

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

Leon Greenberg, Esq.
Dana Sniegocki, Esq.
Leon Greenberg Professional Corporation
2965 S. Jones Blvd., Ste. E3
Las Vegas, NV 89146
Telephone: (702) 383-6085
Facsimile: (702) 385-1827
leongreenberg@overtimelaw.com
Dana@overtimelaw.com

Attorneys for Respondents

DATED this 5th day of August, 2020.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC

You are required to return this Writ from date of issuance not less than 10 days or more than 60 days with the results of your levy endorsed thereon.

STEVEN D. GRIERSON
CLERK OF COURT

By: Harold Beckman

Deputy Clerk

9/11/2018 Date

Issued at the direction of:

(Signature) [Signature]

Attorney for Michael Murray and Michael Reno
Plaintiffs

Name: Leon Greenberg, Esq.
Address: 2965 South Jones Blvd., Ste. E3
City, State, Zip: Las Vegas, Nevada 89146
Phone: 702.383.6085
E-mail: leongreenberg@overtime1aw.com

SHERIFF OR CONSTABLE

INFORMATION

AMOUNTS TO BE COLLECTED BY LEVY:

RETURN:

NET BALANCE:	<u>1,033,027.81</u>	<input type="checkbox"/> Not satisfied	\$ _____
		<input type="checkbox"/> Satisfied in sum of	\$ _____
Garnishment Fee:	<u>5.00</u>	<input type="checkbox"/> Costs retained	\$ _____
Mileage:	<u>2.00</u>	<input type="checkbox"/> Commission retained	\$ _____
Levy Fee:	<u>30.00</u>	<input type="checkbox"/> Costs incurred	\$ _____
Sub-Total:	<u>1,033,064.81</u>	<input type="checkbox"/> Commission incurred	\$ _____
Commission:	<u>5,217.83</u>	<input type="checkbox"/> Costs received	\$ _____
TOTAL LEVY:	<u>1,038,282.64</u>		

REMITTED TO JUDGMENT CREDITOR:

\$ _____

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

SHERIFF OF CLARK COUNTY or
CONSTABLE FOR THE TOWNSHIP OF _____

By: _____
Title

Date

EXHIBIT J

EXHIBIT J

(/sos/online-services) (/sos/investor-information) (/sos/licensing)

(/sos/businesses) (/sos/elections) (/sos/sos-information)

SOS INFORMATION

ELECTIONS

BUSINESSES

LICENSING

INVESTOR INFORMATION

ONLINE SERVICES

Commercial Recordings

Licensing

(https://nvsos.gov/SOSRAServices/home.aspx) (https://nvsos.gov/MinisterApp/Home.aspx)

My Data Reports

(https://nvsos.gov/SOSRAServices/DataDownload/YourReports.aspx)

Entity Actions for "A CAB, SERIES LLC"

Sort by

File Date

descending

ascending

order Re-Sort

1 - 25 of 25 actions

Actions\Amendments

Action Type:	Annual List		
Document Number:	20180257157-08	# of Pages:	1
File Date:	6/6/2018	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20170255419-16	# of Pages:	1
File Date:	6/13/2017	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	20170006122-61	# of Pages:	1
File Date:	1/5/2017	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20160252786-79	# of Pages:	1
File Date:	6/3/2016	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20150276301-07	# of Pages:	1
File Date:	6/18/2015	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20140434799-43	# of Pages:	1
File Date:	6/16/2014	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20140332860-49	# of Pages:	1
File Date:	5/5/2014	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20130545708-85	# of Pages:	1
File Date:	8/20/2013	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20120551777-27	# of Pages:	1

AA009088

File Date:	8/9/2012	Effective Date:	
(No notes for this action)			
Action Type:	Amended & Restated Articles		
Document Number:	20120111194-52	# of Pages:	3
File Date:	2/16/2012	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110667804-95	# of Pages:	1
File Date:	9/14/2011	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100601670-73	# of Pages:	1
File Date:	8/11/2010	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Address Change		
Document Number:	20100417126-74	# of Pages:	1
File Date:	6/1/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090599387-32	# of Pages:	1
File Date:	8/5/2009	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20080421519-62	# of Pages:	1
File Date:	6/20/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080421520-94	# of Pages:	1
File Date:	6/20/2008	Effective Date:	
2008-2009			
Action Type:	Annual List		
Document Number:	20070509696-44	# of Pages:	1
File Date:	7/25/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060383164-13	# of Pages:	1
File Date:	6/15/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20050357995-95	# of Pages:	1
File Date:	8/30/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC7610-2000-004	# of Pages:	1
File Date:	9/28/2004	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC7610-2000-005	# of Pages:	1
File Date:	4/12/2004	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC7610-2000-007	# of Pages:	1
File Date:	8/22/2002	Effective Date:	
(No notes for this action)			

AA009089

Action Type:	Annual List		
Document Number:	LLC7610-2000-006	# of Pages:	1
File Date:	7/17/2001	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	LLC7610-2000-003	# of Pages:	1
File Date:	3/11/2001	Effective Date:	
1PG. AJW			
ADMIRAL TAXICAB SERVICES LLC AJWB ?t 00001			
Action Type:	Articles of Organization		
Document Number:	LLC7610-2000-001	# of Pages:	1
File Date:	8/10/2000	Effective Date:	
(No notes for this action)			

[Return to Entity Details for "A CAB, SERIES L.L.C." \(CorpDetails.aspx?ix8nvq=lpnLE6oNLUTIX9cFeOVa3g%253d%253d\)](#)

[Q New Search
\(CorpSearch.aspx\)](#)

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AA009090

Heather S. Hume
CLERK OF THE COURT

DOC

A Cab Series, LLC, Administration Company

(Name)

1500 Searles

(Address)

Las Vegas NV 89101

(City, State, Zip Code)

702-369-5686

(Telephone Number)

(E-mail Address)

☐ Defendant/ ☒ Other, In Proper Person

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY and MICHAEL RENO

Plaintiff(s).

Case No.: A-12-669926-C

Dept. No.: 1 ☒

vs.

**CLAIM OF EXEMPTION FROM
EXECUTION**

A CAB TAXI SERVICE LLC and A CAB LLC et al

Defendant(s).

I, (insert your name) A CAB SERIES, LLC, ADMINISTRATION COMPANY, submit this Claim of

Exemption from Execution pursuant to NRS 21.112 and state as follows:

(Check only one of the following boxes.)

☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of Execution regarding the attachment or garnishment of my wages, money, benefits, or property.

☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

My wages, money, benefits, or property are exempt by law from execution as indicated below.

Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption from Execution has been served, any person who has control or possession over my wages, money, benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account, which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

- 1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)
- 2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
4 (NRS 21.090(1)(b).)
- 5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)
- 6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)
- 7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
9 in value. (NRS 21.090(1)(d).)
- 10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
12 (NRS 21.090(1)(n).)
- 13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
15 am dependent. (NRS 21.090(1)(u).)
- 16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)
- 19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)
- 20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
21 21.090(1)(jj).)
- 22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ll).)
- 23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by
24 NRS 86.296

25 **AUTOMATIC BANK ACCOUNT EXEMPTIONS**

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*
27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

- 28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

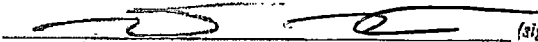
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 18.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
Steve Beck (print name)
25 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

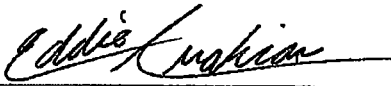
Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable: Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer Wells Fargo Bank
☒ Bank 1121 Las Vegas Boulevard South
☐ Other Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

 (signature)
EDWARD AVAKIAN (print name)
☐ Defendant/ ☒ Other, In Proper Person

Heather L. Shuman
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, CCards Company

3 (Name)

4 1500 Searles

5 (Address)

6 Las Vegas NV 89101

7 (City, State, Zip Code)

8 702-369-5686

9 (Telephone Number)

10 (E-mail Address)

11 ☐ Defendant/ ☒ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

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

17 Dept. No.: 1 ☒

18 vs.

19 **CLAIM OF EXEMPTION FROM**
20 **EXECUTION**

21 A CAB TAXI SERVICE LLC and A CAB LLC et al

22 Defendant(s).

23 I, (insert your name) A Cab Series, LLC, CCards Company, submit this Claim of
24 Exemption from Execution pursuant to NRS 21.112 and state as follows:

25 (Check only one of the following boxes.)

26 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
27 Execution regarding the attachment or garnishment of my wages, money, benefits, or
28 property.

29 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
30 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

31 My wages, money, benefits, or property are exempt by law from execution as indicated below.
32 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
33 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
34 from Execution has been served, any person who has control or possession over my wages, money,
35 benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account, which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value. (NRS 21.090(1)(b).)

☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)

☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)

☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials used to carry on my trade or business for the support of me and my family not to exceed \$10,000 in value. (NRS 21.090(1)(d).)

☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my primary residence, unless the landlord is enforcing the terms of the rental agreement or lease. (NRS 21.090(1)(n).)

☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I am dependent. (NRS 21.090(1)(u).)

☐ Money or payments received as compensation for loss of my future earnings or for the wrongful death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)

☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)

☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS 21.090(1)(jj).)

☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ll).)

☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by

NRS 86.296

AUTOMATIC BANK ACCOUNT EXEMPTIONS

(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)

☐ All exempt federal benefits that were electronically deposited into my account during the prior

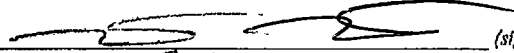
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 18.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer

☒ Bank

☐ Other

Wells Fargo Bank
1121 Las Vegas Boulevard South
Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

Edward Avakian

(signature)

EDWARD AVAKIAN

(print name)

☐ Defendant/ ☒ Other, In Proper Person

Heather S. Hemin
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, Employee Leasing Company Two

3 *(Name)*

4 1500 Searles

5 *(Address)*

6 Las Vegas NV 89101

7 *(City, State, Zip Code)*

8 702-369-5686

9 *(Telephone Number)*

10 *(E-mail Address)*

11 ☐ Defendant/ ☒ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

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

17 Dept. No.: 1 ☒

18 vs.

19 **CLAIM OF EXEMPTION FROM**
20 **EXECUTION**

21 A CAB TAXI SERVICE LLC and A CAB LLC et al

22 Defendant(s).

23 I, *(insert your name)* A CAB SERIES, LLC, EMPLOYEE LEASING COMPANY TWO, submit this Claim of
24 Exemption from Execution pursuant to NRS 21.112 and state as follows:

25 *(Check only one of the following boxes.)*

26 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
27 Execution regarding the attachment or garnishment of my wages, money, benefits, or
28 property.

29 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
30 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

31 My wages, money, benefits, or property are exempt by law from execution as indicated below.
32 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
33 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
34 from Execution has been served, any person who has control or possession over my wages, money,
35 benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
4 (NRS 21.090(1)(b).)

5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)

6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)

7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
9 in value. (NRS 21.090(1)(d).)

10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
12 (NRS 21.090(1)(n).)

13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
15 am dependent. (NRS 21.090(1)(u).)

16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)

19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)

20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
21 21.090(1)(jj).)

22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ll).)

23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by

24 NRS 86.296

25 **AUTOMATIC BANK ACCOUNT EXEMPTIONS**

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*
27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

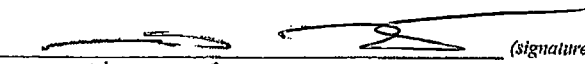
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 2018.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor:	<u>Leon Greenberg, Esq.</u>	<u>Christian Gabroy, Esq.</u>
(or Plaintiff/Judgment Creditor directly if unrepresented)	<u>Leon Greenberg PC</u>	<u>Gabroy Law Offices</u>
	<u>2965 S Jones Blvd, Suite E4</u>	<u>170 South Green Valley Parkway # 280</u>
	<u>Las Vegas, Nevada 89146</u>	<u>Henderson, Nevada 89012</u>

☐ Sheriff or ☐ Constable:


<u>Office of Ex-Officio Constable</u>
<u>301 E Clark Avenue, Suite 100</u>
<u>Las Vegas NV 89101</u>

Garnishee:

<input type="checkbox"/> Employer	<u>Wells Fargo Bank</u>
<input checked="" type="checkbox"/> Bank	<u>1121 Las Vegas Boulevard South</u>
<input type="checkbox"/> Other	<u>Las Vegas NV 89104</u>

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

 (signature)
EDWARD AVAKIAN (print name)
☐ Defendant/ ☒ Other, In Proper Person

Heather S. Hemin
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, Maintenance Company

3 (Name)

4 1500 Searles

5 (Address)

6 Las Vegas NV 89101

7 (City, State, Zip Code)

8 702-369-5686

9 (Telephone Number)

10 (E-mail Address)

11 ☐ Defendant/ ☒ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

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

17 Dept. No.: 1 ☒

18 vs.

19 **CLAIM OF EXEMPTION FROM**
20 **EXECUTION**

21 A CAB TAXI SERVICE LLC and A CAB LLC et al
22 Defendant(s).

23 I, (insert your name) A Cab Series, LLC, Maintenance Company, submit this Claim of
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26 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
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34 from Execution has been served, any person who has control or possession over my wages, money,
35 benefits, or property (such as my employer or bank, for example) must release them to me within nine

RECEIVED

OCT 04 2018

CLERK OF THE COURT

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1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
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- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
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19 Medicare, and Social Security taxes.
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21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
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28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
4 (NRS 21.090(1)(b).)

5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)

6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)

7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
9 in value. (NRS 21.090(1)(d).)

10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
12 (NRS 21.090(1)(n).)

13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
15 am dependent. (NRS 21.090(1)(u).)

16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)

19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)

20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
21 21.090(1)(j).)

