169.85	\$25.04	\$194.88	\$169.85	
516	111199	McCarroll-	Claudia	\$17.52	\$2.58	\$20.11	\$17.52	
517	2587	McCarter	Patrick	\$3,774.48	\$556.37	\$4,330.85	\$3,893.89	\$119.41
518	3690	McCarthy	John	\$3,474.77	\$512.20	\$3,986.97	\$4,182.28	\$707.51
519	3654	McConnell	Therral	\$873.55	\$128.77	\$1,002.32	\$873.55	
520	3743	McCoubre	Earl	\$1,347.94	\$198.69	\$1,546.63	\$1,347.94	
521	107427	McDougle	Jeffrey	\$124.87	\$18.41	\$143.27	\$124.87	

	A	B	C	D	E	F	G	H
522	3111	McGarry	James	\$1,615.01	\$238.06	\$1,853.07	\$1,615.01	
523	3745	McGowan	Sean	\$228.69	\$33.71	\$262.40	\$228.69	
524	3547	McGregor	Matthew	\$1,725.05	\$254.28	\$1,979.33	\$1,725.05	
525	2178	McIntyre	Kelly	\$1,180.66	\$174.03	\$1,354.69	\$1,180.66	
526	3722	McNeece	James	\$147.35	\$21.72	\$169.07	\$147.35	
527	25641	McSkimmi	John	\$901.92	\$132.95	\$1,034.87	\$901.92	
528	2054	Mears	John	\$22.75	\$3.35	\$26.11	\$22.75	
529	3098	Medlock	Michael	\$93.32	\$13.76	\$107.08	\$93.32	
530	3345	Mekonen	Solomon	\$557.43	\$82.17	\$639.60	\$557.43	
531	3066	Melesse	Abebe	\$529.55	\$78.06	\$607.60	\$529.55	
532	3665	Melka	Tariku	\$27.31	\$4.03	\$31.34	\$27.31	
533	2596	Meloro	Paul	\$4,927.61	\$726.35	\$5,653.96	\$5,177.64	\$250.03
534	3262	Mengesha	Alemayehu	\$521.70	\$76.90	\$598.60	\$861.06	\$339.36
535	3568	Menocal	Pedro	\$1,029.70	\$151.78	\$1,181.48	\$1,029.70	
536	2838	Mersal	Beth	\$2,597.07	\$382.82	\$2,979.89	\$2,597.07	
537	102328	Meyer	Ronald	\$53.72	\$7.92	\$61.64	\$53.72	
538	26609	Mezzenasc	Pedro	\$1,317.06	\$194.14	\$1,511.19	\$1,523.84	\$206.78
539	3542	Michaels	Terry	\$110.59	\$16.30	\$126.89	\$110.59	
540	110334	Michilena	Luis	\$66.26	\$9.77	\$76.03	\$66.26	
541	2959	Miller	Darryl	\$5,060.89	\$746.00	\$5,806.88	\$5,060.89	
542	30196	Miller	Jason	\$983.37	\$144.95	\$1,128.32	\$983.37	
543	3275	Miller	John	\$472.50	\$69.65	\$542.15	\$472.50	
544	22514	Miller	Michelle	\$88.70	\$13.08	\$101.78	\$88.70	
545	2875	Miller	Florence	\$87.31	\$12.87	\$100.17	\$87.31	
546	17855	Milliron	Darrol	\$2,152.74	\$317.32	\$2,470.06	\$3,924.93	\$1,772.19
547	3314	Milton	Shawn	\$959.25	\$141.40	\$1,100.64	\$959.25	
548	3620	Mindyas	James	\$579.57	\$85.43	\$665.00	\$855.65	\$276.08
549	3904	Mirkulovsk	Danny	\$550.09	\$81.09	\$631.18	\$550.09	
550	2933	Mitchell	Jimmy	\$4,570.58	\$673.72	\$5,244.30	\$4,570.58	
551	31966	Mitrikov	Ilko	\$2,230.42	\$328.77	\$2,559.19	\$2,414.03	\$183.61
552	104887	Miyazaki	Nisaburo	\$912.41	\$134.49	\$1,046.90	\$912.41	
553	2759	Moffett	Larry	\$1,118.37	\$164.85	\$1,283.23	\$1,118.37	
554	3317	Mogeeth	Ehab	\$323.43	\$47.67	\$371.10	\$323.43	

	A	B	C	D	E	F	G	H
555	3318	Mohr	Donald	\$135.02	\$19.90	\$154.92	\$135.02	
556	105284	Monforte	Peter	\$5,074.87	\$748.06	\$5,822.92	\$5,074.87	
557	3882	Monteagu	Oscar	\$937.81	\$138.24	\$1,076.04	\$937.81	
558	3735	Montoya V	Francisco	\$551.62	\$81.31	\$632.93	\$1,112.68	\$561.06
559	30777	Moore	Jimmy	\$1,597.64	\$235.50	\$1,833.13	\$1,597.64	
560	2110	Moore	Jerry	\$1,429.18	\$210.67	\$1,639.85	\$1,471.54	\$42.36
561	3913	Moore	Aileen-Louise	\$328.57	\$48.43	\$377.01	\$328.57	
562	3664	Moreno	James	\$4,373.10	\$644.61	\$5,017.71	\$5,220.56	\$847.46
563	3626	Moretti	Bryan	\$1,422.89	\$209.74	\$1,632.63	\$1,422.89	
564	3411	Morley	David	\$1,407.06	\$207.41	\$1,614.46	\$1,610.99	\$203.93
565	8321	Morris	Thomas	\$4,599.67	\$678.01	\$5,277.68	\$4,599.67	
566	2162	Morris	Robert	\$2,890.99	\$426.14	\$3,317.13	\$2,890.99	
567	106703	Mosely	David	\$1,143.38	\$168.54	\$1,311.92	\$1,143.38	
568	3282	Mosley	Rory	\$177.21	\$26.12	\$203.33	\$177.21	
569	3785	Mostafa	Ahmed	\$500.20	\$73.73	\$573.93	\$500.20	
570	28917	Motazedi	Kamran	\$181.66	\$26.78	\$208.44	\$181.66	
571	27059	Mottaghia	Joseph	\$30.98	\$4.57	\$35.54	\$30.98	
572	107704	Muhtari	Abdulrahman	\$615.74	\$90.76	\$706.50	\$615.74	
573	3518	Muldoon	Thomas	\$345.81	\$50.97	\$396.78	\$345.81	
574	2735	Mumma	Donald	\$388.18	\$57.22	\$445.40	\$388.18	
575	3847	Murawski	Richard	\$1,593.10	\$234.83	\$1,827.93	\$1,593.10	
576	2018	Murray	MichaelP	\$4,393.97	\$647.69	\$5,041.65	\$4,393.97	
577	2642	Murray	MichaelJ	\$2,654.68	\$391.31	\$3,045.99	\$2,654.68	
578	2018	Murray	Michael P.	\$770.33	\$113.55	\$883.88	\$770.33	
579	2717	Murray	Melinda	\$523.81	\$77.21	\$601.02	\$523.81	
580	3856	Murray	Mark	\$23.74	\$3.50	\$27.24	\$23.74	
581	3255	Mutia	Junno	\$173.69	\$25.60	\$199.29	\$173.69	
582	107440	Nantista	Peter	\$212.28	\$31.29	\$243.57	\$212.28	
583	3859	Nazarov	Mikael	\$2,455.84	\$362.00	\$2,817.84	\$2,736.49	\$280.65
584	3804	Ndichu	Simon	\$366.18	\$53.98	\$420.16	\$366.18	
585	102656	Nedyalkov	Atanas	\$321.59	\$47.40	\$369.00	\$321.59	
586	3530	Negashe	Legesse	\$1,456.47	\$214.69	\$1,671.16	\$1,792.40	\$335.93
587	3335	Negussie	Berhanu	\$177.66	\$26.19	\$203.85	\$177.66	

	A	B	C	D	E	F	G	H
588	111494	Nemeth	Zoltan	\$353.54	\$52.11	\$405.65	\$353.54	
589	25190	Ngo	Tuan	\$1,607.52	\$236.95	\$1,844.47	\$1,607.52	
590	3545	Nichols	Keith	\$937.37	\$138.17	\$1,075.54	\$937.37	
591	2990	Nick	Harry	\$1,427.52	\$210.42	\$1,637.94	\$1,427.52	
592	1098	Nicol	Thaddeus	\$2,390.59	\$352.38	\$2,742.98	\$2,390.59	
593	3122	Niculescu	Adrian	\$1,081.63	\$159.44	\$1,241.06	\$1,081.63	
594	3823	Nigussie	Gulilat	\$480.17	\$70.78	\$550.95	\$620.79	\$140.62
595	3000	Nolan	Jeffrey	\$455.61	\$67.16	\$522.77	\$455.61	
596	28989	Nolan	Eamonn	\$107.87	\$15.90	\$123.77	\$107.87	
597	3639	Norberg	Christopher	\$919.23	\$135.50	\$1,054.73	\$996.85	\$77.62
598	3876	Norvell	Chris	\$4,691.89	\$691.60	\$5,383.49	\$4,691.89	
599	2713	Novaky	Adam	\$811.29	\$119.59	\$930.88	\$811.29	
600	3841	Ocampo	Leonardo	\$882.56	\$130.09	\$1,012.66	\$967.99	\$85.43
601	30295	Ogbazghi	Dawit	\$489.50	\$72.15	\$561.65	\$1,075.06	\$585.56
602	109172	O'Grady	Francis	\$404.46	\$59.62	\$464.08	\$404.46	
603	3836	Ohlson	Ryan	\$752.25	\$110.89	\$863.14	\$924.94	\$172.69
604	3753	Olen	Virginia	\$2,224.07	\$327.84	\$2,551.91	\$2,224.07	
605	3748	Oliveros	Mario	\$671.02	\$98.91	\$769.93	\$671.02	
606	3868	Olson	Eric	\$514.53	\$75.84	\$590.38	\$514.53	
607	3271	O'Neill	Terry	\$84.85	\$12.51	\$97.35	\$84.85	
608	3644	Ontura	Tesfalem	\$259.20	\$38.21	\$297.41	\$259.20	
609	3308	Orellana	Byron	\$829.67	\$122.30	\$951.96	\$829.67	
610	3934	Orr	Mark	\$147.62	\$21.76	\$169.38	\$147.62	
611	3863	Ortega	Saul	\$439.49	\$64.78	\$504.27	\$439.49	
612	104938	Ortega	Paul	\$47.24	\$6.96	\$54.20	\$47.24	
613	3894	O'Shea	Kevin	\$163.81	\$24.15	\$187.96	\$163.81	
614	25832	Osterman	Victor	\$209.00	\$30.81	\$239.81	\$683.24	\$474.24
615	3783	Overson	Michael	\$636.00	\$93.75	\$729.74	\$636.00	
616	3789	Oyebade	Vincent	\$116.31	\$17.14	\$133.45	\$116.31	
617	3717	Ozgulgec	Tunc	\$1,477.21	\$217.75	\$1,694.95	\$1,626.46	\$149.25
618	3618	Pak	Kon	\$374.87	\$55.26	\$430.13	\$374.87	
619	3099	Pannell	Norbert	\$167.92	\$24.75	\$192.68	\$167.92	
620	106025	Paone	Chris	\$1,093.84	\$161.24	\$1,255.08	\$1,093.84	

	A	B	C	D	E	F	G	H
621	2810	Paranhos	Eurico	\$1,750.43	\$258.02	\$2,008.45	\$1,750.43	
622	3597	Pariso	David	\$4,792.27	\$706.40	\$5,498.67	\$5,508.79	\$716.52
623	109637	Park	Danny	\$38.85	\$5.73	\$44.58	\$38.85	
624	16676	Parker	Gary	\$1,387.79	\$204.57	\$1,592.35	\$1,387.79	
625	3750	Parker	Shawnette	\$481.18	\$70.93	\$552.10	\$713.53	\$232.35
626	3884	Parmenter	William	\$1,713.94	\$252.64	\$1,966.58	\$1,713.94	
627	3659	Paros	Nicholas	\$14.71	\$2.17	\$16.88	\$14.71	
628	19858	Passera	Charles	\$65.93	\$9.72	\$75.64	\$65.93	
629	3624	Patry	Michael	\$2,186.37	\$322.28	\$2,508.64	\$2,583.67	\$397.30
630	2647	Patterson	Robert	\$489.44	\$72.15	\$561.59	\$489.44	
631	3932	Patton	Dorothy	\$43.03	\$6.34	\$49.37	\$43.03	
632	112811	Peace	Kimberly	\$241.57	\$35.61	\$277.18	\$241.57	
633	29536	Peacock	Paula	\$118.57	\$17.48	\$136.04	\$118.57	
634	3806	Pearson	Jon	\$988.94	\$145.77	\$1,134.71	\$1,150.94	\$162.00
635	31112	Peer	Yuda	\$1,613.84	\$237.89	\$1,851.73	\$1,613.84	
636	3396	Penera	Eric	\$143.90	\$21.21	\$165.11	\$298.45	\$154.55
637	2776	Pepitone	Leonard	\$1,687.56	\$248.75	\$1,936.31	\$1,687.56	
638	3834	Perrotti	Dominic	\$343.23	\$50.59	\$393.82	\$421.61	\$78.38
639	111257	Petculescu	Ciprian	\$28.97	\$4.27	\$33.24	\$28.97	
640	1076	Peterson	Steven	\$3,638.58	\$536.34	\$4,174.92	\$3,638.58	
641	15968	Peterson	Kenneth	\$978.12	\$144.18	\$1,122.30	\$978.12	
642	3736	Petrie	Theodore	\$49.32	\$7.27	\$56.59	\$49.32	
643	3740	Petrossian	Robert	\$678.86	\$100.07	\$778.92	\$678.86	
644	2440	Pettaway	Marvin	\$589.60	\$86.91	\$676.51	\$589.60	
645	2473	Phillips	Gordon	\$3,008.26	\$443.43	\$3,451.69	\$3,008.26	
646	106089	Phillips	Larry	\$881.80	\$129.98	\$1,011.78	\$881.80	
647	3281	Phonesava	Paul	\$1,217.26	\$179.43	\$1,396.68	\$1,217.26	
648	3523	Pilkington	Margaret	\$2,165.08	\$319.14	\$2,484.22	\$2,988.83	\$823.75
649	107617	Pineda	Carlos	\$2,994.17	\$441.35	\$3,435.52	\$2,994.17	
650	2826	Pitts	Amir	\$967.07	\$142.55	\$1,109.62	\$1,202.20	\$235.13
651	2407	Platania	John	\$556.69	\$82.06	\$638.75	\$1,038.00	\$481.31
652	3265	Pletz	David	\$4,184.29	\$616.78	\$4,801.08	\$5,203.24	\$1,018.95
653	3647	Pohl	Daniel	\$186.19	\$27.45	\$213.64	\$186.19	