22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(l).)

23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by
24 NRS 86.296

25 **AUTOMATIC BANK ACCOUNT EXEMPTIONS**

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*
27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

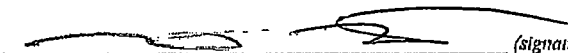
4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)

10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 18.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable: Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer Wells Fargo Bank
☒ Bank 1121 Las Vegas Boulevard South
☐ Other Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.



(signature)

EDWARD AVAKIAN

(print name)

☐ Defendant/ ☒ Other, In Proper Person

Alvin S. Hume
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, Medallion Company

3 (Name)

1500 Searles

4 (Address)

Las Vegas NV 89101

(City, State, Zip Code)

702-369-5686

(Telephone Number)

6 (E-mail Address)

7 ☐ Defendant/ ☒ Other, In Proper Person

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MICHAEL MURRAY and MICHAEL RENO

11 Plaintiff(s),

12 vs.

13 A CAB TAXI SERVICE LLC and A CAB LLC et al

14 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 ☒

15 **CLAIM OF EXEMPTION FROM EXECUTION**

16 I, (insert your name) A Cab Series, LLC, Medallion Company, submit this Claim of

17 Exemption from Execution pursuant to NRS 21.112 and state as follows:

18 (Check only one of the following boxes.)

19 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
20 Execution regarding the attachment or garnishment of my wages, money, benefits, or
21 property.

22 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
23 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

24 My wages, money, benefits, or property are exempt by law from execution as indicated below.
25 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
26 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
27 from Execution has been served, any person who has control or possession over my wages, money,
28 benefits, or property (such as my employer or bank, for example) must release them to me within nine

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CLERK OF THE COURT

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account, which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

- 1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)
- 2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
- 3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
- 4 (NRS 21.090(1)(b).)
- 5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)
- 6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)
- 7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
- 8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
- 9 in value. (NRS 21.090(1)(d).)
- 10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
- 11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
- 12 (NRS 21.090(1)(n).)
- 13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
- 14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
- 15 am dependent, (NRS 21.090(1)(u).)
- 16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
- 17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
- 18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)
- 19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)
- 20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
- 21 21.090(1)(jj).)
- 22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(II).)
- 23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by

24 NRS 86.296

25 **AUTOMATIC BANK ACCOUNT EXEMPTIONS**

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*

27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

- 28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

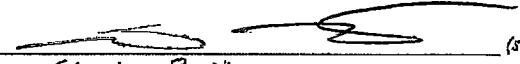
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 18.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)

26 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):


Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable: Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer Wells Fargo Bank
☒ Bank 1121 Las Vegas Boulevard South
☐ Other Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

 (signature)
EDWARD AVAKIAN (print name)
☐ Defendant/ ☒ Other, In Proper Person

Heather S. Linn
CLERK OF THE COURT

DOC

A Cab Series, LLC, Taxi Leasing Company

(Name)

1500 Searles

(Address)

Las Vegas NV 89101

(City, State, Zip Code)

702-369-5686

(Telephone Number)

(E-mail Address)

☐ Defendant/ ☒ Other, In Proper Person

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY and MICHAEL RENO

Plaintiff(s),

vs.

A CAB TAXI SERVICE LLC and A CAB LLC et al

Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 ☒

**CLAIM OF EXEMPTION FROM
EXECUTION**

I, (insert your name) A Cab Series, LLC, Taxi Leasing Company, submit this Claim of
Exemption from Execution pursuant to NRS 21.112 and state as follows:

(Check only one of the following boxes.)

☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
Execution regarding the attachment or garnishment of my wages, money, benefits, or
property.

☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

My wages, money, benefits, or property are exempt by law from execution as indicated below.

Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
from Execution has been served, any person who has control or possession over my wages, money,
benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
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14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
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- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
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22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
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25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account, which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
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- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
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- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

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- 11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
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- 17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
- 18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)
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- 20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
- 21 21.090(1)(jj).)
- 22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ll).)
- 23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by
- 24 NRS 86.296

25 **AUTOMATIC BANK ACCOUNT EXEMPTIONS**

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*

27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

- 28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

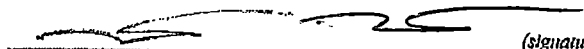
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 2018.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
Steve Beck (print name)

25 ☐ Defendant/ ☒ Other, In Proper Person
26
27
28

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable: Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer Wells Fargo Bank
☒ Bank 1121 Las Vegas Boulevard South
☐ Other Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

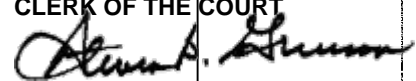


(signature)

EDWARD AVAKIAN

(print name)

☐ Defendant/ ☒ Other, In Proper Person



1 DOC

2 A Cab LLC

(Name)

3 1500 Searles

(Address)

4 Las Vegas NV 89101

(City, State, Zip Code)

5 702-369-5686

(Telephone Number)

6 (E-mail Address)

7 ☒ Defendant/ ☐ Other, In Proper Person

8 EIGHTH JUDICIAL DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 MICHAEL MURRAY and MICHAEL RENO

11 Plaintiff(s),

12 vs.

13 A CAB TAXI SERVICE LLC and A CAB LLC et al

14 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 B

CLAIM OF EXEMPTION FROM
EXECUTION

15 I, (insert your name) _____, submit this Claim of
16 Exemption from Execution pursuant to NRS 21.112 and state as follows:

17 (Check only one of the following boxes.)

18 ☒ I am a Defendant in this case and have had my wages withheld or have received a Notice of
19 Execution regarding the attachment or garnishment of my wages, money, benefits, or
20 property.

21 ☐ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
22 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

23 My wages, money, benefits, or property are exempt by law from execution as indicated below.
24 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
25 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
26 from Execution has been served, any person who has control or possession over my wages, money,
27 benefits, or property (such as my employer or bank, for example) must release them to me within nine
28

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☒ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account, which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value. (NRS 21.090(1)(b).)

☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)

☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)

☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials used to carry on my trade or business for the support of me and my family not to exceed \$10,000 in value. (NRS 21.090(1)(d).)

☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my primary residence, unless the landlord is enforcing the terms of the rental agreement or lease. (NRS 21.090(1)(n).)

☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I am dependent. (NRS 21.090(1)(u).)

☐ Money or payments received as compensation for loss of my future earnings or for the wrongful death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)

☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)

☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS 21.090(1)(jj).)

☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ll).)