	A	B	C	D	E	F	G	H
654	26679	Polchinski	Paul	\$111.37	\$16.42	\$127.78	\$111.37	
655	3017	Polk	Craig	\$96.33	\$14.20	\$110.53	\$96.33	
656	31149	Pony	David	\$51.52	\$7.59	\$59.11	\$51.52	
657	3563	Portillo	Mario	\$593.50	\$87.48	\$680.98	\$593.50	
658	3287	Portillo-Sai	Carlos	\$417.87	\$61.60	\$479.46	\$417.87	
659	1030	Poulton	Todd	\$11.77	\$1.73	\$13.50	\$11.77	
660	3129	Povolotsky	Anatoly	\$227.53	\$33.54	\$261.07	\$227.53	
661	3152	Prather	Robert	\$445.01	\$65.60	\$510.60	\$445.01	
662	3201	Presnall	Darryl	\$2,341.64	\$345.17	\$2,686.80	\$2,471.47	\$129.83
663	2568	Price	James	\$3,555.64	\$524.12	\$4,079.75	\$5,036.02	\$1,480.38
664	3800	Price	Allen	\$630.95	\$93.00	\$723.95	\$630.95	
665	3449	Prifti	Ilia	\$418.70	\$61.72	\$480.42	\$418.70	
666	26363	Punzalan	Luciano	\$236.08	\$34.80	\$270.87	\$236.08	
667	3687	Purdue	Robert	\$210.21	\$30.99	\$241.20	\$312.22	\$102.01
668	2122	Purvis	James	\$58.24	\$8.58	\$66.83	\$58.24	
669	3556	Pyles	Joseph	\$682.49	\$100.60	\$783.09	\$682.49	
670	3307	Qian	Jie	\$376.94	\$55.56	\$432.51	\$376.94	
671	3002	Rabara	Antino	\$698.55	\$102.97	\$801.52	\$698.55	
672	107548	Rainey	James	\$219.28	\$32.32	\$251.60	\$219.28	
673	3883	Ramirez	Erney	\$760.59	\$112.11	\$872.70	\$760.59	
674	2180	Ramos	Lawrence	\$122.19	\$18.01	\$140.20	\$122.19	
675	3085	Ramsey	Gary	\$1,312.85	\$193.52	\$1,506.37	\$1,312.85	
676	3525	Rasheed	Willie	\$4,450.03	\$655.95	\$5,105.98	\$4,450.03	
677	3812	Ray	William	\$12.61	\$1.86	\$14.47	\$12.61	
678	2857	Reevell	Jeffrey	\$15.47	\$2.28	\$17.75	\$15.47	
679	108758	Regans	Mark	\$379.98	\$56.01	\$435.99	\$379.98	
680	2805	Reina	Linda	\$77.46	\$11.42	\$88.88	\$77.46	
681	2237	Relopez	Craig	\$2,166.42	\$319.34	\$2,485.76	\$2,933.59	\$767.17
682	3544	Reno	Michael	\$4,966.19	\$732.04	\$5,698.22	\$4,966.19	
683	2266	Reynolds	James	\$289.68	\$42.70	\$332.38	\$289.68	
684	14261	Riipi	Karl	\$126.47	\$18.64	\$145.11	\$126.47	
685	109502	Rios-Lopez	Oscar	\$189.76	\$27.97	\$217.73	\$189.76	
686	107701	Risby	Clifford	\$1,060.42	\$156.31	\$1,216.73	\$1,060.42	

	A	B	C	D	E	F	G	H
687	111756	Risco	Pedro	\$554.56	\$81.74	\$636.30	\$554.56	
688	3191	Rivas	Victor	\$1,763.13	\$259.89	\$2,023.03	\$1,763.13	
689	104109	Rivero-Ver	Raul	\$288.88	\$42.58	\$331.46	\$288.88	
690	101317	Rivers	Willie	\$642.53	\$94.71	\$737.24	\$642.53	
691	3575	Roach	Jayson	\$665.36	\$98.08	\$763.44	\$665.36	
692	3305	Roberson	Ronnie	\$108.61	\$16.01	\$124.61	\$108.61	
693	2842	Roberts	James	\$1,756.75	\$258.95	\$2,015.70	\$1,756.75	
694	104171	Robinson	Mikalani	\$398.94	\$58.81	\$457.75	\$398.94	
695	3526	Robinson	William	\$383.59	\$56.54	\$440.14	\$383.59	
696	3629	Robles	Mark	\$49.78	\$7.34	\$57.11	\$49.78	
697	3744	Rockett Jr.	Roosevelt	\$81.28	\$11.98	\$93.26	\$81.28	
698	31847	Rodriguez	Armando	\$30.79	\$4.54	\$35.33	\$30.79	
699	3814	Rohlas	Polly	\$2,985.34	\$440.05	\$3,425.39	\$3,615.12	\$629.78
700	2666	Rojas	David	\$68.35	\$10.07	\$78.42	\$68.35	
701	3874	Romano	Anthony	\$1,169.52	\$172.39	\$1,341.91	\$1,306.60	\$137.08
702	3587	Romero	Ruben	\$687.24	\$101.30	\$788.54	\$687.24	
703	3104	Rosenthal	John	\$2,113.74	\$311.57	\$2,425.31	\$3,513.66	\$1,399.92
704	108742	Ross	Lee	\$174.37	\$25.70	\$200.07	\$174.37	
705	3225	Ross	Larry	\$74.22	\$10.94	\$85.15	\$74.22	
706	3850	Rothenber	Edward	\$239.11	\$35.25	\$274.36	\$239.11	
707	3504	Rotich	Emertha	\$2,099.57	\$309.49	\$2,409.06	\$2,099.57	
708	3912	Rousseau	James	\$657.44	\$96.91	\$754.35	\$657.44	
709	3021	Rubino	Joseph	\$103.47	\$15.25	\$118.72	\$103.47	
710	3693	Ruby	Melissa	\$265.99	\$39.21	\$305.20	\$265.99	
711	3477	Ruiz	Travis	\$1,117.07	\$164.66	\$1,281.73	\$1,117.07	
712	2965	Russell	Mark	\$1,239.03	\$182.64	\$1,421.67	\$1,239.03	
713	3875	Russell	Darrell	\$657.42	\$96.91	\$754.33	\$657.42	
714	2260	Sackett	Kathryn	\$203.37	\$29.98	\$233.34	\$203.37	
715	3944	Sadler	James	\$82.91	\$12.22	\$95.13	\$82.91	
716	3323	Saevitz	Neil	\$2,364.73	\$348.57	\$2,713.30	\$2,364.73	
717	3169	Salameh	George	\$2,142.47	\$315.81	\$2,458.27	\$2,702.72	\$560.25
718	3042	Saleh	Jemal	\$8,393.73	\$1,237.27	\$9,630.99	\$8,393.73	
719	103096	Sam	Phea	\$625.84	\$92.25	\$718.09	\$625.84	

	A	B	C	D	E	F	G	H
720	21811	Sameli	Sabino	\$921.22	\$135.79	\$1,057.01	\$921.22	
721	100128	Sampson	James	\$644.31	\$94.97	\$739.28	\$644.31	
722	109349	Sanchez-R	Natasha	\$288.44	\$42.52	\$330.96	\$288.44	
723	3570	Sanders	Acy	\$737.61	\$108.73	\$846.33	\$737.61	
724	2859	Sandoval	Yolanda	\$421.83	\$62.18	\$484.01	\$421.83	
725	29769	Sans	Thomas	\$769.01	\$113.35	\$882.36	\$769.01	
726	3011	Santos	Billy	\$86.61	\$12.77	\$99.38	\$86.61	
727	3915	Sapienza	Gino	\$261.74	\$38.58	\$300.32	\$261.74	
728	3648	Saravanos	John	\$5,143.32	\$758.15	\$5,901.46	\$5,143.32	
729	26687	Sargeant	Michael	\$164.64	\$24.27	\$188.91	\$164.64	
730	105273	Sayed	Jamil	\$645.44	\$95.14	\$740.58	\$904.94	\$259.50
731	1093	Schall	Douglas	\$1,002.07	\$147.71	\$1,149.78	\$1,002.07	
732	106913	Schraeder	Scott	\$569.96	\$84.01	\$653.98	\$569.96	
733	25981	Schroeder	William	\$2,110.35	\$311.07	\$2,421.42	\$2,110.35	
734	3313	Schwartz	Steven	\$4,584.18	\$675.73	\$5,259.91	\$4,584.18	
735	29172	Schwartz	George	\$601.41	\$88.65	\$690.06	\$601.41	
736	109028	Secondo	Muridi	\$391.43	\$57.70	\$449.12	\$391.43	
737	3536	Sedgwick	Anthony	\$226.67	\$33.41	\$260.08	\$226.67	
738	2657	Seller	Paula	\$295.78	\$43.60	\$339.38	\$295.78	
739	3134	Serio	John	\$3,739.93	\$551.28	\$4,291.21	\$4,092.51	\$352.58
740	3057	Serrano	Hector	\$2,494.64	\$367.72	\$2,862.36	\$2,990.45	\$495.81
741	3359	Sevillet	Otto	\$453.18	\$66.80	\$519.98	\$706.90	\$253.72
742	3879	Sexner	Alexis	\$955.88	\$140.90	\$1,096.77	\$1,075.72	\$119.84
743	19451	Shafiei	Abdolreza	\$552.17	\$81.39	\$633.56	\$552.17	
744	2899	Shallufa	Azmy	\$9,805.00	\$1,445.30	\$11,250.30	\$10,290.01	\$485.01
745	2955	Shank	Lyle	\$52.32	\$7.71	\$60.03	\$52.32	
746	3294	Sharp	Omar	\$276.16	\$40.71	\$316.87	\$276.16	
747	3619	Shein	Efraim	\$304.28	\$44.85	\$349.13	\$304.28	
748	3532	Shenkov	Svetlozar	\$275.95	\$40.68	\$316.62	\$275.95	
749	103821	Sherman	Jason	\$214.72	\$31.65	\$246.37	\$214.72	
750	3724	Shinn	Kevin	\$463.14	\$68.27	\$531.41	\$463.14	
751	3790	Shoyombo	Rilwan	\$1,426.49	\$210.27	\$1,636.76	\$1,833.70	\$407.21
752	3803	Siasat	Manuel	\$32.38	\$4.77	\$37.15	\$32.38	

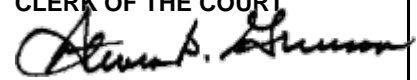
	A	B	C	D	E	F	G	H
753	112766	Sibre	Christopher	\$294.20	\$43.37	\$337.56	\$294.20	
754	3758	Siegel	Jeffrey	\$91.32	\$13.46	\$104.78	\$91.32	
755	105863	Siljkovic	Becir	\$1,854.68	\$273.39	\$2,128.06	\$2,017.09	\$162.41
756	23388	Simmons	John	\$1,545.83	\$227.86	\$1,773.70	\$2,558.25	\$1,012.42
757	3264	Sinatra	Anthony	\$296.21	\$43.66	\$339.88	\$296.21	
758	3524	Sinay	Abraham	\$858.58	\$126.56	\$985.14	\$858.58	
759	3677	Singh	Baldev	\$180.81	\$26.65	\$207.47	\$180.81	
760	3683	Sitotaw	Haileab	\$118.59	\$17.48	\$136.06	\$118.59	
761	2972	Smagacz	Stephen	\$185.28	\$27.31	\$212.59	\$185.28	
762	2630	Smale	Charles	\$935.99	\$137.97	\$1,073.96	\$935.99	
763	3041	Smith	Lottie	\$6,722.83	\$990.97	\$7,713.81	\$6,722.83	
764	3521	Smith	Lisa	\$1,094.07	\$161.27	\$1,255.34	\$1,094.07	
765	3870	Smith	Jepthy	\$284.41	\$41.92	\$326.33	\$484.69	\$200.28
766	3033	Smith	Toby	\$140.20	\$20.67	\$160.86	\$140.20	
767	2923	Smith	Jerry	\$30.69	\$4.52	\$35.21	\$30.69	
768	3610	Smith Jr.	Willie	\$1,287.44	\$189.77	\$1,477.21	\$2,123.86	\$836.42
769	2667	Solares	John	\$453.45	\$66.84	\$520.29	\$453.45	
770	3643	Solis	Brigido	\$174.25	\$25.69	\$199.94	\$174.25	
771	22804	Solymar	Istvan	\$303.84	\$44.79	\$348.63	\$303.84	
772	3854	Soree	Mladen	\$1,445.54	\$213.08	\$1,658.62	\$1,445.54	
773	105304	Sorkin	Jack	\$336.28	\$49.57	\$385.85	\$336.28	
774	3770	Sorrosa	Juan	\$1,888.94	\$278.44	\$2,167.38	\$2,214.82	\$325.88
775	3797	Soto	Johnny	\$196.46	\$28.96	\$225.41	\$352.89	\$156.43
776	2638	Soto	Jacob	\$128.04	\$18.87	\$146.91	\$413.13	\$285.09
777	2873	Spangler	Peter	\$93.78	\$13.82	\$107.61	\$93.78	
778	3727	Sparks	Cody	\$19.56	\$2.88	\$22.45	\$19.56	
779	3845	Spaulding	Ross	\$244.25	\$36.00	\$280.25	\$244.25	
780	2592	Sphouris	Constantine	\$71.48	\$10.54	\$82.02	\$71.48	
781	3087	Spiegel	Louis	\$113.17	\$16.68	\$129.85	\$113.17	
782	3055	Spilmon	Mark	\$8,254.49	\$1,216.75	\$9,471.24	\$8,891.81	\$637.32
783	3481	Springer	Marvin	\$1,483.49	\$218.67	\$1,702.17	\$1,483.49	
784	111364	Stanley	John	\$286.26	\$42.20	\$328.46	\$286.26	
785	3366	Starcher	Richard	\$871.76	\$128.50	\$1,000.26	\$871.76	

	A	B	C	D	E	F	G	H
786	3821	Stauff	John	\$113.93	\$16.79	\$130.72	\$113.93	
787	3737	Stayton	William	\$119.03	\$17.55	\$136.57	\$119.03	
788	109013	Stearns	Thomas	\$528.37	\$77.88	\$606.25	\$528.37	
789	3757	Steck	Gregory	\$5,829.47	\$859.29	\$6,688.75	\$6,511.90	\$682.43
790	3625	Stephanov	Liuben	\$219.81	\$32.40	\$252.21	\$398.92	\$179.11
791	3695	Stern	Robert	\$292.29	\$43.08	\$335.37	\$292.29	
792	3165	Stevenson	John	\$2,662.56	\$392.47	\$3,055.03	\$2,662.56	
793	3872	Stockton	Clarence	\$1,336.84	\$197.06	\$1,533.89	\$1,336.84	
794	3713	Stonebreal	Dawn	\$1,992.26	\$293.67	\$2,285.92	\$2,489.85	\$497.59
795	25450	Tafesh	George	\$976.87	\$143.99	\$1,120.86	\$976.87	
796	102400	Talley	George	\$301.76	\$44.48	\$346.24	\$301.76	
797	112063	Tapia-Verg	Agustin	\$587.64	\$86.62	\$674.26	\$587.64	
798	3338	Tarragano	Stephen	\$1,370.43	\$202.01	\$1,572.43	\$1,370.43	
799	3333	Taurins	Walter	\$407.00	\$59.99	\$466.99	\$407.00	
800	31977	Taylor	Marvin	\$714.56	\$105.33	\$819.89	\$714.56	
801	111807	Taylor	Brent	\$632.29	\$93.20	\$725.49	\$632.29	
802	109745	Taylor	David	\$324.21	\$47.79	\$372.00	\$324.21	
803	3728	Tedros	Biserat	\$405.38	\$59.75	\$465.13	\$588.25	\$182.87
804	3720	Terry	James	\$937.23	\$138.15	\$1,075.38	\$937.23	
805	3726	Thomas	Scott	\$2,673.14	\$394.03	\$3,067.17	\$2,673.14	
806	3045	Thomas	Anthony	\$1,285.73	\$189.52	\$1,475.25	\$1,285.73	
807	31400	Thomas	Cator	\$427.93	\$63.08	\$491.01	\$427.93	
808	104732	Thomas	Hasan	\$247.81	\$36.53	\$284.34	\$247.81	
809	27963	Thompson	Michael	\$6,744.25	\$994.13	\$7,738.38	\$7,044.25	\$300.00
810	3867	Thompson	Glen	\$2,921.34	\$430.62	\$3,351.95	\$2,921.34	
811	29040	Timko	Robert	\$224.07	\$33.03	\$257.09	\$224.07	
812	110796	Toka	Tamas	\$445.88	\$65.72	\$511.60	\$445.88	
813	2980	Tracy	Dennis	\$67.90	\$10.01	\$77.91	\$67.90	
814	22120	Travis	Brian	\$1,783.28	\$262.86	\$2,046.14	\$2,502.26	\$718.98
815	2632	Travis	Patricia	\$1,049.36	\$154.68	\$1,204.04	\$1,049.36	
816	3083	Tripi	Joseph	\$1,325.47	\$195.38	\$1,520.85	\$1,325.47	
817	104747	Trumpp	Robert	\$211.10	\$31.12	\$242.22	\$211.10	
818	3110	Tsegay	Alexander	\$441.20	\$65.04	\$506.24	\$441.20	

	A	B	C	D	E	F	G	H
819	103413	Tsegaye	Miheret	\$51.23	\$7.55	\$58.78	\$51.23	
820	3207	Tucker	Kenlon	\$2,873.20	\$423.52	\$3,296.72	\$2,873.20	
821	20386	Tucker	Carl	\$768.69	\$113.31	\$882.00	\$768.69	
822	3679	Tullao	Isaac	\$411.83	\$60.71	\$472.54	\$411.83	
823	3880	Turner	Michael	\$39.72	\$5.86	\$45.58	\$39.72	
824	3686	Tyler	Christopher	\$267.85	\$39.48	\$307.33	\$267.85	
825	110836	Uba	Chima	\$201.50	\$29.70	\$231.20	\$201.50	
826	3612	Ullah	Mohammad	\$90.03	\$13.27	\$103.30	\$90.03	
827	3073	Urban	David	\$319.32	\$47.07	\$366.38	\$319.32	
828	3792	Urbanski	Anthony	\$1,411.23	\$208.02	\$1,619.25	\$1,411.23	
829	3668	Valdes	Lazaro	\$162.21	\$23.91	\$186.12	\$162.21	
830	2925	Van Camp	Carl	\$3,552.87	\$523.71	\$4,076.58	\$3,552.87	
831	3640	Vanluven	RJ	\$1,726.16	\$254.44	\$1,980.60	\$1,726.16	
832	2846	Vaughan	William	\$3,886.52	\$572.89	\$4,459.40	\$3,886.52	
833	3710	Vences	Alfredo	\$839.90	\$123.81	\$963.71	\$839.90	
834	3103	Verdine	Craig	\$634.21	\$93.49	\$727.69	\$634.21	
835	3721	Viado	Ramon	\$2,051.73	\$302.43	\$2,354.16	\$2,369.87	\$318.14
836	3682	VonEngel	Stephen	\$29.89	\$4.41	\$34.30	\$29.89	
837	3796	Vongthep	Christopher	\$2,710.64	\$399.56	\$3,110.20	\$2,710.64	
838	109475	Vonkagele	Mark	\$130.27	\$19.20	\$149.48	\$130.27	
839	3842	Wagg	John	\$221.46	\$32.64	\$254.10	\$221.46	
840	3776	Wakeel	Daud	\$679.94	\$100.23	\$780.16	\$679.94	
841	28448	Walker	Arthur	\$114.57	\$16.89	\$131.46	\$114.57	
842	3820	Wallace	Roy	\$3,681.35	\$542.65	\$4,224.00	\$3,681.35	
843	3766	Warner	Terrance	\$1,694.50	\$249.78	\$1,944.27	\$2,356.86	\$662.36
844	3496	Weaver	Gerie	\$4,828.49	\$711.74	\$5,540.23	\$6,465.81	\$1,637.32
845	3826	Webb	Ricky	\$624.58	\$92.07	\$716.64	\$923.04	\$298.46
846	109066	Webster	Brock	\$254.41	\$37.50	\$291.91	\$254.41	
847	3578	Weiss	Matthew	\$60.25	\$8.88	\$69.13	\$60.25	
848	2785	Welborn	Paul	\$849.94	\$125.28	\$975.22	\$972.84	\$122.90
849	2215	Welden	Matthew	\$407.24	\$60.03	\$467.27	\$407.24	
850	3632	Weldu	Berhane	\$266.45	\$39.28	\$305.73	\$266.45	
851	2661	Wells	Fredrick	\$341.45	\$50.33	\$391.78	\$341.45	

	A	B	C	D	E	F	G	H
852	3044	Welsh	Sylvia	\$150.95	\$22.25	\$173.20	\$150.95	
853	3616	Welzbache	Daniel	\$2,367.50	\$348.98	\$2,716.47	\$2,789.72	\$422.22
854	3071	White	Donavan	\$2,061.42	\$303.86	\$2,365.28	\$2,061.42	
855	111878	White II	Prinest	\$153.22	\$22.59	\$175.81	\$153.22	
856	3117	Whitehead	Timothy	\$66.66	\$9.83	\$76.49	\$66.66	
857	2946	Whiteman	Rick	\$1,470.20	\$216.71	\$1,686.92	\$1,470.20	
858	2866	Wiggins	Andrew	\$79.09	\$11.66	\$90.75	\$79.09	
859	2569	Wilcox	Todd	\$19.02	\$2.80	\$21.82	\$19.02	
860	3611	Williams	Danny	\$273.88	\$40.37	\$314.25	\$273.88	
861	2548	Wilson	Richard	\$719.61	\$106.07	\$825.68	\$719.61	
862	2862	Wilson	Constance	\$284.95	\$42.00	\$326.95	\$284.95	
863	3608	Wilson Jr.	Mose	\$3,332.43	\$491.21	\$3,823.64	\$3,332.43	
864	3097	Windsor	Benjamin	\$670.57	\$98.84	\$769.41	\$670.57	
865	3947	Wing	Roland	\$81.95	\$12.08	\$94.04	\$81.95	
866	107624	Witte	Daniel	\$228.39	\$33.67	\$262.05	\$228.39	
867	3623	Wolde	Hailemariam	\$385.93	\$56.89	\$442.81	\$385.93	
868	3603	Woldeghele	Berhane	\$1,037.22	\$152.89	\$1,190.11	\$1,037.22	
869	110866	Wolfe	Thomas	\$726.91	\$107.15	\$834.06	\$726.91	
870	3166	Wollnick	Steven	\$79.10	\$11.66	\$90.76	\$79.10	
871	3840	Wondired	Eshetu	\$423.24	\$62.39	\$485.63	\$423.24	
872	3910	Wong	Jorge	\$2,325.07	\$342.72	\$2,667.79	\$2,325.07	
873	28160	Wong	Wanjin	\$1,115.61	\$164.45	\$1,280.06	\$1,115.61	
874	3706	Woodall	Charles	\$610.19	\$89.94	\$700.13	\$610.19	
875	3582	Workneh	Abent	\$36.29	\$5.35	\$41.63	\$36.29	
876	3573	Worku	Abiye	\$253.73	\$37.40	\$291.13	\$253.73	
877	108239	Wright	Edward	\$744.31	\$109.71	\$854.02	\$744.31	
878	3092	Yabut	Gerry	\$5,428.49	\$800.18	\$6,228.67	\$5,549.53	\$121.04
879	3533	Yabut	Vincent	\$415.21	\$61.20	\$476.42	\$415.21	
880	108389	Yamaguchi	Alicia	\$3,089.15	\$455.35	\$3,544.50	\$3,089.15	
881	3852	Yepiz-Patro	Ubaldo	\$18.78	\$2.77	\$21.54	\$18.78	
882	3472	Yesayan	Razmik	\$387.19	\$57.07	\$444.26	\$387.19	
883	3691	Yihdego	Abdulkadir	\$642.61	\$94.72	\$737.33	\$642.61	
884	3633	Yimer	Yidersal	\$643.72	\$94.89	\$738.61	\$643.72	

	A	B	C	D	E	F	G	H
885	2081	Younes	Ahmed	\$228.31	\$33.65	\$261.96	\$228.31	
886	17259	Yurckonis	Hilbert	\$2,395.57	\$353.12	\$2,748.69	\$2,395.57	
887	3824	Zabadneh	Randa	\$167.13	\$24.64	\$191.77	\$167.13	
888	30374	Zafar	John	\$605.99	\$89.33	\$695.32	\$605.99	
889	3062	Zanfino	Michael	\$798.38	\$117.68	\$916.06	\$798.38	
890	2273	Zawoudie	Masfen	\$2,656.70	\$391.61	\$3,048.31	\$2,656.70	
891	17936	Zekichev	Nick	\$324.17	\$47.78	\$371.95	\$324.17	
892	3235	Zelege	Abraham	\$1,593.23	\$234.85	\$1,828.08	\$2,183.95	\$590.72



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DANA SNIEGOCKI, ESQ., SBN 11715
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(702) 385-1827(fax)
leongreenberg@overtimelaw.com
dana@overtimelaw.com
Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

**MOTION TO AMEND
JUDGMENT**

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

AA008742

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Dated: August 22, 2018

By: /s/ Leon Greenberg
 Leon Greenberg, Esq.
 Nevada Bar No.: 8094
 2965 South Jones Boulevard - Suite E3
 Las Vegas, Nevada 89146
 (702) 383-6085
 Attorney 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

DECLARATION

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

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

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

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

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

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

15 Affirmed this 22nd Day of August, 2018

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

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

by court electronic service to:

TO:

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

/s/ Dana Sniegocki

Dana Sniegocki

EXHIBIT "A"



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



091203

Amendment to Articles of Organization

(PURSUANT TO NRS 86.221)

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

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

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

1. Name of limited-liability company:

A CAB, LLC

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

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

THE NAME IS NOW

A CAB, SERIES LLC.

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

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

X

[Signature]
Signature
1/5/2017

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

2) If adding managers, provide names and addresses.

FILING FEE: \$175.00

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

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

AA008748

EXHIBIT “B”

1 **ORDR**

2 LEON GREENBERG, ESQ., SBN 8094
3 DANA SNIEGOCKI, ESQ., SBN 11715
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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, LLC,
13 and CREIGHTON J. NADY,

14 Defendants.

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

) Dept.: I

) **ORDER**

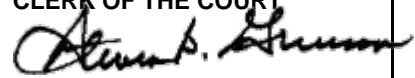
15
16 Pursuant to NRCP Rule 59(e), plaintiffs, on August 22, 2018, filed their Motion
17 to amend the Judgment entered in this case on August 21, 2018. That motion sought
18 to have such Judgment, originally entered against A CAB LLC, amended to be entered
19 against A CAB SERIES LLC the current name of such entity. The motion is granted,
20 the plaintiffs having sufficiently documented that A CAB LLC and A CAB SERIES
21 LLC are one and the same and the Judgment should be corrected so enforcement can
22 proceed unimpeded by the change in name of such defendant. The Clerk of the Court
23 shall amend the Judgment entered on August 21, 2018 to have the monetary amounts
24 recited by that Judgment in favor of the specified judgment creditors to also be entered
25 against A CAB SERIES LLC as judgment debtor.

26 **IT IS SO ORDERED.**

27
28
HONORABLE JUDGE KENNETH CORY
DISTRICT COURT, CLARK COUNTY

DATE

AA008750



MRCN
Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
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Michael K. Wall, Esq.
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mwall@hutchlegal.com
Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

Hearing Date:
Hearing Time:

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

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

1 judgment order¹ entered on August 22, 2018; for new trial; and for dismissal of claims.

2 DATED this 10th day of September, 2018.

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 Defendants*

11 **NOTICE OF HEARING**

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

16 DATED this 10th day of September, 2018.

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

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

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I.**

26 **A. Legal Standard & Summary.**

27 (i) NRCP 52 Findings by the Court

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

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

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

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

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

20 (iii) NRCP 60 Relief from Judgment or Order

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

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

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

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

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

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

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

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

23 In particular, we consider

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

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

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

Brief Answers:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ...

28 ...

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

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

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

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

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

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

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

8 **II.**

9 **CONCLUSION**

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

13 DATED this 10th day of September, 2018.

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

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

17 Esther C. Rodriguez, Esq.
18 Nevada State Bar No. 006473
19 10161 Park Run Drive, Suite 150
20 Las Vegas, Nevada 89145
21 *Attorneys for Defendants*
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

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

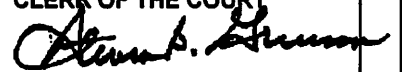
Leon Greenberg, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146
Counsel for Plaintiff

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

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

EXHIBIT 1

EXHIBIT 1



1 ORDER
2 MALANI L. KOTCHKA
3 Nevada Bar No. 283
4 HEJMANOWSKI & McCREA LLC
5 520 South Fourth Street, Suite 320
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9 mlk@hmlawlv.com

10 *Attorneys for Defendant*

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

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

15 Plaintiffs,

16 v.