☒ Other: See Attached

AUTOMATIC BANK ACCOUNT EXEMPTIONS

(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)

☐ All exempt federal benefits that were electronically deposited into my account during the prior


1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☒ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 18.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☒ Defendant/ ☐ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the _____ day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor:	<u>Leon Greenberg, Esq.</u>	<u>Christian Gabroy, Esq.</u>
(or Plaintiff/Judgment Creditor directly if unrepresented)	<u>Leon Greenberg PC</u>	<u>Gabroy Law Offices</u>
	<u>2965 S Jones Blvd, Suite B4</u>	<u>170 South Green Valley Parkway # 280</u>
	<u>Las Vegas, Nevada 89146</u>	<u>Henderson, Nevada 89012</u>

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer
☒ Bank
☐ Other

Wells Fargo Bank
1121 Las Vegas Boulevard South
Las Vegas NV 89104

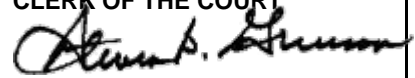
DATED this 2nd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

(signature)

(print name)

☐ Defendant/ ☐ Other, In Proper Person



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' MOTION FOR
AN ORDER GRANTING A
JUDGMENT DEBTOR
EXAMINATION AND FOR
OTHER RELIEF**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby move this Court pursuant to NRS 21.270 for an Order requiring a judgment debtor examination of the debtor in this matter, A Cab, LLC which has changed its name in 2017 to A Cab Series, LLC. Plaintiffs also seek additional relief in the form of an Order compelling the production of records relevant to the judgment debtor exam. This Motion is made based upon the declaration of Leon Greenberg, attorney for the class of judgment creditors, the attached exhibits, and the other papers and pleadings on file herein.

AA009133

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Dated: October 5, 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

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6. Despite diligent efforts, plaintiffs are unable to locate the whereabouts of any other assets at this time belonging to the defendant judgment debtor and that can be used to satisfy the judgment.

7. Plaintiffs have attached to this motion (Ex. “A”) a proposed order requiring the appearance of the judgment debtor, A Cab, LLC now known as A Cab Series, LLC.

8. In addition to an appearance by the defendant to submit to a judgment debtor exam, plaintiffs are also requesting defendant be required to produce, upon examination of the judgment debtor, the documents listed on Exhibit 1 to the attached proposed Order.

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

October 5, 2018

/s/ Leon Greenberg
Leon Greenberg

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Motion for an Order Granting a Judgment Debtor Examination and for Other Relief

TO:

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

Dana Sniegocki

EXHIBIT "A"

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

**ORDER FOR APPEARANCE
OF JUDGMENT DEBTOR**

Good Cause Appearing,

IT IS HEREBY ORDERED, that you, A Cab, LLC, having changed your name to A Cab Series, LLC in 2017, appear in Department I on the _____ day of _____, 2018 in Courtroom 16A, with regard to the Judgment entered against you on August 21, 2018, to answer questions under Oath concerning your assets, liabilities, whether and to what extent any of those liabilities are disputed, debtors, creditors, transfers of property, and business relationships.

YOU ARE TO BRING with you copies of all documents set forth in Exhibit 1, attached hereto and turn such copies (copies which may be in electronic, PDF form, and to the extent specified in the attached in their other specified electronic form) over to plaintiffs' counsel, for their permanent retention, at the time of such appearance. Alternatively, you may make arrangements acceptable to plaintiffs' counsel to deliver those documents to such counsel prior to that date.

Date

Hon. Kenneth Cory
District Court Judge

AA009139

EXHIBIT 1

**YOU ARE REQUIRED TO BRING THE FOLLOWING DOCUMENTS
WITH YOU TO COURT ON THE DATE OF YOUR JUDGMENT DEBTOR
EXAMINATION:**

- A. Copies of all bank statements and cancelled checks for all bank accounts owned or maintained by A Cab, LLC (or under its current name, A Cab Series LLC) for the time period of October 1, 2012 through the present;
- B. Copies of all bank statements and cancelled checks for all bank accounts, the records of which A Cab, LLC (currently known as A Cab Series LLC) has access to, even if not held under its name, such accounts being registered with a bank under EIN Number 88-0470590 for the time period of October 1, 2012 through the present;
- C. Copies of all “annual reports” furnished to the Nevada Taxicab Authority in the year 2012 and every subsequent year pursuant to NRS 706.167
- E. Copies of the titles for all motor vehicles currently owned, as reflected by such title documents, by A Cab, LLC or A Cab Series, LLC.
- F. A complete electronic copy of the Quickbooks records used by A Cab LLC, now known as A Cab Series LLC (the existence of such records being testified to by defendant Nady in this litigation). This is to be provided as a complete company backup file using the Quickbooks software (using the *.QBB format)

1 or if another format is agreed upon by plaintiffs' and defendant another mutually
2 agreed upon format.
3

4 G. A copy of all documents indicating that A Cab LLC, now known as A Cab
5 Series LLC, has created any "series" LLC, including, but not limited to, any
6 memorandum or other written documents memorializing that it has created such
7 a "series" LLC. This includes all agreements between it any "series" LLC it
8 has created.
9

10
11 H. A copy of all agreements between A Cab LLC, now known as A Cab Series
12 LLC and any other person or entity.
13

14
15 J. A copy of all documents that A Cab LLC, now known as A Cab Series LLC, has
16 given to its member(s).
17

18
19 H. A copy of all documents stating that, or confirming that, A Cab LLC, now
20 known as A Cab Series LLC, was, is, or would be, leasing, transferring,
21 assigning, or in any fashion granting any interest in any rights, property,
22 tangible or intangible assets, to another person or entity, such documents being
23 dated after, or concerning interests or rights existing after, October 1, 2012.
24

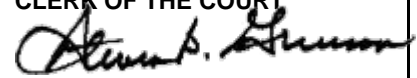
25 K. A complete copy of all information and records in the possession of A Cab LLC,
26 now known as A Cab Series LLC, setting forth its assets and liabilities,
27 including the names and last known address of every creditor or party with an
28

1 interest in any of its debts and the amount of each such creditor or debt holder's
2 interest.

3
4 L. All applications A Cab LLC, now known as A Cab Series LLC, has made for a
5 loan or extension of any kind of credit since October 1, 2012, including all
6 documents submitted with such applications.

7
8 M. A copy of all tax returns filed by A Cab LLC, now known as A Cab Series LLC,
9 on or after October 1, 2012 with any federal, state, or local government office.
10 This includes all tax returns in its possession filed under EIN Number 88-
11 0470590 even if a name other than A Cab LLC, now known as A Cab Series
12 LLC, appears on such documents as the filer of those tax returns.

13
14 N. A copy of all written communications by A Cab LLC, now known as A Cab
15 Series LLC, on or after October 1, 2012 disputing any liability claimed by any
16 of its creditors.



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' MOTION FOR
AN AWARD OF ATTORNEYS
FEES AND COSTS AS PER
NRCF RULE 54 AND THE
NEVADA CONSTITUTION**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby move this Court pursuant to NRCF Rule 54, and Article 15, Section 16, of the Nevada Constitution (the Minimum Wage Amendment or "MWA"). This Motion is made based upon the declarations of Leon Greenberg and Christian Gabroy, attorneys for the class, the attached exhibits, and the other papers and pleadings on file herein.