17 WESTERN CAB COMPANY,

18 Defendant.

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

) Dep't. No.: VII

) ORDER DENYING CLASS
) CERTIFICATION, INJUNCTIVE
) RELIEF AND APPOINTMENT OF A
) SPECIAL MASTER

19 Plaintiffs' Motion for Injunctive Relief and Class Certification pursuant to NRCP Rule
20 23(b)(2) and Rule 23(b)(3) having come on for hearing on August 17, 2017, and Plaintiffs'
21 Motion on Order Shortening Time to Enjoin Defendants From Securing Releases and Other
22 Relief having come on for hearing on June 22, 2017, and Leon Greenberg appearing on behalf of
23 Plaintiffs and Malani L. Kotchka appearing on behalf of Defendant,

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

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FEB 12 2018

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

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

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



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

3 Dated this 14th day of February, 2018.

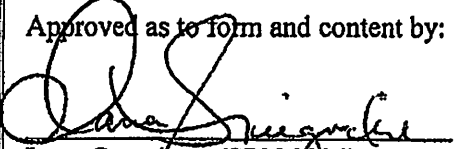
4
5 
6 Honorable Linda Bell
District Court Judge 

7 Submitted by:

8 
9 Malani L. Kotchka (SBN 0283)
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14 *Attorneys for Defendant*

15
16 Approved as to form and content by:

17 
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EXHIBIT 2

EXHIBIT 2

Mark J. Bourassa, Esq. *†‡
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Hillary R. Ross, Esq. *§
Trent L. Richards, Esq. *¶
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† Admitted in California
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§ Admitted in Colorado



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¶¶ Admitted in Connecticut

June 15, 2018

Via Hand Delivery

Hon. Kathleen Delaney
Clark County District Court Dept. XXV

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

Your Honor,

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

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

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

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

Very Truly Yours,

THE BOURASSA LAW GROUP


Trent L. Richards, Esq.
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CC: Esther Rodriguez (via email to esther@rodriguezlaw.com)

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1 **FFCL**
2 **MARK J. BOURASSA, ESQ.**
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12 **trichards@blgwins.com**
13 ***Attorneys for Plaintiff***

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

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

11 **Plaintiff,)**

12 **vs.)**

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

16 **Defendant.)**

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

ORDER GRANTING JOINT MOTION TO:

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

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

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

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

14 **BACKGROUND**

15 **A. Litigation History**

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

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

7 **B. The Settlement Agreement**

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

10 **1. Class Definition**

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

16 **2. Settlement Amount**

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

1 **3. Notice**

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

6 **4. Claim Administration**

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

13 **5. Settlement Administration Costs**

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

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

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

21 ///

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23 ///

1 **7. Class Representative Incentive Payment**

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

5 **8. Released Claims**

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

8 **FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

The following are this Court's Conclusions of Law:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDER

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

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

1 Scheduling a Final Fairness Hearing is GRANTED.

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

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

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

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

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

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

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

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

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

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

13 **IT IS SO ORDERED.**

14 DATED this ____ day of June 2018.

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

17 Respectfully submitted by:

18 DATED this 15th day of June 2018.

19 **THE BOURASSA LAW GROUP**

20 By: 

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

DATED this 15 day of June 2018.

RODRIGUEZ LAW OFFICES, P.C.

By: 

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

Attorneys for Defendants

EXHIBIT 1
NOTICE OF PROPOSED
SETTLEMENT

EXHIBIT 1
NOTICE OF PROPOSED
SETTLEMENT

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT

Dubric v. A Cab, LLC, et al.

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

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

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

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

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

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT

Dubric v. A Cab, LLC, et al.

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

What is the class action about?

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

What are my rights?

You have the following choices:

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

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT

Dubric v. A Cab, LLC, et al.

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

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

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

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT

Dubric v. A Cab, LLC, et al.

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

What will I receive from the settlement?

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

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

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

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

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

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

May I attend the final fairness hearing?

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

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT

Dubric v. A Cab, LLC, et al.

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

What happens if the Court does not give final approval?

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

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

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

How will my settlement amount be distributed to me?

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

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

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

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

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

NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT OUT

Dubric v. A Cab, LLC, et al.

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

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

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

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

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

EXHIBIT 3

EXHIBIT 3

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

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

REGISTER OF ACTIONS

CASE NO. A-15-721063-C

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

§
§
§
§
§
§

Case Type: Employment Tort

Date Filed: 07/07/2015

Location: Department 25

Cross-Reference Case Number: A721063

Number:

PARTY INFORMATION

Defendant A Cab LLC

Lead Attorneys
ESTHER RODRIGUEZ
Retained
7023208400(W)

Defendant A Cab Series LLC Employee Leasing Company

ESTHER RODRIGUEZ
Retained
7023208400(W)

Defendant Nady, Creighton J.

ESTHER RODRIGUEZ
Retained
7023208400(W)

Plaintiff Dubric, Jasminka

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

EVENTS & ORDERS OF THE COURT

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

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

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

Minutes

01/31/2017 9:00 AM

02/14/2017 9:00 AM

02/16/2017 1:30 PM

02/16/2017 1:30 PM

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

AA008789

05/24/2018 10:00 AM

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

Parties Present

Return to Register of Actions

AA008790

EXHIBIT 4

EXHIBIT 4

March 17, 2016

Via Electronic Mail

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

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

Dear Mr. Greenberg:

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

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

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

Leon Greenberg, Esq.

March 17, 2016

Page 2 of 2

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

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

EC Rodriguez

Esther C. Rodriguez, Esq.

ECR:srd

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

April 12, 2016

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

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

Dear Mr. Greenberg:

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

Thank you for your attention to this matter.

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.



Esther C. Rodriguez, Esq.

ECR:srd

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

April 19, 2016

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

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

Dear Ms. Sniegocki:

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

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

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

EC Rodriguez

Esther C. Rodriguez, Esq.

ECR:srd

enc.

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

May 12, 2016

Via Facsimile:

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

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

Dear Ms. Sniegocki:

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

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

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

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

Dana Sniegocki, Esq.

May 12, 2016

Page 2 of 2

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

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

EC Rodriguez

Esther C. Rodriguez, Esq.

ECR:srd

enc.

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

6 Attorneys for Plaintiffs

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

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

12 Plaintiffs,

13 vs.

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

16 Defendants.

Case No.: A-12-669926-C

Dept.: I

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

17 TO: A CAB TAXI SERVICE LLC, A CAB, LLC, and CREIGHTON J.
18 NADY, defendants, and their attorneys of record:
19 SET NO: TWO
20

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

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

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

3 DEFINITIONS AND INSTRUCTION

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

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

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

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

20 c. state with particularity the ground on which you contend
21 that additional efforts to obtain such information would be unreasonably burdensome.

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

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

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

1 following additional information shall be provided:

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

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

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

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

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

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

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

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

24 **INTERROGATORIES**

25 **INTERROGATORY NO. 3:**

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

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

3
4 **INTERROGATORY NO. 4:**

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

10
11 **INTERROGATORY NO. 5:**

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

21
22 DATED this 29th day of March, 2016.

23 Leon Greenberg Professional Corporation

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

CERTIFICATE OF MAILING

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

PLAINTIFFS' THIRD SET OF INTERROGATORIES TO THE DEFENDANTS

by court electronic service to:

TO:

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

/s/ Dana Sniegocki

Dana Sniegocki

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

6 Attorneys for Plaintiffs

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

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

12 Plaintiffs,

13 vs.

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

16 Defendants.

Case No.: A-12-669926-C

Dept.: I

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

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

1
2 **INSTRUCTIONS AND DEFINITIONS**

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

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

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

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

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

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

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

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

1 identify each by setting forth:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this case.

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

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

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

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

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

14

15 **DOCUMENTS TO BE PRODUCED**

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

21

22 **REQUEST NO. 1:**

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

1 **REQUEST NO. 2:**

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

9
10 **REQUEST NO. 3:**

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

14
15 DATED this 30th day of March, 2016.

16
17 Leon Greenberg Professional Corporation

18 By: /s/ Dana Sniegocki

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

CERTIFICATE OF MAILING

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

PLAINTIFFS' SEVENTH REQUEST FOR THE PRODUCTION OF DOCUMENTS

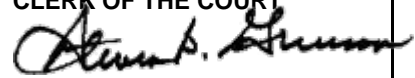
by court electronic service to:

TO:

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

/s/ Dana Sniegocki

Dana Sniegocki



OPPM

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
Hutchison & 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

Hearing: September 27, 2018
Chambers

OPPOSITION TO PLAINTIFFS' MOTION TO AMEND JUDGMENT

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 Plaintiffs' Motion to Amend
Judgment.

Five (5) hours after Notice of Entry of this Court's Order entering summary judgment against
Defendants on August 22, 2018, Plaintiffs immediately filed a motion to amend the judgment to add
a new Defendant to the case. As this Court is aware, the Court's entry of summary judgment

1 stemmed from a motion for various relief filed by Plaintiffs four months earlier on April 17, 2018.
2 Numerous supplemental pleadings and rogue “declarations” were submitted to the Court pertaining
3 to Plaintiffs’ motion, none of which ever mentioned or hinted to adding another party at this stage of
4 the litigation. Plaintiffs’ motion thereafter came before the Court for hearing on May 23, 2018; June
5 1, 2018; and June 5, 2018. At no time during the numerous briefings submitted to the Court, nor on
6 the multiple rehearings of the matter did Plaintiffs raise the issue of adding a new defendant to the
7 case. As this Court is keenly aware, Plaintiffs were in a race to acquire a judgment from this judicial
8 department in an attempt to trump the settlement already agreed upon and preliminarily approved in
9 the sister department of the Eighth Judicial District Court in the matter of *Jasminka Dubric v. A Cab,*
10 *LLC et.al.*, Case No. A-15-721063-C. Plaintiffs’ shortcuts in racing to judgment have resulted in a
11 judgment fraught with issues, which they clearly recognize but now seek to have the Court backtrack
12 to fix.

13 Plaintiffs are seeking to circumvent the basic rules of civil procedure by not amending their
14 complaint pursuant to Nevada Rules of Civil Procedure 15 nor in compliance with both this Court’s
15 Trial Setting Orders and the Discovery Scheduling Orders addressing the addition of parties. The
16 last date to amend parties was July 2, 2015. In over 5 years of litigation, Plaintiffs never sought to
17 amend the pleadings to add A Cab Series, LLC. Instead, Plaintiffs seek to add a different entity
18 *after* this Court’s summary conclusion. The corporate documentation pertaining to A Cab Series,
19 LLC has been available to Plaintiffs prior to the filing of their original complaint on October 12,
20 2012. *See* Restated Articles filed with the Nevada Secretary of State on **February 16, 2012**,
21 attached hereto as **Exhibit 1**.

22 “A Cab Series, LLC” is a different defendant than “A Cab Taxicab Service” and from “A
23 Cab, LLC.” It would be a procedural error to add an entirely new defendant after summary
24 judgment has been determined without allowing the new party to defend itself. Plaintiffs have been
25 advised repeatedly of the relationships of the corporate entities, and specifically which are
26 appropriate parties to a claim arising from employees. In fact, Plaintiffs took an extensive NRCP
27 30(b)(6) deposition on this topic well over a year ago in June 2017, in which the corporate structure
28 was painstakingly confirmed to Plaintiffs’ counsel, who already had knowledge of the entities, but

1 chose not to amend to include the appropriate corporate entity nor the corporate employer.

2 Plaintiffs' counsel, Leon Greenberg, Esq., expressly stated his specific knowledge of the corporate
3 entity well over a year ago during his questioning in the deposition, but chose not to amend to
4 include the entity or was dilatory in not doing so. *See Stephens v. Southern Nev. Music Co.*, 89 Nev.
5 104, 507 P.2d 138 (1973) finding the appellant's conduct was dilatory, and affirming the trial court's
6 denial of a motion to amend.

7 **By Leon Greenberg:**

8 Q: A Cab Series LLC is the registered entity with the Nevada Secretary of State. Do you
9 understand that?

10 A: I did it like I said earlier.

11 Q: Yes. That is the legal name of the entity that has paid a filing fee, corporation document...
12 well, it's an LLC, so it's probably called something different on file with the Nevada
13 Secretary of State. As part of its powers as an LLC, it can issue Series LLCs; meaning other
14 legal entities, they would be similar in concept to a subsidiary of a parent corporation, Mr.
15 Nady. You understand what a subsidiary is of a parent corporation?

16 A: I understand what subsidiary is, Mr. Greenberg.

17 **Exhibit 2**, Deposition of Creighton J. Nady, June 2017, pp. 39:23 - 40:13

18 Plaintiffs affirmatively stated this knowledge of the other corporate entities, but did not move
19 to include any other defendant. In fact, Plaintiffs' counsel continued to state his understanding that a
20 series LLC is to be treated as **separate entities**:

21 **By Leon Greenberg:**

22 Q: Mr. Nady, a Series LLC is an LLC that has the authority, the power, okay, to establish
23 separate LLCs of a Series which can be treated as **separate entities**. Do you understand
24 that?

25 A: I understand something similar to that or at least I think I do similar to that but not in the way
26 you described it, but I don't want to tell you what my counselor said, so I'll - -

27 **Exhibit 2**, p. 39:7-14.

28 Mr. Nady also identified Attorney Steve Oshins as his business lawyer during his deposition.

1 **Exhibit 2**, p. 113:17-19. In June 2017, Defendants also identified Steven J. Oshins, Esq., of Oshins
2 & Associates, as a witness to explain the corporate structure and relationship of the entities. **Exhibit**
3 **3**, Defendants' Twentieth Supplement to NRCP 16.1 Disclosure Statement dated June 6, 2017.
4 Plaintiffs chose not to depose this witness, nor to do anything further with this knowledge they
5 already had regarding the other entities.

6 In support of their motion to amend the judgment, Plaintiffs simply indicate A Cab, LLC
7 filed an answer to its original complaint. Yes, A Cab, LLC filed an answer on April 22, 2013, an
8 answer to the first amended complaint on May 23, 2013, and again to the second amended complaint
9 on September 14, 2015. In all responses, A Cab LLC has always denied it is the employer of these
10 taxicab drivers, and denied these claims.

11 Because Plaintiffs' motion to amend a judgment is not supported, not compliant with NRCP
12 15, not compliant with this Court's Orders, and is improper, it should be denied in its entirety.

13 DATED this 10th day of September, 2018.

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

15
16 /s/ Esther C. Rodriguez, Esq.
17 Esther C. Rodriguez, Esq.
18 Nevada State Bar No. 006473
19 10161 Park Run Drive, Suite 150
20 Las Vegas, Nevada 89145
21 *Attorneys for Defendants*
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

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

Leon Greenberg, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E4
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

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

EXHIBIT 1

EXHIBIT 1




ROSS MILLER
Secretary of State
204 North Carson Street, Suite 1
Carson City, Nevada 89701-4520
(775) 684-5708
Website: www.nvsos.gov



090501

**Certificate to Accompany
Restated Articles or
Amended and Restated Articles**
(PURSUANT TO NRS)

Filed in the office of  Ross Miller Secretary of State State of Nevada	Document Number 20120111194-52 Filing Date and Time 02/16/2012 1:38 PM Entity Number LLC7610-2000
--	---

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

This Form is to Accompany Restated Articles or Amended and Restated Articles of Incorporation

(Pursuant to NRS 78.403, 82.371, 86.221, 87A, 88.355 or 88A.250)

(This form is also to be used to accompany Restated Articles or Amended and Restated Articles for Limited-Liability Companies, Certificates of Limited Partnership, Limited-Liability Limited Partnerships and Business Trusts)

1. Name of Nevada entity as last recorded in this office:

A CAB, LLC

2. The articles are: (mark only one box) ☐ Restated ☒ Amended and Restated

Please entitle your attached articles "Restated" or "Amended and Restated," accordingly.

3. Indicate what changes have been made by checking the appropriate box:*

☐ No amendments; articles are restated only and are signed by an officer of the corporation who has been authorized to execute the certificate by resolution of the board of directors adopted on: _____

The certificate correctly sets forth the text of the articles or certificate as amended to the date of the certificate.

☐ The entity name has been amended.

☐ The registered agent has been changed. (attach Certificate of Acceptance from new registered agent)

☐ The purpose of the entity has been amended.

☐ The authorized shares have been amended.

☐ The directors, managers or general partners have been amended.

☐ IRS tax language has been added.

☒ Articles have been added.

☐ Articles have been deleted.

☐ Other. The articles or certificate have been amended as follows: (provide article numbers, if available)

4. Effective date and time of filing: (optional)

Date:

Time:

(must not be later than 90 days after the certificate is filed)

* This form is to accompany Restated Articles or Amended and Restated Articles which contain newly altered or amended articles. The Restated Articles must contain all of the requirements as set forth in the statutes for amending or altering the articles for certificates.

IMPORTANT: Failure to include any of the above information and submit with the proper fees may cause this filing to be rejected.

This form must be accompanied by appropriate fees.

Nevada Secretary of State Restated Articles
Revised: 8-31-11

AA008816

**AMENDED AND RESTATED
ARTICLES OF ORGANIZATION
OF
A CAB, LLC**

The Member of A CAB, LLC, a Nevada limited liability company (the "Company"), hereby certifies:

That the Company's Articles of Organization were filed with the Secretary of State on August 10, 2000.

That pursuant to the execution of these Amended and Restated Articles of Organization of the Company, the Members consent to the adoption of the following amendments to and restatement of the Company's Articles of Organization, which shall now read as follows:

ARTICLE 1. NAME OF LIMITED LIABILITY COMPANY: The name of this limited liability company (the "Company") is:

A CAB, LLC

ARTICLE 2. SERIES LLC: This is a Series Limited Liability Company that may establish designated series of members, managers, company interests having separate rights, powers or duties with respect to specified property or obligations of the Company or profits and losses associated with specified property or obligations, and, to the extent provided in the Operating Agreement of the Company, any such series may have a separate business purpose or investment objective and/or limitation on liabilities of such series in accordance with the provisions of Section 86.151(a) of the Nevada Revised Statutes.

ARTICLE 3. REGISTERED AGENT FOR SERVICE OF PROCESS:

Creighton J. Nady
3730 Pama Lane
Las Vegas, Nevada 89120

ARTICLE 4. DISSOLUTION DATE: The Company shall have perpetual existence unless dissolved pursuant to the Company's Operating Agreement or applicable law.

ARTICLE 5. MANAGEMENT: The Company and each series shall be managed by the Manager designated in Article 5 until such time as said Manager fails to qualify or ceases to serve as Manager pursuant to the Operating Agreement of the Company. When the Manager fails to qualify or ceases to serve as Manager for any reason, one or more Managers shall then serve as provided in the Operating Agreement of the Company. The Operating Agreement may contain any provision for the management of the affairs of the Company not inconsistent with applicable laws or these Articles of Organization.

ARTICLE 6. MEMBERS: Except when these Articles of Organization or applicable law requires the unanimous vote of the Members, the right of any Member to vote shall be as provided in the Operating Agreement of the Company. No Member who is not also a Manager shall have the right to contract debts or incur liability on behalf of the Company except as authorized by the Managers under Article 5 above.


ARTICLE 7. AMENDMENTS: The Articles of Organization of the Company may from time to time be restated, amended or altered in the manner set forth in the Company's Operating Agreement or, if none or if such agreement fails to set forth such a provision, by the consent of a majority of the Members of the Company.

ARTICLE 8. LIABILITY: Unless otherwise provided in an agreement signed by the Member or Manager to be changed, the Members and Managers of the Company are not liable for a debt, obligation or liability of the Company. The Company may indemnify any Member, Manager, employee or agent of the Company to the fullest extent permitted by law.

ARTICLE 9. DISTRIBUTIONS: Subject to the terms of these Articles of Organization and to the fullest extent permitted by the Nevada Revised Statutes, the Company shall be expressly permitted to make distributions, with respect to its Members' interests in all circumstances other than where doing so would cause the Company to be unable to pay its debts as they become due in the usual course of business.

The foregoing Amended and Restated Articles of Organization of A CAB, LLC are hereby duly adopted and approved by the Company's Member in accordance with the applicable provisions of Chapter 90 of the Nevada Revised Statutes.

Dated this 15th day of February 2012.


By Christopher J. Nady
Its Manager

STATE OF NEVADA

ROSS MILLER
Secretary of State



SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

OFFICE OF THE
SECRETARY OF STATE

Certified Copy

February 16, 2012

Job Number: C20120216-2346
Reference Number:
Expedite:
Through Date:

The undersigned filing officer hereby certifies that the attached copies are true and exact copies of all requested statements and related subsequent documentation filed with the Secretary of State's Office, Commercial Recordings Division listed on the attached report.

Document Number(s)	Description	Number of Pages
20120111194-52	Amended & Restated Articles	3 Pages/1 Copies



Respectfully,

A handwritten signature of Ross Miller in black ink.

ROSS MILLER
Secretary of State

Certified By: Richard Sifuentes
Certificate Number: C20120216-2346
You may verify this certificate
online at <http://www.nvsos.gov/>

Commercial Recording Division
202 N. Carson Street
Carson City, Nevada 89701-4069
Telephone (775) 684-5708
Fax (775) 684-7138

AA008819

EXHIBIT 2

EXHIBIT 2

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DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL MURRAY, and MICHAEL) Case No.: A-12-669926-C
RENO, individually and on) Dept. No.: I
Behalf of others similarly)
Situating,)
Plaintiffs,)
vs)
A CAB TAXI SERVICE LLC, A CAB,)
LLC and CREIGHTON J. NADY,)
Defendants.)
_____)

RECORDED DEPOSITION OF CREIGHTON J. NADY
Taken on June 16, 2017
At 1:10 p.m.
Evolve Downtown
400 South 4th Street, 3rd Floor
Las Vegas, Nevada 89101

1 through a single entity or is it conducted through a
2 series of LLC entities?

3 A: It's a single company, a Series
4 LLC.

5 Q: Okay. Then, what is a Series LLC?

6 A: That's definitely a legal question.

7 Q: Mr. Nady, a Series LLC is an LLC
8 that has the authority, the power, okay, to establish
9 separate LLCs of a Series which can be treated as
10 separate entities. Do you understand that?

11 A: I understand something similar to
12 that or at least I think I do similar to that but not
13 in the way you described it, but I don't want to tell
14 you what my counselor said, so I'll --

15 Q: Mr. Nady, I'm not asking you to
16 tell me what your counselor told you. I'm asking you
17 to tell me what you're understanding is.

18 A: Then I disagree with you. I
19 disagree with you, Mr. Greenberg.

20 Q: Okay. What series LLCs has A Cab
21 Series LLC established?

22 A: What?

23 Q: A Cab Series LLC is the registered
24 entity with the Nevada Secretary of State. Do you
25 understand that?

1 A: I did it like I said earlier.

2 Q: Yes. That is the legal name of the
3 entity that has paid a filing fee, corporation
4 document... well, it`s an LLC, so it`s probably
5 called something different on file with the Nevada
6 Secretary of State. As part of its powers as an LLC,
7 it can issue Series LLCs; meaning other legal
8 entities, they would be similar in concept to a
9 subsidiary of a parent corporation, Mr. Nady. You
10 understand what a subsidiary is of a parent
11 corporation?

12 A: I understand what subsidiary is,
13 Mr. Greenberg.

14 Q: It`s a similar concept, Mr. Nady.

15 A: No, it`s not.

16 Q: Okay. Well, then tell me how it`s
17 not.

18 MS. RODRIGUEZ: Well, no. I`m going to
19 object. Hold on, hold on --

20 A: It`s not. There`s no such thing.
21 I don`t want to give you legal advice, Mr. Greenberg.

22 MS. RODRIGUEZ: Let me make my
23 objection, okay, because I think you`re just asking
24 for the same issue that we`ve asserted the attorney-
25 client privilege on. You`re just coming at it from a

1 Taxi. The time is 3:25 p.m. We're going back on the
2 record in the matter of Michael Murray versus A Cab
3 Taxi. The time is 3:27. Just a point of
4 clarification, we went off the record at 3:21 p.m.,
5 not 3:25. Please proceed.

6 Q: Mr. Nady, who is your business
7 lawyer?

8 A: For what type of advice?

9 Q: For advices to how you should
10 organize your businesses. I'm not talking about
11 anyone who represents you in an actual court case,
12 sir. I'm talking about people you would consult
13 about something for your business, not litigation.

14 A: I suppose I have four or five other
15 lawyers that I pay.

16 Q: Can you identify them?

17 A: Bill Crane, Gretchen Jacobs, Dan
18 Migliore, Steve Oshins, probably a couple others that
19 I can't recall at the time.

20 Q: And you do not have to answer this
21 question if you do not wish to, I understand, but I'm
22 not going to ask it anyway. You tell me that you're
23 refusing based on privilege, that's fine. Did you
24 seek advice from any of those lawyers about how A
25 Cab's business should be changed in terms of its

1 CERTIFICATE OF RECORDER

2 STATE OF NEVADA)

3 COUNTY OF CLARK)

4 NAME OF CASE: MICHAEL MURRAY vs A CAB TAXI SERVICE LL

5I, Peter Hellman, a duly commissioned

6 Notary Public, Clark County, State of Nevada, do hereby

7 certify: That I recorded the taking of the

8 deposition of the witness, Creighton Nday,

9 commencing on 06/16/2017.

10That prior to being examined the witness was

11 duly sworn to testify to the truth. That I thereafter

12 transcribed or supervised transcription from Recorded

13 Audio-and-Visual Record and said deposition is a complete,

14 true and accurate transcription.

15I further certify that I am not a relative or

16 employee of an attorney or counsel of any of the

17 parties, nor a relative or employee of an attorney or

18 counsel involved in said action, nor a person

19 financially interested in the action.

20IN WITNESS WHEREOF, I have hereunto set my

21 hand in my office in the County of Clark, State of

22 Nevada, this 06/16/2017.

23

24 _____

25Peter J. Hellman Notary (12-9031-1)

EXHIBIT 3

EXHIBIT 3

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

SUPP

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

DEFENDANTS' TWENTIETH SUPPLEMENT TO

NRCP 16.1 DISCLOSURE STATEMENT

Defendants A Cab, LLC and CREIGHTON J. NADY, by and through their attorney of
record, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., and pursuant to NRCP
16.1, hereby supplements its list of documents and persons who may be used at trial as follows
(additions are in bold):

A. LIST OF WITNESSES

- I. Michael Murray
c/o Leon Greenberg, Esq.
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146

1 Mr. Murray is expected to testify as to the facts and circumstances regarding this matter.

2 2. Michael Reno
3 c/o Leon Greenberg, Esq.
4 2965 South Jones Boulevard, Suite E4
5 Las Vegas, Nevada 89146

6 Mr. Reno is expected to testify as to the facts and circumstances regarding this matter.

7 3. Person Most Knowledgeable
8 A Cab, LLC
9 c/o Rodriguez Law Offices, P.C.
10 10161 Park Run Drive, Suite 150
11 Las Vegas, Nevada 89145

12 This person is expected to testify as to the facts and circumstances surrounding this matter.

13 4. Creighton J. Nady
14 c/o Esther C. Rodriguez, Esq.
15 Rodriguez Law Offices, P.C.
16 10161 Park Run Drive, Suite 150
17 Las Vegas, Nevada 89145

18 Mr. Nady is the owner of A Cab, LLC and is expected to testify as to the facts and
19 circumstances surrounding this matter and as alleged in the complaint.

20 5. Jon Gathright
21 c/o Esther C. Rodriguez, Esq.
22 Rodriguez Law Offices, P.C.
23 10161 Park Run Drive, Suite 150
24 Las Vegas, Nevada 89145

25 Mr. Gathright is the general manager of A Cab, LLC and is expected to testify as to the facts
26 and circumstances surrounding this matter and as alleged in the complaint.

27 6. Scott Dorsch
28 c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Mr. Dorsch is an employee of A Cab, LLC and is expected to testify as to the facts and
circumstances surrounding this matter and as alleged in the complaint.

7. Robert McCullough
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Mr. McCullough is an employee of A Cab, LLC and is expected to testify as to the facts and

1 circumstances surrounding this matter and as alleged in the complaint. Such testimony is expected
2 to include, but is not limited to, the checking in and checking out procedure for A Cab's taxi drivers.

3 8. Edwin Borowski
4 c/o Esther C. Rodriguez, Esq.
5 Rodriguez Law Offices, P.C.
6 10161 Park Run Drive, Suite 150
7 Las Vegas, Nevada 89145

8 Mr. Borowski is an employee of A Cab, LLC and is expected to testify as to the facts and
9 circumstances surrounding this matter and as alleged in the complaint. Such testimony is expected
10 to include, but is not limited to, the checking in and checking out procedure for A Cab's taxi drivers.

11 9. Person(s) Most Knowledgeable
12 Nevada Office of Labor Commissioner
13 555 E. Washington Avenue, Suite 4100
14 Las Vegas, Nevada 89101

15 This person is expected to testify as to the facts and circumstances surrounding this matter
16 and as alleged in the complaint, as well as guidance and feedback provided to Defendants pertaining
17 to payments of minimum wage to its taxicab drivers.

18 10. Keith Sakelhide
19 Nevada Transportation Authority
20 2290 South Jones Boulevard, Suite #110
21 Las Vegas, NV 89146

22 Mr. Sakelhide is expected to testify as to the facts and circumstances surrounding this matter
23 and as alleged in the complaint, as well as the contents of his affidavit, as well as guidance and
24 feedback provided to Defendants pertaining to payments of minimum wage to its taxicab drivers.

25 11. Melvin DeLaCruz, Investigator
26 or PMK, U.S. Department of Labor
27 600 Las Vegas Blvd. South #750
28 Las Vegas, NV 89101-6654

Mr. DeLaCruz is expected to testify as to the facts and circumstances surrounding this matter
and as alleged in the complaint, including but not limited to the DOL audit conducted and results
thereof, as well as guidance and feedback provided to Defendants.

...

...

12. Nicole S. Omps, CPA, CGMA
BETA Consultants LLC
3722 Las Vegas Blvd S #711e
Las Vegas, NV 89158

Ms. Omps is an independent CPA retained by Plaintiff and Defendant in the matter of *Dubric v. A Cab, LLC*, District Court Case No. A-15-721063-C. She is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint and defenses, including but not limited to her findings pertaining to any alleged under payments of minimum wage.

13. Michael Sargeant
c/o Leon Greenberg, Esq.
2965 South Jones Boulevard, Suite E4
Las Vegas, Nevada 89146

Mr. Sargeant is expected to testify as to the facts and circumstances regarding this matter.

14. Michael Malloy
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Mr. Malloy is an employee of A Cab, LLC and is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

15. Donna Burleson
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Ms. Burleson is an employee of A Cab, LLC and is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

16. Nancy Davis
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Ms. Davis is an employee of A Cab, LLC and is expected to testify as to the facts and circumstances surrounding this matter and as alleged in the complaint.