AA009143

1 **NOTICE OF MOTION**

2
3 PLEASE TAKE NOTICE THAT the plaintiffs, by and through their attorneys of
4 record, will bring the foregoing Plaintiffs' **Motion for an Award of Attorneys Fees**
5 **and Costs as per NRCP Rule 54 and the Nevada Constitution** which was filed in
6 the above-entitled case, for hearing before the Honorable Kenneth Cory on
7 11-15-18, 2018, at the hour of In Chambers.

8
9 Dated: October 12, 2018

10 Leon Greenberg Professional Corporation

11 By: /s/ Leon Greenberg
12 Leon Greenberg, Esq.
13 Nevada Bar No.: 8094
14 2965 South Jones Boulevard - Suite E3
15 Las Vegas, Nevada 89146
16 (702) 383-6085
17 Attorney for Plaintiffs

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **BACKGROUND**

20 The Court in its Order entered on August 21, 2018 granted plaintiffs leave until
21 60 days thereafter to submit their request for an award of attorneys' fees and costs.
22 They are now submitting that request.

23 **AMOUNT TO BE AWARDED UNDER VARYING FORMULATIONS**

24 The Court is familiar with the *Brunzell* approach to awarding attorney's fees and
25 will use that approach, and its discretion, to fashion an appropriate fee award. The
26 overriding requirement of *Brunzell* is that the Court award attorneys fees in a
27 reasonable amount, although it has significant discretion in determining that amount as
28 long as it properly considers the various factors discussed in *Brunzell*. To assist the
Court in rendering such an award, plaintiffs' counsel have provided two detailed

1 declarations (Ex. “A” Leon Greenberg, Ex. “B” Christian Gabroy). Those declarations
2 discuss the various *Brunzell* factors and present a fee request addressing all of those
3 factors. They explain the nature of the attorney work performed, the time expended,
4 and present three alternative means for the Court to calculate a proper fee award. **It**
5 **should be observed that every one of those fee award proposals already includes a**
6 **discount on “attorney hours” of at least 10% in the fee calculated.** None rely upon
7 a “gross” presentation of all time records of the attorneys multiplied by an hourly rate.
8 Those three scenarios propose a total fee award, for the efforts of by Leon Greenberg’s
9 and Christian Gabroy’s law offices, of:

10
11 \$626,481 (The “aggregate hours” fee of Ex. “A” minus 10%); or

12
13 \$568,071 (The “partial exclusion of hours” fee of Ex. “A” minus 10%,
14 also incorporating a reduction of associate hours discussed
15 at Ex. “B” ¶ 9); or

16 \$527,571 (The “presumptive exclusion of hours” fee of Ex. “A” minus
17 10%, also incorporating a reduction of associate hours
discussed at Ex. “B” ¶ 9).

18
19 It should also be noted that the total recovery in this case, with pre judgment
20 interest, was \$1,033,027. If the Court was to award an attorney’s fee based not upon
21 a lodestar evaluation (attorney hours expended and rate per hour), but upon a fairly
22 typical contingency fee rate of 40% of the amount recovered, an attorney’s fee award
23 would be \$413,201. While class counsel believes a greater fee should be awarded
24 than that amount, in light of the extraordinary amount of time the prosecution of this
25 case has consumed, and the risks of non-collection that they assumed, the Court may,
26 under Nevada Supreme Court precedents, consider contingency fee percentages in
27 awarding fees. *See, O’Connell v. Wynn Las Vegas*, 134 Nev. Adv. Rep. 67, 2018 Nev.
28 App. LEXIS 6, holding that *Shuette v. Beazer Homes Holding Corp.*, 124 P.3d 530,

1 549 (Nev. Sup. Ct. 2005) authorizes an award of attorney’s fees in appropriate cases
2 by reference to a contingency percentage fee, not attorney hours.

3 Plaintiffs also ask for an award of costs of \$45,046.21

4 **ARGUMENT**

5 **I. THE COURT SHOULD AWARD ATTORNEYS FEES IN** 6 **A FASHION THAT IS REASONABLE AND ALSO PROVIDES** 7 **PROPER COMPENSATION FOR ATTORNEYS PURSUING** 8 **MWA CLAIMS**

9 The MWA states: “An employee who prevails in any action to enforce this
10 section shall be awarded his or her reasonable attorney’s fees and costs.” This
11 provision should be reasonably, vigorously, and liberally, construed in light of the
12 compelling public purpose of the MWA. In this case, as extensively detailed in the
13 declaration of Leon Greenberg, Esq., at Ex. “A,” plaintiffs counsel have strived to
14 present a reasonable fee award request that also adequately, and appropriately,
15 compensates them for their very considerable work in this case.

16 Plaintiffs’ counsel present appropriate, and likely “lower end,” market hour rates
17 for senior counsel time (\$400 an hour) and associate attorney time (\$240 an hour).
18 Each of the three proposed alternative fee calculations impose an “across the board”
19 discount of 10% on the fee calculated on the attorney hours referenced to ensure the
20 requested fee is “reasonable.” Plaintiffs’ counsel oppose any classification of any of
21 their presented hours of attorney time as “non-billable” and not subject to a fee award
22 (though, again, they propose a 10% overall fee reduction that will also ensure any
23 possible “over billed” work is not compensated). But to assist the Court, they have
24 also examined their time hours and presented two scenarios using various “non-
25 billable time” assumptions that would reduce, significantly, their fee award.

26 Plaintiffs’ counsel are not sure what more they can present to the Court to assist
27 it in calculating their appropriate fee award. Their views on how a fee should be
28 awarded, and their supporting documentation, is discussed in Exhibits “A” and “B.”

1 The Court is well aware of the extremely protracted, and difficult, nature of this
2 litigation, as well as defendants' near relentless, and vigorous, defense of this case at
3 every stage. It is hoped such awareness will cause the Court to agree with plaintiffs'
4 counsel's contention that their fully requested fee award of \$626,481 (and again, that
5 **sum is reduced 10% from the full fee that would be awarded based on their time**
6 **records**) is appropriate and should be granted.

7 8 **II. THE COURT SHOULD AWARD COSTS OF \$45,046.21**

9 Plaintiffs' counsel seeks an award of \$45,046.21 in expenses (Ex. "A" ¶ 18, Ex.
10 "B" ¶ 10).

11 The majority of the costs sought by the plaintiffs, \$29,022, is for fees paid to
12 expert witnesses and consultants. Of that amount \$9,330 was paid to retain the
13 services of Dr. Terrance Claurette, who wrote an expert report for plaintiffs. Of the
14 remainder, \$17,962 was paid to Charles Bass who spent over 300 hours deciphering
15 defendant's relevant computer dispatch and payroll records (Cab Manager and
16 Quickbooks data records) and summarizing the information in those records that was
17 essential to the recovery secured in this case for the class members. The remainder of
18 that amount was expended for three different consultants (as explained in Ex. "A" ¶
19 19) to overcome defendants' repeated (and false) insistence that they could not
20 produce those computer data files or did not know how to do so (conduct subject to the
21 March 4, 2016 sanctions Order issued by this Court).