17. Jessica Stewart
c/o Esther C. Rodriguez, Esq.
Rodriguez Law Offices, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

1 Ms. Stewart is an employee of A Cab, LLC and is expected to testify as to the facts and
2 circumstances surrounding this matter and as alleged in the complaint.

3 **18. Steven J. Oshins, Esq.**
4 **1645 Village Center Circle, Suite 170**
5 **Las Vegas, Nevada 89134**

6 **Mr. Oshins is expected to testify as to the facts and circumstances surrounding this**
7 **matter and as alleged in the complaint.**

8 Defendant A Cab reserves the right to call any witness identified by any other party, and the
9 right to supplement this list to add names of persons who may have relevant information, including
10 expert witnesses, if subsequent information and investigation so warrant.

11 Defendant A Cab further reserves the right to call rebuttal witnesses to the testimony of those
12 witnesses called by any other party.

13 **B. LIST OF DOCUMENTS**

14 A Cab's documents numbered as follows:

- 15 1. Pay stubs from October 8, 2010, A Cab 0001 - A Cab 0081;
- 16 2. W2's, A Cab 0082 - A Cab 0086;
- 17 3. Insurance information - A Cab 0087 - A Cab 0089;
- 18 4. Statewide Ballot Information - A Cab 0090 - A Cab 0098;
- 19 5. Nevada Federal & State Authority addressing the minimum wage issue - A Cab 0099 - A
20 Cab 00165;
- 21 6. Personnel file of Michael Murray, A Cab 00166 - A Cab 00327;
- 22 7. Personnel file of Michael Reno, A Cab 00328 - A Cab 00426;
- 23 8. Insurance denial of coverage, A Cab 00427 - A Cab 00433;
- 24 9. Michael Murray tripsheets, A Cab 00434 - A Cab 00567;
- 25 10. A Cab New Hire Checklist, A Cab 00568 - A Cab 00580;
- 26 11. A Cab Employee Handbook, A Cab 00581 - A Cab 00652;
- 27 12. Taxi Drivers Benefits Policy, A Cab 00653;
- 28 13. Michael Reno tripsheets, A Cab 00568a - A Cab 00653a;
14. Michael Reno tripsheets continued, A Cab 00654 - A Cab 01439;

- 1 15. Michael Murray Insurance and payroll information, A Cab 01440 - A Cab 01446;
- 2 16. Michael Reno Insurance and payroll information, A Cab 01447 - A Cab 01468;
- 3 17. A Cab Insurance Notice, A Cab 01469;
- 4 18. Michael Reno tripsheets, A Cab 01470 - A Cab 01587;
- 5 19. Michael Murray tripsheets, A Cab 01588 - A Cab 01715;
- 6 20. Cash Drop information, A Cab 01716 - A Cab 01718;
- 7 21. Nevada State Labor Commissioner Rules to Be Observed by Employers, A Cab 01719;
- 8 22. Certificate of Appreciation from the DOL to Jay Nady, A Cab 01720;
- 9 23. Summary of unpaid wages from Department of Labor, A Cab 01721 - A Cab 01722;
- 10 24. Information from Nevada Office of the Labor Commissioner website as of October 1, 2015,
- 11 A Cab 01723 - A Cab 01729 ;
- 12 25. NRS Chapter 608 as of October 1, 2015, A Cab 01730 - A Cab 01741;
- 13 26. Documents received from subpoena issued to State Labor Commissioner, A Cab 01742 - A
- 14 Cab 01836;
- 15 27. Michael P. Murray court documents, A Cab 01837 - A Cab 01839;
- 16 28. Wendy A. Gagliano court documents, A Cab 01840 - A Cab 01843; and
- 17 29. Affidavit of Keith Sakelhide, Esq.
- 18 30. Communications to drivers regarding benefits, previously produced in Defendants' Response
- 19 to Plaintiffs' Seventh Request for Production of Documents, and attached hereto as A Cab
- 20 01844 - A Cab 01859;
- 21 31. Photographs of Federal and State Notices, A Cab 01860 - A Cab 01866;
- 22 32. A Cab Employee Contact List, A Cab 01867 - A Cab 01913;
- 23 33. A Cab Employee Benefits Summaries, A Cab 01914 - A Cab 01916;
- 24 34. Health Insurance cost to employees;
- 25 35. Log of Privileged Documents in response to Plaintiffs' Motion to Compel Compliance with
- 26 Subpoena, A Cab 01918;
- 27 36. "Def Priv 1, Doc 169754" produced in compliance with Discovery Commissioner's Report
- 28 & Recommendations of hearing date February 8, 2017, consisting of 28 pages.

- 1 37. Report of Nicole S. Omps, CPA, CGMA, A Cab 01919 - A Cab 01921.
2 38. CD of electronic version of previously produced "Def Priv 1, Doc 169754", A Cab 01922.
3 39. "Header List" prepared by Jim Morgan, A Cab 01923.
4 40. Documents from U.S. Department of Labor, A Cab 01924 - A Cab 01932.
5 41. Notice of Termination of Michael Sargeant, A Cab 01933-01934.
6 42. Notice of Infraction of Company Policy, A Cab 01935.
7 43. Michael Sargeant tripsheet dated July 16, 2014, A Cab 01936-01937.
8 44. Confidential W-4 forms for active A Cab employees, CONFIDENTIAL Pursuant to NRCP
9 26(c) and the Order of the Discovery Commissioner, Pages 1-225.
10 45. Confidential W-4 forms for inactive A Cab employees, CONFIDENTIAL Pursuant to NRCP
11 26(c) and the Order of the Discovery Commissioner, Pages 226-842.
12 46. Redacted Personnel file of Michael Sargeant, A Cab 01938 - A Cab 01991.
13 47. Confidential W-4 forms for inactive A Cab employees, CONFIDENTIAL Pursuant to NRCP
14 26(c) and the Order of the Discovery Commissioner, Pages 843-1278.
15 48. Confidential W-4 forms for inactive A Cab employees, CONFIDENTIAL Pursuant to
16 NRCP 26(c) and the Order of the Discovery Commissioner, Pages 1279 - 1650.
17 As discovery is continuing, Defendants reserve the right to supplement this list to add
18 documents, including expert reports, if subsequent information and investigation so warrant.

19 DATED this 6th day of June, 2017.

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

21 By: /s/ Esther C. Rodriguez, Esq.

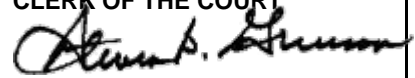
22 Esther C. Rodriguez, Esq.
23 Nevada Bar No. 6473
24 10161 Park Run Drive, Suite 150
25 Las Vegas, Nevada 89145
26 *Attorneys for Defendants*
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 6th day of June, 2017, I electronically *served* the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

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

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



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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION
TO AMEND JUDGMENT**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby file this reply to defendants' opposition to plaintiffs' motion pursuant to NRCP Rule 59(e) for an Order amending the Judgment entered by the Court on August 21, 2018 to add the name A CAB SERIES LLC as judgment debtor to that Judgment, on the basis that is the current name of the defendant A CAB LLC originally sued in this case and against whom such Judgment was entered.

SUMMARY OF REPLY

"A Cab Series LLC" is the same entity as the originally sued "A Cab LLC"

Defendants make a grossly improper representation to the Court by asserting that "A Cab Series LLC" is a "different defendant [entity]" than "A Cab LLC." That claim is manifestly untrue. The former ("A Cab Series LLC") is only a change of name of the latter (the originally summoned defendant "A Cab LLC").

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ARGUMENT

I. THE AMENDMENT OF THE ARTICLES OF ORGANIZATION OF A CAB LLC IN 2012 DID NOT CREATE ANY NEW OR DIFFERENT ENTITY OR DIFFERENTLY NAMED ENTITY, SUCH ENTITY WAS PROPERLY JOINED IN THIS CASE AS “A CAB LLC” AND CHANGED IT NAME YEARS AFTER SUCH JOINDER TO “A CAB SERIES LLC”

A. The 2012 re-organization of A Cab LLC that allowed it to issue a series of limited liability company members did not change its name, it remained legally identified as “A Cab LLC.”

In an attempt to confuse the Court, and make it reach the erroneous conclusion that the entity currently known as “A Cab Series LLC” is a different, and not sued, entity, defendants proffer a copy of an “Amended and Restated Articles of Organization of A Cab LLC” filed on February 16, 2012 with the Nevada Secretary of State. (Ex. “1” opposition). As the Nevada Secretary of State’s “Certificate to Accompany Restated Articles or Amended or Restated Articles” states in Box 1 “A Cab LLC” is the “Name of Nevada entity as last recorded in this office.” *Id.* Article 1 of those Amended and Restated Articles of Organization State the following:

ARTICLE I. NAME OF LIMITED LIABILITY COMPANY: The name of this limited liability company (the “Company”) is:

A CAB LLC. *Id.*

The February 2012 change of the Articles of Organization of A Cab LLC did not change that entity’s name or create any new entity. That such change granted A Cab LLC, in its changed Article 2, the power to have a series of limited liability company members, as provided for by NRS 86.161(1)(e), is irrelevant. It remained known as “A Cab LLC” which was its legally registered name with the Nevada Secretary of State.

1 **B. A Cab LLC was properly joined in this case in October of**
2 **2012, after its March 2012 re-organization and while it still**
3 **used the legal name “A Cab LLC.”**

4 A Cab LLC was named as a defendant in plaintiffs’ complaint filed when this
5 case commenced in October of 2012. Ex. “A.” This was after it was re-organized in
6 March of 2012 to grant it the power to have a series of limited liability members (what
7 defendants colloquially refer to as a “series LLC” form) and **while it was still**
8 **registered with the Nevada Secretary of State as an entity named “A Cab LLC.”**
9 It answered the complaint in April of 2013.¹ Ex. “B.”

10 **C. A Cab LLC changed its name to “A Cab Series LLC” in 2017**
11 **and in doing again affirmed its name was “A Cab LLC” prior**
12 **to January 5, 2017.**

13 As set forth at Ex. “A” to the moving papers the existence of an entity known by
14 the name “A Cab Series LLC” occurred on January 5, 2017 when A Cab LLC filed
15 another Amendment to its Articles of Organization that stated at point 1 “Name of
16 limited-liability company: A Cab LLC” and at point 3 “The articles have been
17 amended as follows (provide article numbers, if available): The Name is Now A Cab
18 Series, LLC.”

19 **D. A Cab Series LLC is the same entity as A Cab LLC, it is just**
20 **a changed name that was adopted on January 5, 2017.**

21 As demonstrated, the entity currently registered with the Nevada Secretary of
22 State as “A Cab Series LLC” is the *same entity* as the originally sued, and appearing,
23 defendant and judgment debtor “A Cab LLC.” Such entity changed its name long
24 after the commencement of this lawsuit and its appearance in this lawsuit (and without
25 ever advising the Court of its changed named). Accordingly, the judgment in this

26 ¹ No answer was filed by the defendant named as “A Cab Taxi Service LLC”
27 and no such entity was ever registered with the Nevada Secretary of State. That name
28 appears as a defendant in the caption of this case because A Cab used that name on
certain of its business records, such as the W-2 form it issued to plaintiff Murray in
2011, Ex. “C” Bates A Cab 0083.

1 case, granted against such entity, must be amended to correctly record it is against the
2 changed, and current, name of that entity.

3 **E. That deposition testimony in June of 2017 may have mentioned**
4 **the existence of the new name “A Cab Series LLC” adopted in**
5 **January of 2017 for “A Cab LLC” does not provide any basis**
6 **for the denial of the motion.**

7 That defendant Nady, in a June of 2017 deposition, arguably identified
8 defendant A Cab as then using the legal name “A Cab Series LLC” is irrelevant.²
9 Similarly irrelevant was the extensive and rambling testimony by Nady on the
10 significance of defendant A Cab using a “series” of “LLC Cells” to frustrate any
11 possible efforts to collect on the legal liabilities A Cab incurred during its operations.
12 Ex. “D,” excerpts of deposition, p. 38 to 69. Nady’s belief in the utility of using a
13 “series” of separate LLC “cells” of a “series LLC” in A Cab’s business operations is
14 irrelevant. Such deposition examination has nothing to with whether the motion
15 should be granted and the judgment entered against the current name, which is “A Cab
16 Series LLC,” of the original summoned defendant and judgment debtor “A Cab LLC.”

17 Defendants proffer no reason to believe defendant and judgment debtor A Cab
18 LLC (which on January 5, 2017 changed its name to A Cab Series LLC) will be
19 prejudiced by the granting of the motion. They do not claim any such prejudice exists
20 (instead they argue the impossible, that A Cab Series LLC is not actually the same
21 entity as A Cab LLC). That such name change was, arguably, disclosed prior to entry
22

23 ² Contrary to defendants’ claim, it was defendant Nady, not plaintiffs’ counsel,
24 that first used the name “A Cab Series LLC” during that deposition and opaquely
25 indicated it was the legal name of defendant A Cab:

26 Q: What are the Series LLCs that have been issued by A Cab?

27 A: There’s only one.

28 Q: Which is?

 A: A Cab Series LLC. Deposition, p. 30, l. 2-6, at Ex. “D.”

1 of judgment, or could have been ascertained by plaintiffs' counsel prior to entry of
2 judgment, is irrelevant.

3 **CONCLUSION**

4 This Court cannot allow an entity to escape its liability for this Court's duly
5 entered judgment through a change of its name. A Cab LLC and A Cab Series LLC
6 are the same entity that has changed its name during the course of this litigation. That
7 indisputable fact is frivolously and improperly disputed by the defendants who are
8 knowingly, and falsely, claiming they are different legal entities. The Court may wish
9 to admonish defendants' counsel for engaging in such conduct. There is no basis to
10 deny the motion, which should be granted.

11
12 Dated: September 20, 2018

13 LEON GREENBERG PROFESSIONAL CORP.

14 */s/ Leon Greenberg*

15 _____
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
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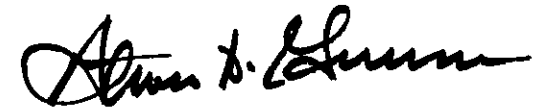
Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Amend Judgment

TO:

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

Dana Sniegocki

EXHIBIT "A"



CLERK OF THE COURT

1 **COMP**

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

7 Attorneys for Plaintiffs

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 A-12-669926-C

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

16 Plaintiffs,

17 vs.

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

20 Defendants.

) Case No.:

) Dept.: XXVIII

) **COMPLAINT**

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

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

26 **JURISDICTION, PARTIES AND PRELIMINARY STATEMENT**

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

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

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

11 **CLASS ACTION ALLEGATIONS**

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

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

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

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

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

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

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

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

28 10. The individual plaintiffs will fairly and

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

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

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

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

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

1 Constitution.

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

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

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

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

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

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

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

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

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

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

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

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

6 Dated this 8th day of October, 2012.

7

8 Leon Greenberg Professional Corporation

9

10 By: /s/ Leon Greenberg

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

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28
Attorney for Plaintiff

EXHIBIT “B”

ANSC
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
Attorneys for Defendant A Cab, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURPHY 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.