22 While NRS 18.005(5) normally limits expert costs to no more than \$1,500 per
23 expert, and for a maximum of five such experts, it does not bar this Court from
24 awarding the full requested \$29,022 in such costs. The Court should award the full
25 amount of those costs. It would be contrary to the MWA to deny an award of these
26 costs that were essential to this case. Indeed, there would have been no recovery in
27 this case if these expenses has not been paid by class counsel. Denying an award of
28

1 these costs would be improper, as it would essentially allow employers, such as the
2 defendant in this case, to make MWA claims impossible to prosecute. By not
3 cooperating in litigation, and making proof of claims difficult and reliant upon such
4 expert assistance, MWA defendants would be able to make MWA claims cost more to
5 prove than can be collected in a lawsuit over those claims. The MWA did not intend
6 to allow any such circumstances.

7 It should also be observed, as documented in the record of these proceedings,
8 the defendants paid over \$47,000 to their expert witness in an attempt to defeat the
9 plaintiffs' claims. Having engaged in such a massive cost to defend this case,
10 defendants cannot properly be heard to complain about now being charged with the
11 much smaller expert cost that they forced upon the plaintiffs.

12 CONCLUSION

13 Wherefore, the plaintiffs' motion should be granted in its entirety.

14 Dated: October 12, 2018

15 LEON GREENBERG PROFESSIONAL CORP.

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

CERTIFICATE OF SERVICE

The undersigned certifies that on October 12, 2018, she served the
within:

**Motion for an Award of Attorneys Fees and Costs as per
NRCP Rule 54 and the Nevada Constitution**

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"

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

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

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

17 Plaintiffs,

18 vs.

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

21 Defendants.

Case No.: A-12-669926-C

Dept.: I

**DECLARATION OF
PLAINTIFFS' COUNSEL,
LEON GREENBERG, ESQ.**

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

24 1. I am one of the attorneys representing the plaintiffs in this matter. I am
25 offering this declaration in support of plaintiffs' request for an award of attorney's fees
26 and costs for securing the final judgment for damages rendered in this case to the
27 NRCP Rule 23(b)(3) class and entered by the Court on August 21, 2018. This
28 declaration is intended to comport with the requirements of demonstrating the
appropriate award of attorney's fees, under the principles enunciated in *Brunzell v.*
Golden Gate National Bank, 85 Nev. 345 (1969), for the work performed by my law
office and its employees. Under *Brunzell* the guiding factors for an award of attorneys
fees are (summarized): (1) The quality of the advocate performing the work (their skill,

1 training, experience, and so forth); (2) The character of the work, in respect to its
2 difficulty, intricacy and importance to the litigation; (3) The skill, time and attention
3 given to the work; and (4) The result, in respect to whether the work was successful
4 and the benefit derived from such success.

5 **AMOUNT OF FEE REQUESTED**
6 **AND BASIS FOR THE SAME**

7 **Amount Requested**

8 3. I am requesting an award of \$577,953 or \$521,433 or \$480,933
9 in attorney's fees for the work of the employees of my office and reimbursement of
10 \$44,865.57 in necessary litigation costs. As discussed, *infra*, these varying proposed
11 fee award amounts are based upon different underlying approaches the Court may take
12 to the necessity and utility of the all of the work performed by my office in this case.

13 **Brunzell Factor One: Quality of Advocates Performing the Work**

14 4. I am a 1992 *magna cum laude* graduate of New York Law School where I
15 received the Trustee's Prize for having the highest GPA of all graduating evening
16 division students, graduating first in my division and third out of 358 day and evening
17 division students. I am a member of the bars of the States of Nevada, California, New
18 York, New Jersey and Pennsylvania and have continuously practiced law full time
19 since 1993. I have substantial experience in class actions and wage and hour claims
20 and have successfully litigated over two dozen class action cases where I have been
21 appointed class counsel. My litigation experience includes novel matters, such as
22 *Hallissey v. America Online*, Docket 99-CV-03785 (KTD), United States District
23 Court, Southern District of New York, on behalf of a class of Internet "volunteers" for
24 unpaid minimum wages, that case being concluded with a \$15,000,000 class
25 settlement. I have also handled a significant number of appeals to the Nevada Supreme
26 Court and the Ninth Circuit Court of Appeals that have resulted in published opinions.
27 Those appeals have included *Thomas v. Nevada Yellow Cab*, 327 P.3d 518 (Nev. Sup.
28 Ct. 2014). The Opinion in *Thomas* confirmed that taxi drivers are entitled to minimum
wages under Nevada's Constitution, the exact claim presented in this very case.

1 5. My associate, Dana Sniegocki, is a 2007 *cum laude* graduate of Thomas
2 Jefferson Law School, has been licensed to practice law for over nine years, is admitted
3 to the State Bars of Nevada and California, has been an associate attorney at my office
4 for more than nine years, and has experience in litigating class action cases, specifically
5 wage and hour class action litigations. She has been appointed co-class counsel in
6 over 10 class action cases handled by my office.

7 **Brunzell Factor Two: The Intricacy, Importance and Difficulty of the Work**

8 6. In respect to the second factor, the legal work performed in this case was,
9 in substantial if not majority measure, intricate and difficult. My office was involved
10 in the successful class action prosecution, and secured an opposed judgment, of this
11 case. Multiple complex and intricate issues, dealing with issues of first impression in
12 respect to the application of the Nevada Constitution's Minimum Wage Amendment
13 (only enacted in 2006) and with class action certification, were presented by this case.
14 This case did not involve commonly litigated tort or contract claims where counsel can,
15 and typically do, rely upon various established forms or repetitive motions and
16 litigation steps. The litigation approach of the defendant, who spared no expense or
17 effort in mounting a vigorous (and, as found by the Court's Order of March 4, 2016
18 imposing sanctions of \$3,238.95 for discovery abuses, at times overzealous) defense,
19 rendered such work much more difficult and time consuming.

20 **Brunzell Factor Three: The Skill, Time and Attention Given to the Work**

21 7. In respect to the third factor, I expended considerable attention, and an
22 inordinate amount of time, on the prosecution of this case. The work I personally
23 performed was quite detailed. I drafted numerous original briefs for the Court and
24 spent considerable amounts of time planning, in detail, the depositions conducted of the
25 defendant and structuring, and drafting, plaintiffs' discovery requests. The vast
26 majority of the work that I performed in this case was originally crafted for this case, I
27 did not, and could not given the nature of this case, rely upon canned forms or prior
28 work from other cases. It is for the Court to pass judgment on the skillfulness of the
work I performed in this case and that I oversaw from my office's employees. I believe

1 such work was performed at a highly skilled level, and certainly at a level equal to or
2 exceeding that of defendants' counsel, who have been fully compensated already by
3 defendants at their not insignificant hourly rates.

4 8. The time expended by my office on the prosecution of this case was
5 massive. My office has maintained contemporaneous time records of all work
6 performed in this case by all attorneys and paralegals. A review of those records
7 indicates that I, prior to entry of judgment on August 21, 2018, personally, have spent
8 no less than 1,190 hours of attorney time on the prosecution of this case and no less
9 than 35 hours of travel time. Those hours are after deducting the 6.5 hours of my time
10 that were previously awarded fees by the Court's March 2016 sanction order and the
11 approximately 22 hours I spent purely devoted to the prosecution of the alter ego
12 claims against defendant Nady. My associate, Dana Sniegocki, has spent no less than
13 600 hours of attorney time working on the prosecution of this case and no less than 53
14 hours of travel time; and my paralegal, Sydney Saucier, has spent at least 122 hours of
15 time on tasks of a non-clerical nature that are properly considered, in whole or
16 significant part, to require a skilled paralegal to perform.

17 **Brunzell Factor Four: The Results Achieved and Benefits Conferred**

18 9. Plaintiffs' counsel's success in this case is a matter of record. They
19 secured a judgment by the Court for over \$1,000,000 on behalf of the class members.
20 The benefit of that judgment should also be viewed under the lens of its very nature: a
21 judgment vindicating legal rights to minimum wages of the highest importance under
22 Nevada's legal system, as such legal rights are afforded directly by Nevada's
23 Constitution. Such benefit is also properly viewed, in respect to its importance, by
24 examining the beneficiaries of that judgment: the most vulnerable, and economically
25 weakest, citizens of the State of Nevada who, for lack of more remuneratively
26 attractive employment, have labored for less than the very modest hourly minimum
27 wage.
28

1 **Proposed Application of the *Brunzell* Factors in Calculating a Fee Award**

2 10. The time I have expended in this case, or that was expended by my office's
3 employees, pursuing claims against the individual defendant Nady, is not time that I am
4 requesting be considered for this fee award. Those claims (the "alter ego and unjust
5 enrichment claims") are based upon his personal, and wholly derivative and contingent,
6 liability for the unpaid minimum wages owed by the corporate defendant, A Cab.
7 While I believe compensation for such work is justified from the class members'
8 recovery in this case, and may be sought at some future date, such expenditures of time
9 are not claimed to be properly charged against A Cab under the current judgment as an
10 element of the attorney's fees properly awarded under the Nevada Constitution. In
11 addition, I was compensated for certain hours of attorney work via the Court's sanction
12 award order of March 4, 2016 and I am not seeking any fee award for those hours of
13 work.

14 11. In respect to gauging the appropriate fee award, for the time reasonably
15 expended by plaintiffs' counsel, I was awarded attorney's fees in this case at a rate of
16 \$400 an hour in the Court's Order of March 4, 2016. While I have been awarded
17 attorneys fees in other litigation matters at a greater hourly rate, including as much as
18 \$720 an hour by District Judge Mahan in 2017 in a federal court proceeding, I am only
19 asking the Court to consistently apply the \$400 per hour rate it has already found
20 appropriate for my time. Ms. Sniegocki's work was recognized by Judge Pro in June
21 of 2014 to merit an award of \$240 an hour in *Tallman v. CPS Security*, United States
22 District Court of Nevada, 09-CV-944, Order of June 3, 2014, involving unpaid
23 minimum wage and overtime pay claims. While that award is now over four years
24 old, and Ms. Sniegocki is deserving of a higher hourly fee award, I would ask the Court
25 to adopt that rate for her time expenditures. I would ask the Court to adopt a rate of
26 \$85 an hour for the paralegal time expenditures of Ms. Saucier, a rate that I believe is
27 on the lower end for such time expenditures.

28 12. After excluding the time expenditures on the alter ego and unjust

1 enrichment claims, and the hours for which I was already awarded fees for by the
2 Court's March 4, 2016 Order, the remaining total time expenditures in my office's
3 records are, at a minimum, the following:

4 Leon Greenberg: 1190 hours plus 35 hours travel time;

5 Dana Sniegocki: 600 hours plus 40 hours travel time;

6 Sydney Saucier: 122 hours paralegal time.

7 In respect to reaching an appropriate fee determination, I am proposing that the Court
8 adopt either an "Aggregate Hours Minus 10% Approach;" a "Partial Exclusion of
9 Hours Approach minus 10%" or a "Presumptive Exclusion of Hours Approach minus
10 10%." I provide below a rationalization for each of these proposed approaches and the
11 calculation that would be made under each one. The Court may choose any one of the
12 approaches or formulate its own determination of the proper fee award consistent with
13 *Brunzell* and as it believes is appropriate.

14 13. **The Aggregate Hours Minus 10% Approach:** Under this approach the
15 Court would take the hours stated in paragraph 12 and multiply them by the rates
16 proposed in paragraph 11 (travel time hours would only be multiplied at a rate of 50%
17 of the rates in paragraph 11). It would then reduce the entire amount by 10% to arrive
18 at the fee award. I believe this approach is justified and proper. The 10% reduction in
19 fees ensures that any likely measure of unproductive or less than fully efficient work is
20 being excluded for fee calculation purposes. Given the great importance of enforcing
21 the rights granted by Nevada's Constitution it is also proper to err in favor of ensuring
22 a fully adequate fee award is granted to plaintiffs' counsel. This would result in a fee
23 award (using above hourly rates, with half that rate for travel time), after applying that
24 10% reduction, of \$577,953.

25 That award is based upon the below pre-discounted hours and fees:

26 Leon Greenberg \$483,000 (1190 hours x \$400 + 35 hours x \$200)

27 Dana Sniegocki: \$148,800 (600 hours x \$240 + 40 hours x \$120)

28 Sydney Saucier: \$10,370 (122 hours x \$85)

1 14. **The Partial Exclusion of Hours Minus 10% Approach:** Under this
2 approach the Court would first reduce the hours for my office's work that are stated in
3 paragraph 12, multiply those hours by the rates in paragraph 11, and then apply a 10%
4 reduction to calculate a fee. This approach would exclude, for fee consideration
5 purposes, hours of work that were spent exclusively on activities that defendants would
6 argue were unnecessary, or not of great utility or efficiency, or that concerned issues
7 never fully resolved in the litigation. By way of example, for depositions, or court
8 appearances prior to the final pre-trial stage (meaning prior to October 1, 2017),
9 attorney hours would only be allowed for one attorney. Attorney hours spent on the
10 existence or non-existence of medical insurance (Nevada provides for an additional
11 \$1.00 an hour in minimum wages when medical insurance is not provided) would be
12 excluded. Attorney hours spent seeking affirmative relief by motion against defendant
13 would be excluded if those motions were denied. Attorney hours spent arguing the
14 second partial summary judgment motion would be excluded, as that motion was
15 initially denied and later re-heard upon a fuller record that included an additional
16 expert report.