DEFENDANT A CAB, LLC'S ANSWER TO COMPLAINT

Defendant A Cab, LLC ("Defendant"), by and through its attorney of record, ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., pursuant to NRCP Rule 12, and as its Answer to Plaintiffs' Complaint on file herein ("Complaint"), admits, denies and alleges as follows:

JURISDICTION, PARTIES AND PRELIMINARY STATEMENT

1. Answering Paragraph 1 of the Complaint, Defendant is without sufficient information or knowledge to form a belief as to the truth of such allegations, and therefore denies the same. Defendant denies the allegation that Plaintiffs are current employees.

2. Answering Paragraph 2 of the Complaint, Defendant admits it is a Nevada Limited Liability Company doing business in the County of Clark, State of Nevada, as a taxicab company.

CLASS ACTION ALLEGATIONS

3. Answering Paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Complaint, Defendant asserts that the allegations contained therein are a legal conclusion to which no response is required.

1 To the extent these Paragraphs contain any factual allegations requiring a response, Defendant
2 denies same.

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

6 4. Answering Paragraph 13 of the Complaint, Defendant repeats and realleges its
7 answers to the allegations contained in Paragraphs 1 through 12 as though fully set forth herein.

8 5. Answering Paragraphs 14, 15, and 16 of the Complaint, Defendant asserts that the
9 allegations contained therein are a legal conclusion to which no response is required. To the extent
10 these Paragraphs contain any factual allegations requiring a response, Defendant denies same.

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

14 6. Answering Paragraph 17 of the Complaint, Defendant repeats and realleges its
15 answers to the allegations contained in Paragraphs 1 through 16 as though fully set forth herein.

16 7. Answering Paragraphs 18, 19, 20, and 21 of the Complaint, Defendant asserts that
17 the allegations contained therein are a legal conclusion to which no response is required. To the
18 extent these Paragraphs contain any factual allegations requiring a response, Defendant denies
19 same.

20 **PRAYER FOR RELIEF**

21 Plaintiffs' prayer for relief requires no response. However, to the extent Plaintiffs' prayer
22 asserts allegations, Defendant denies each and every allegation in the prayer for relief.

23 **AFFIRMATIVE DEFENSES**

24 **FIRST AFFIRMATIVE DEFENSE**

25 As a first separate and affirmative defense, Defendant alleges Plaintiffs' Complaint fails to
26 state a claim upon which relief can be granted.

27 **SECOND AFFIRMATIVE DEFENSE**

28 As a second separate and affirmative defense, Defendant alleges Plaintiffs have failed to
mitigate their alleged damages, if any.

...

THIRD AFFIRMATIVE DEFENSE

As a third separate and affirmative defense, Defendant alleges that Plaintiffs' damages, if any, were caused solely by the conduct of others and are not the result of any conduct of Defendant A Cab, LLC.

FOURTH AFFIRMATIVE DEFENSE

As a fourth separate and affirmative defense, Defendant alleges that Plaintiffs' claims are not ripe in this forum.

FIFTH AFFIRMATIVE DEFENSE

As a fifth separate and affirmative defense, Defendant alleges that Plaintiffs' claims are barred because Plaintiffs' own actions were the proximate cause of their damages, if any.

SIXTH AFFIRMATIVE DEFENSE

As a sixth separate and affirmative defense, Defendant alleges that this Court does not have jurisdiction because Plaintiffs have failed to exhaust their administrative remedies as required by Nevada law.

SEVENTH AFFIRMATIVE DEFENSE

As a seventh separate and affirmative defense, Defendant alleges that Plaintiffs' Complaint is barred by the doctrine of res judicata.

EIGHTH AFFIRMATIVE DEFENSE

As an eighth separate and affirmative defense, Defendant alleges that Plaintiffs' Complaint is barred by the doctrine of collateral estoppel.

NINTH AFFIRMATIVE DEFENSE

As a ninth separate and affirmative defense, Defendant alleges that Plaintiffs have failed to maintain their claims pursuant to Nevada Rule of Civil Procedure 23 governing class actions.

TENTH AFFIRMATIVE DEFENSE

As a tenth separate and affirmative defense, and pursuant to N.R.C.P. 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's answer to the Complaint, and therefore, this answering Defendant reserves the right to amend its answer to allege additional affirmative defenses

1 if subsequent investigation so warrants.

2 **ELEVENTH AFFIRMATIVE DEFENSE**

3 As an eleventh separate and affirmative defense, Defendant denies each and every allegation
4 of Plaintiffs' Complaint not specifically admitted or otherwise pled to herein.

5 **TWELFTH AFFIRMATIVE DEFENSE**

6 As a twelfth separate and affirmative defense, it has been necessary for this answering
7 Defendant to retain the services of an attorney to defend this action, and Defendant A Cab, LLC is
8 entitled to a reasonable sum as and for attorney's fees.

9 **THIRTEENTH AFFIRMATIVE DEFENSE**

10 As a thirteenth separate and affirmative defense, Plaintiffs' claims are barred by statute of
11 limitations / laches.

12 **FOURTEENTH AFFIRMATIVE DEFENSE**

13 As a fourteenth separate and affirmative defense, Plaintiffs' claims are barred by unclean
14 hands / in pari delicto/ illegality.

15 **FIFTEENTH AFFIRMATIVE DEFENSE**

16 As a fifteenth separate and affirmative defense, Plaintiffs' claims are barred by fraud / theft.

17 **SIXTEENTH AFFIRMATIVE DEFENSE**

18 As a sixteenth separate and affirmative defense, Plaintiffs' claims are barred by equitable
19 estoppel.

20 **SEVENTEENTH AFFIRMATIVE DEFENSE**

21 As a seventeenth separate and affirmative defense, Plaintiffs' claims are barred or otherwise
22 limited by offset / setoff / or payments that have already been made to the amounts in question.

23 **EIGHTEENTH AFFIRMATIVE DEFENSE**

24 As a eighteenth separate and affirmative defense, Plaintiffs' demand for attorney fees is
25 barred by the lack of any legal basis for Plaintiff attorney fees.

26 ...

27 ...

28 ...

WHEREFORE, Defendant prays as follow:

1. That Plaintiffs take nothing by way of their Complaint;

2. That Plaintiffs' Complaint be dismissed with prejudice in its entirety and Judgment entered in favor of Defendant;

3. That Defendant be awarded its attorneys' fees, costs, and interest; and

4. For such other and further relief as this Court deems just and proper.

DATED this 22 day of April, 2013.

RODRIGUEZ LAW OFFICES, P.C.

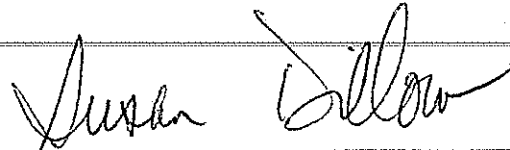


Esther C. Rodriguez, Esq.
Nevada Bar No. 6473
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Attorneys for Defendant A Cab, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing Defendant A Cab, LLC's Answer to Complaint was served by placing same, postage prepaid, in the U.S. Mail this 22 day of April, 2013 to:

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



An Employee of Rodriguez Law Offices, P.C.

EXHIBIT "C"

a Employee's SSN [REDACTED]-0281		Copy D For Employer.	
b Employer identification number (EIN) 88-0470590		OMB No. 1545-0008	
c Employer's name, address, and ZIP code A CAB TAXI SERVICE LLC A CAB, LLC 1500 SEARLES AVENUE LAS VEGAS NV 89101-1123		1 Wages, tips, other compensation 5742.64 2 Federal income tax withheld 641.00 3 Social security wages 5742.64 4 Social security tax withheld 241.19 5 Medicare wages and tips 5742.64 6 Medicare tax withheld 83.27 7 Social security tips 8 Allocated tips 9 10 Dependent care benefits	
d Control number		11 Nonqualified plans	
e Employee's name, address, and ZIP code MICHAEL P MURRAY 5986 YORBA CT. LAS VEGAS NV 89103		12a 12b 12c 12d 13 Statutory Employee Plan Third-party sick pay 14 Other	
15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax
		18 Local wages, tips, etc.	19 Local income tax
		20 Locality name	

Form **W-2** Wage and Tax Statement

2011

Department of the Treasury — Internal Revenue Service

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

FDWA0105 09/09/11

A Cab 0083

AA008856

EXHIBIT “D”

DISTRICT COURT
CLARK COUNTY, NEVADA

MICHAEL MURRAY, and MICHAEL) Case No.: A-12-669926-C
RENO, individually and on) Dept. No.: I
Behalf of others similarly)
Situating,)
 Plaintiffs,)
vs)
A CAB TAXI SERVICE LLC, A CAB,))
LLC and CREIGHTON J. NADY,)
 Defendants.)
_____)

RECORDED DEPOSITION OF CREIGHTON J. NADY

Taken on June 16, 2017

At 1:10 p.m.

Evolve Downtown

400 South 4th Street, 3rd Floor

Las Vegas, Nevada 89101

AA008858

1 Q: It`s clear on the record. Thank
2 you. What are the Series LLCs that have been issued
3 by A Cab?

4 A: There`s only one.

5 Q: Which is?

6 A: A Cab Series LLC.

7 Q: A Cab Series LLC is an entity that
8 issues Series LLCs or is it a Series LLC itself?

9 A: Mr. Greenberg, you`re asking legal
10 advice.

11 Q: No. Mr. Nady, I`m asking you what
12 you know about the business structure of A Cab. A
13 Cab is a taxi business, Mr. Nady. There is a single
14 LLC registered with the Nevada Secretary of State as
15 a Series LLC - A Cab Series LLC - that is the legally
16 registered entity. Do you understand that?

17 A: I do. I did it.

18 Q: Okay. Now, the Series LLC can in
19 turn establish other separate LLCs of the Series. Do
20 you understand that?

21 A: I don`t know. That sounds like
22 you`re giving me legal advice or at least telling me
23 what it is. I don`t agree with you.

24 Q: Okay. Well, can you tell me
25 whether the business that A Cab conducts is conducted

1 through a single entity or is it conducted through a
2 series of LLC entities?

3 A: It's a single company, a Series
4 LLC.

5 Q: Okay. Then, what is a Series LLC?

6 A: That's definitely a legal question.

7 Q: Mr. Nady, a Series LLC is an LLC
8 that has the authority, the power, okay, to establish
9 separate LLCs of a Series which can be treated as
10 separate entities. Do you understand that?

11 A: I understand something similar to
12 that or at least I think I do similar to that but not
13 in the way you described it, but I don't want to tell
14 you what my counselor said, so I'll --

15 Q: Mr. Nady, I'm not asking you to
16 tell me what your counselor told you. I'm asking you
17 to tell me what you're understanding is.

18 A: Then I disagree with you. I
19 disagree with you, Mr. Greenberg.

20 Q: Okay. What series LLCs has A Cab
21 Series LLC established?

22 A: What?

23 Q: A Cab Series LLC is the registered
24 entity with the Nevada Secretary of State. Do you
25 understand that?

1 A: I did it like I said earlier.

2 Q: Yes. That is the legal name of the
3 entity that has paid a filing fee, corporation
4 document... well, it's an LLC, so it's probably
5 called something different on file with the Nevada
6 Secretary of State. As part of its powers as an LLC,
7 it can issue Series LLCs; meaning other legal
8 entities, they would be similar in concept to a
9 subsidiary of a parent corporation, Mr. Nady. You
10 understand what a subsidiary is of a parent
11 corporation?

12 A: I understand what subsidiary is,
13 Mr. Greenberg.

14 Q: It's a similar concept, Mr. Nady.

15 A: No, it's not.

16 Q: Okay. Well, then tell me how it's
17 not.

18 MS. RODRIGUEZ: Well, no. I'm going to
19 object. Hold on, hold on --

20 A: It's not. There's no such thing.
21 I don't want to give you legal advice, Mr. Greenberg.

22 MS. RODRIGUEZ: Let me make my
23 objection, okay, because I think you're just asking
24 for the same issue that we've asserted the attorney-
25 client privilege on. You're just coming at it from a

1 different angle by asking him to explain what other
2 counsel has explained to him, Mr. Greenberg, so
3 that's why we're at a stalemate here.

4 **Q: Mr. Nady's knowledge of his**
5 **business activities is at issue in this case. There**
6 **are allegations in this case, counsel, that he is**
7 **conducting the business activities of A Cab as an**
8 **alter ego that he's not properly respected the**
9 **independent corporate and legal status of the**
10 **business. So his knowledge as to how the business is**
11 **run, how it is structured --**

12 MS. RODRIGUEZ: That's fine.

13 **Q: Well, that's what we're trying to**
14 **determine. He's understanding of those is germane,**
15 **counsel. I'm not asking him to tell me anything --**

16 MS. RODRIGUEZ: Well no. Hold on, hold
17 on.

18 MR. HELLMAN: Please, one at a time.

19 **Q: I'm not --**

20 MS. RODRIGUEZ: What you're doing is
21 you are misrepresenting what a series LLC is and what
22 the statutes are. And then you're telling him,
23 ``Well, then why am I wrong?`` So you're basically
24 asking him to explain it all over again.

25 **Q: Okay. We're going to need to get**

1 the discovery commissioner on the phone.

2 MS. RODRIGUEZ: Okay.

3 Q: It seems pretty clear, although let
4 us continue for a little while and see if we can
5 perhaps resolve our problems. I don't think it's
6 likely. Mr. Nady, --

7 A: Mr. Greenberg.

8 Q: -- has A Cab Series LLC, again, is
9 the legal entity that is registered with the Nevada
10 Secretary of State, you agreed, correct?

11 MS. RODRIGUEZ: You've asked him that
12 three times, so I'm going to object that it's been
13 asked and answered.

14 A: I agree with that, Mr. Greenberg.

15 Q: Okay. Has that entity issued any
16 other LLCs?

17 A: I don't think what you're --

18 MS. RODRIGUEZ: That's a ``yes`` or
19 ``no`` question.

20 A: Hasn't issued anything, Mr.
21 Greenberg.

22 Q: Okay. Does it register or maintain
23 records relating to any separate companies or
24 businesses that it has made part of its series?

25 A: Yes.

1 **Q: Could you tell me what those**
2 **companies or businesses are?**

3 A: There is a separate series and all
4 of the series, Mr. Greenberg, none are subordinate to
5 another. There is no such thing is subordination in
6 a series LLC. You should learn about these before
7 you try to crack it. There`s no such thing as
8 subordination and they simply file consolidated
9 returns, but there is no one head. There are just a
10 series of cells.

11 **Q: Please tell me what they are.**
12 **Identify them.**

13 A: I don`t know what they all are, Mr.
14 Greenberg. We have one for each medallion. We have
15 on for each taxi cab. We have one for the
16 maintenance company. One for the Employee Leasing
17 Company. We have one for an administration company
18 and some other that I can`t remember. We have one
19 for the car maintenance company. I think we have 135
20 cells for the medallions, and a hundred for the taxi
21 cabs or 102 for the taxi cabs and bank account for
22 every darn one of them. They keep separate records
23 and those records are produced, and they consolidate
24 it at the yearend for a single tax return, and that`s
25 a lesson for you Mr. Greenberg in series LLCs.

1 You're welcome.

2 Q: And who are the members or owners
3 of each of those cells that you've described of a
4 Series LLC?

5 A: There's only one member for all of
6 them. It's a single-member LLC.

7 Q: And who is that?

8 A: Me.

9 Q: Why were they created?

10 A: It's a good business decision, Mr.
11 Greenberg.

12 Q: And why do you believe that's a
13 good business decision?

14 A: Counselor told me.

15 Q: And when were they created?

16 A: As they came on board.

17 Q: What do you mean by ``as they came
18 on board``?

19 A: Mr. Greenberg, it's pretty simple.
20 I wouldn't have an LLC for a car I didn't own. So as
21 when the car was put in service, it was added. I got
22 a new medallion, it was added.

23 Q: Have any of the operations that are
24 conducted by those cells been transferred since they
25 were created?

1 A: Just explain ``transfer,`` Mr.
2 Greenberg.

3 Q: Well, you mentioned that certain of
4 the cells you identified - administration, employee
5 leasing, I think maybe you said something about
6 maintenance, - those are operations. Those are
7 individual units of property such as a car and
8 medallion. Do you understand?

9 A: No. I don't understand what you're
10 trying to say.

11 Q: Well, your prior testimony, you
12 referred to 135 cells - each of which was for a
13 medallion. A 102 cells, each of which was for a car.
14 Is that correct?

15 A: Yes, I did.

16 Q: So the cell that you described in
17 each of those instances is the owner of the medallion
18 or the car. Is that correct?

19 A: I think your choice of words is
20 incorrect.

21 Q: Well, how would you describe the
22 cells' relationship to the medallion or the car?

23 A: It's a bailiff relationship.

24 Q: It's a bailiff relationship. So it
25 is the custodian of that property?

1 A: I think that's a better choice of
2 words, but bailiff is the term that was given to me.
3 Now, you're getting in my legal advice.

4 **Q: Well, then who is actually the**
5 **titleholder of that property?**

6 A: Each cell I think is considered its
7 own title. And as you know, Mr. Greenberg, if you've
8 read the Series LLC, that no cell will be responsible
9 for the obligations or omissions or deaths of another
10 cell.

11 **Q: Well, Mr. Nady, you're telling me**
12 **that each cell of the 102 cells for each of the cars**
13 **you mentioned holds the title to the car?**

14 A: Pretty much so, I think, that each
15 one is registered differently. Each car has - on the
16 registration - is called by that name.

17 **Q: Besides their ownership of that**
18 **car, does that cell that owns the car have any other**
19 **assets?**

20 A: Have any what?

21 **Q: Any other assets.**

22 A: Sure.

23 **Q: What are they?**

24 A: It's income. It's revenue.
25 Expenses. It has a complete balance sheet, Mr.

1 Greenberg.

2 Q: And where does it get income from?

3 A: When the car's used by the driver.

4 Q: What is the income?

5 A: The revenue provided by the driver,
6 Mr. Greenberg.

7 Q: When you say ``the revenue,``
8 there's different kinds of revenue the car can
9 generate. Can you tell me --

10 A: I'm sorry?

11 Q: The car could generate different
12 kinds of revenue. It could generate revenue from
13 passengers. It could generate revenue from
14 advertising. Perhaps it could generate revenue from
15 something else. Can you tell me what kind of revenue
16 the car generates that goes on the balance sheet of
17 the cell that owns the car?

18 A: All of them. You just named them
19 all pretty well.

20 Q: There is no other revenue that the
21 car would generate besides advertising and passenger
22 fares?

23 A: I don't think so.

24 Q: What are the expenses of the cell
25 that owns the car?

1 A: Mr. Greenberg, you want to get a
2 lesson here in management or I don't know if I want
3 to explain my whole record keepings you, but what
4 would you have in any business are the same, Mr.
5 Greenberg. You're a businessman. You own a company.
6 So it would have the cost of driving the car, the
7 maintenance. It would rent the medallion from the
8 medallion company. It would have the driver expense
9 and fees, and it would have its own insurance. It
10 would have its own depreciation and it has a complete
11 set of records, financial statements, every car.

12 **Q: Now, you've described to me some of**
13 **the operation of the cell that owned or the cells**
14 **that owned the cars. You also mentioned a cell that**
15 **is the employee leasing series. That's an operation**
16 **that is not confined to a single car, correct?**

17 A: I don't know if you'd call it an
18 operation or not. I wouldn't call it that.

19 **Q: Well, what does the employee**
20 **leasing cell do?**

21 A: It leases the cars.

22 **Q: It lease the cars --**

23 A: The companies, it leases the
24 employees to the cars. It provides employees for
25 those cars.

1 Q: Okay. And what is its source of
2 income?

3 A: It would be the revenue from the
4 meter, Mr. Greenberg.

5 Q: You had mentioned that the revenue
6 from the meter was part of the passenger fares -
7 revenue from the meter - was revenue to the cell that
8 owned the car?

9 A: Yeah, I did.

10 Q: Yes, you did.

11 A: Mr. Greenberg, I don't feel like I
12 have to give you a complete lesson in how a company
13 runs. I think you should know better and one might
14 go through the other to get there, but I will not sit
15 here and tell you how a company - any company - would
16 run. It's so simple that it doesn't need an
17 explanation, Mr. Greenberg.

18 Q: Well, you mentioned that there's
19 balance sheets, and financial books, and records that
20 are maintained for each cell independently and those
21 records accurately record all revenue and expenses of
22 each cell, correct?

23 A: They do.

24 Q: Okay. The revenue from the meter
25 you had testified a little while ago was recorded as

1 revenue to the cell that owned the car where the
2 meter was in? Is that correct?

3 A: The money from the meter goes into
4 the cell that owns the car. That car has the revenue
5 from their end and from that, we deduct the wages, we
6 deduct the mileage, a percentage of the mileage for
7 the maintenance and we deduct what the employee makes
8 from that.

9 Q: Okay. So the revenue first appears
10 on the balance sheet of the car with the meter?

11 A: No. The revenue does never go on a
12 balance sheet, Mr. Greenberg.

13 Q: It gets recorded on a ledger. It
14 gets --

15 A: It's not on a balance sheet. A
16 balance sheet has nothing to do with income, Mr.
17 Greenberg. A balance sheet is simply assets,
18 liabilities and capital. It's not on the balance
19 sheet.

20 Q: Okay. Well, yes. But a record is
21 kept of revenue --

22 A: It's not kept on the balance sheet
23 through.

24 MS. RODRIGUEZ: Hold on. Wait for the
25 question.

1 Q: Mr. Nady --

2 A: Well, he's asking me a question
3 that he doesn't know anything about accounting and it
4 just --

5 Q: Mr. Nady, --

6 A: Mr. Greenberg.

7 Q: A record is kept of revenue that
8 each cell that owns each car receives, correct?

9 A: Yes. It's not kept on the balance
10 sheet, Mr. Greenberg.

11 Q: Okay. And that record of revenue
12 includes the taxi fares from the meter that is in the
13 car, correct?

14 A: That's correct, Mr. Greenberg.

15 Q: So that revenue in the first
16 instance is property of the cell that the meter of
17 the... that owns the car the meter is in, correct?

18 A: Yes.

19 Q: And from that revenue then is
20 deducted or paid over to the Employee Leasing Company
21 for the employee who was driving the car?

22 A: A portion of it, Mr. Greenberg.

23 Q: A portion of it. So except for
24 that portion that you just described to me that is
25 paid to the employee leasing cell, does the employee

1 leasing cell receive any other revenue?

2 A: No, Mr. Greenberg.

3 Q: Does the employee leasing cell have
4 any assets?

5 A: It keeps all the cells maintained
6 and balanced in their own checking account.

7 Q: You know how much that balance is?

8 A: Mr. Greenberg, I have about 500 of
9 my... I could tell you. Which one do you want to
10 talk about?

11 Q: Does each one operate with a
12 separate tax ID number?

13 A: You have no clue what a Series LLC
14 is, Mr. Greenberg, and I`m sorry. The answer to the
15 question is no.

16 Q: It is correct that all of the
17 series LLCs as you testified previously are reported
18 or processed for tax purposes under a single tax
19 identification number or employer identification
20 number. Is that correct?

21 A: As I said earlier twice before,
22 they file a consolidated return, Mr. Greenberg.

23 Q: When you say ``consolidated
24 return,`` are we talking about an 1120 return, a
25 corporate lever return, what kind of return?

1 A: It`s a 1040.

2 Q: And is it correct that that 1040 is
3 Schedule C?

4 A: Exactly.

5 Q: Okay. And that is your personal
6 1040 return?

7 A: It certainly is. Do you remember
8 when I told you in the hallway that you were suing
9 the wrong entities --

10 MS. RODRIGUEZ: Jay, there is no
11 question pending.

12 A: Thank you.

13 Q: Okay. Mr. Nady, you believe that
14 having individual cells of A Cab LLC will protect
15 your business from having to pay judgment against in
16 this case?

17 A: No.

18 Q: Then why were you telling me that
19 we had sued the wrong entity in this lawsuit?

20 A: Because you have not sued any of
21 the cells directly because a Series LLC is a series
22 of cells and you haven`t sued each one of them. You
23 just threw a piece of mud up against the wall.

24 Q: So what will happen in your view if
25 this case proceeds to a judgment against A Cab LLC

1 with none of the cells named in the case? What do
2 you think will happen?

3 A: I think you're asking me for legal
4 advice, Mr. Greenberg, and I won't answer. This, I
5 will refuse to answer because you're asking for legal
6 advice

7 Q: Mr. Nady, I'm asking you to tell me
8 what you belief. I'm not asking you to advise me
9 about anything.

10 A: I think they're the same.

11 Q: You think what are the same?

12 A: Me giving you legal advice and what
13 I think is going to happen. I can't separate the
14 two.

15 Q: Well, Mr. Nady, you can --

16 A: Mr. Greenberg.

17 Q: -- you can answer this question
18 ``yes`` or ``no:`` do you believe that if this case
19 proceeds to a judgment against A Cab, the assets that
20 are titled to the cells of A Cab will be subject to
21 that judgment?

22 MS. RODRIGUEZ: I'm going to object to
23 the form of the question. A Cab has not been named
24 as a defendant.

25 Q: A Cab's LLC is the defendant in

1 this case.

2 MS. RODRIGUEZ: That`s not what you
3 said in your question.

4 Q: Mr. Nady, there is a corporate
5 defendant that is named a LLC defendant. A single
6 identified entity that is identified by name in this
7 case as defendant. You are aware of that?

8 MS. RODRIGUEZ: And that, I`m going to
9 object that that misstates the record.

10 Q: Are you aware of that, Mr. Nady?

11 A: I forgot the question.

12 Q: Mr. Nady, are you aware that A Cab
13 LLC is named as a defendant in this case?

14 A: I think it is.

15 Q: And if a judgment in this case is
16 rendered against A Cab LLC, do you believe that the
17 various assets that are titled to the cells you`ve
18 described such as the 102 vehicles, each of which is
19 titled to a separate cell, will be subject to that
20 judgment?

21 MS. RODRIGUEZ: Objection. Calls for a
22 legal conclusion.

23 A: It sure does.

24 Q: Mr. Nady, you need to answer my
25 question as to your belief. I`m not asking you to

1 tell me what the law is. What do you believe will
2 happen in that situation?

3 MS. RODRIGUEZ: Same objection.

4 A: I think you've sued the wrong
5 entities, Mr. Greenberg.

6 Q: And I've sued the wrong entities
7 because?

8 A: I don't know why you did it.

9 MS. RODRIGUEZ: Object to the form of
10 the question.

11 Q: Okay.

12 A: You did it because you don't know
13 what an LLC is, that's why.

14 Q: Okay. What would be the right
15 entities to sue, Mr. Nady?

16 A: I wouldn't want to give you legal
17 advice, Mr. Greenberg.

18 Q: Well, you say you believe that the
19 wrong entities are sued. Is that because a judgment
20 against A Cab LLC in this case will not be
21 enforceable against the property of the cells you've
22 described such as the 102 cars?

23 MS. RODRIGUEZ: Objection. Calls for a
24 legal conclusion, and calls for speculation, and
25 lacks foundation.

1 A: Should I answer it?

2 Q: You need to answer the question,
3 Mr. Nady.

4 A: Yeah, that's what I think.

5 Q: Has the cell that is the Employee
6 Leasing Company you described changed over time?

7 A: Yes.

8 Q: When?

9 A: I don't recall when, Mr. Greenberg.

10 Q: What were the names that were used
11 for the Employee Leasing Company's cell?

12 A: I think we had Employee Leasing
13 Company and then Employee Leasing Company II... I
14 think we've got three of them over the years.

15 Q: And why did the name change?

16 A: To a legal advice.

17 Q: And what was that legal advice?

18 MS. RODRIGUEZ: Objection. Calls for
19 attorney-client information.

20 A: Mr. Greenberg, I don't think that I
21 have to give you my legal advice.

22 Q: I just want to be clear on the
23 record, counsel, he --

24 A: I'm invoking my legal counsel.

25 Q: Okay. The witness is invoking an

1 attorney-client privilege to not answer that
2 question.

3 A: Thank you.

4 Q: And please, Mr. Nady, if you're
5 going to invoke that privilege, just state so, so
6 it's clear on the record that you're invoking the
7 privilege. I'm not going to argue with you about it.

8 A: Well, thank you. That would be a
9 nice change of tone.

10 Q: Was the advice you were given...
11 no, I withdraw that question. When did those changes
12 take place?

13 A: I said I don't know about it three
14 minutes ago. I don't recall.

15 Q: Are you familiar with a cell of A
16 Cab called A Cab Taxi Service, LLC?

17 A: It's no.

18 Q: Excuse me?

19 A: I'm not.

20 Q: You're not?

21 A: No.

22 Q: Okay. Has A Cab Taxi Service, LLC
23 ever been the name of a cell of A Cab?

24 A: No, has not.

25 Q: Has that name ever been used in A

1 Cab`s business, A Cab Taxi Service, LLC?

2 A: What was the question again? Has
3 it ever been used --

4 Q: Has that name - A Cab Taxi Service,
5 LLC - ever been used by A Cab in its business?

6 A: Not my A Cab, but some people just
7 pull it out. They think that`s the name and
8 sometimes I don`t disagree with them.

9 Q: This is plaintiff`s one. Counsel.

10 MS. RODRIGUEZ: Thank you.

11 A: Sometimes it looks like you`re
12 wearing no shoes because they`re about the same color
13 as your feet.

14 Q: Mr. Nady, if you could please take
15 a look at what`s been marked as plaintiff`s Exhibit
16 1. I draw your attention to the bottom of that page.
17 Do you see where it says ``A Cab, LLC,`` and then
18 following on that line, it says, ``A Cab Taxi
19 Service, LLC``?

20 A: I do.

21 Q: Now, can you tell me anything
22 further about A Cab`s use of the name A Cab Tax
23 Service, LLC, now that you`ve looked at this
24 document?

25 A: I didn`t put it on there. The