17 15. I do not agree that such a partial exclusion of hours of work is appropriate
18 for fee calculation purposes. Defendant has paid to have multiple counsel appear on
19 its behalf at a deposition and at court appearances. That plaintiffs' counsel ultimately
20 did not proceed to press claims for the extra \$1.00 an hour in minimum wages under
21 Nevada's "medical insurance not provided" standard did not render the time spent on
22 that issue improper or unwise. Nor should plaintiffs' counsel be denied fees for the
23 "repeat" of the partial summary judgment motion, such motion ultimately being
24 granted, essentially on the same basis (albeit with the support of an additional expert)
25 as proposed on its "initial" submission. Defendant has vigorously litigated this case
26 with the goal of making it economically unattractive for prosecution. They should not
27 be allowed to achieve that goal by having the award of attorney's fees to plaintiffs'
28 counsel reduced in such a fashion.

1 16. Based upon a review of my office's time records, and reasonable estimates
2 that my office has made when applying the foregoing "partial exclusion" of hours
3 approach, the remaining total time expenditures in my office's records are, after
4 applying such an approach, at a minimum, the following:

5 Leon Greenberg: 1084 hours plus 35 hours travel time

6 Dana Sniegocki: 521 hours plus 28 hours travel time

7 Sydney Saucier: 122 hours

8 Based upon such hours the fee that would be awarded under this approach would, after
9 also applying a 10% across the board discount, be: \$521,433

10 That award would be based the below pre-discounted hours and fees:

11 Leon Greenberg \$440,600 (1084 hours x \$400 + 35 hours x \$200)

12 Dana Sniegocki: \$128,400 (521 hours x \$240 + 28 hours x \$120)

13 Sydney Saucier: \$10,370 (122 hours x \$85)

14 17. **The Presumptive Exclusion of Hours Minus 10% Approach:** This
15 approach deviates from the "Partial Exclusion" of hours approach discussed in ¶¶ 14-
16 15 by excluding all time expenditures that, in any significant measure, concerned the
17 sort of topics or subject matter that defendant would presumptively argue should not be
18 included in a fee award. This approach does not require, as under the "Partial
19 Exclusion" approach that such time expenditures be solely devoted to such activities to
20 be excluded for fee consideration purposes. Rather, it excludes, entirely, all time
21 expenditures that in significant measure involved such activities. It also excludes time
22 expended on settlement and mediation efforts (on the theory no settlement was
23 achieved) or dealing with defendant's writ (which was granted and released the
24 injunction issued on the proposed *Dubric* settlement). It adopts the presumption that
25 no fee is warranted for any such activities. If this presumption is applied, based upon
26 a review of my office's time records, and reasonable estimates that my office has made
27 when applying such a presumptive exclusion of hours approach, the remaining total
28 time expenditures in my office's records are, at a minimum, the following:

1 Leon Greenberg: 996 hours plus 25 hours travel time

2 Dana Sniegocki: 489 hours plus 27 hours travel time

3 Sydney Saucier: 122 hours

4 Based upon such hours the fee that would be awarded under this approach would, after
5 also applying a 10% across the board discount, be: \$480,933

6 That award would be based upon the below pre-discounted hours and fees:

7 Leon Greenberg \$403,400 (996 hours x \$400 + 25 hours x \$200)

8 Dana Sniegocki: \$120,600 (489 hours x \$240 + 27 hours x \$120)

9 Sydney Saucier: \$10,370 (122 hours x \$85)

10 18. The foregoing discussion of the records of hours of work expended by my
11 office's staff, and the classifications of those hours of work into "partial" or
12 "presumptive" exclusion status for fee award purposes, is the result of a generalized
13 review of those records. Those records are incredibly lengthy (I have over 1220
14 individual time entries for the work I performed in this case prior to date of judgment).
15 It would be very burdensome and time consuming to review, line by line, every single
16 time entry in those records and precisely quantify the activity, the time expended, and
17 so forth. As a result, in reviewing the time records that are the basis of my discussion
18 of the time expenditures of myself and my office's staff I have made some
19 approximations and generalized determinations about the nature of the work activities
20 recorded in those records. I believe that is appropriate. In addition, every fee
21 calculation request being made also includes an across the board 10% reduction in fees
22 (effectively in hours) requested that will correct any oversight in my approximations or
23 generalized determinations in respect to the activities recorded in my office's time
24 records.

25

26

27

28

LITIGATION COSTS

19. I have reviewed the records maintained by my office in respect to the litigation expenses incurred by my office in this case. Those records are maintained in Quickbooks software or in another contemporaneous manual ledger and indicate the following necessary litigation expenses were incurred by my office:

Expense	Amount
Process Server, Runner, Overnight Delivery	\$358.06
Court Filing Fees Including WIZNET fees for filing documents	\$2,158.97
Transcripts of Court Hearings, Court Reporter Fees for Depositions, and \$990 Fee paid for Deposition Appearance of Defendants' Expert	\$10,680.68
Fees paid to Experts and Computer Data Consultants to Assist in Prosecution of Case and Extracting Information from Defendants' Computer Data Files	\$29,022
Class Notice Costs of Postage and Mailing Materials	\$1,491.59
Online Investigation Costs	\$168.19
Charges Paid to Defendant for Duplication of Defendants' Records (Trip Sheets) as Per Defendants' Insistence	\$918.34
Postage (partial, itemized amount)	\$9.74
Parking for Court Appearances	\$58.00

Copies (Numerous, but not itemized, not charged)	
TOTAL EXPENSES	\$44,865.57

19. Of the foregoing expert and computer data consultant fees, \$9,330 was paid to retain the services of Dr. Terrance Clauretie, \$17,962 was paid to Charles Bass to process the computer data files produced by defendants and provide relevant arithmetical summaries from that data (working both on his own and with Dr. Clauretie), and \$1,730 was paid to three other consultants (\$567.50 to Glen Pannenberg, CPA; \$600 to the firm of Office Works; and \$562.50 to the firm of Nevada Quickbooks Pro) to overcome defendants' untrue assertions that they could not produce information in their Quickbooks and other computer data files. Those costs were incurred attempting an "inspection" of A Cab's computer system which, while being attempted, A Cab refused to allow be completed (the cost for Mr. Pannenberg's services). They were also needed to document in filings with the Court the falsity of defendants' assertions they could not produce the relevant Quickbooks information in a suitable computer file format. This course of obstructive conduct by defendants ultimately resulted in both the production of those computer data files and the Court's Order of March 4, 2016 imposing over \$3,000 in sanctions upon defendants, but those sanctions did *not* include any award for these \$1,730 in expert and consultant expenses.

20. As per the above, my office requests reimbursement of \$44,865.57 of necessary litigation costs.

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

Affirmed this 11th day of October, 2018

/s/ Leon Greenberg
Leon Greenberg

EXHIBIT “B”

GABROY LAW OFFICES
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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY

MICHAEL MURRAY, AN INDIVIDUAL,
ET. AL.

Plaintiffs,

vs.

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

Defendants.

CASE NO.: A-12-669926-C
Dept. I

**DECLARATION OF PLAINTIFF'S
COUNSEL,
CHRISTIAN GABROY, ESQ.,**

**DECLARATION OF CHRISTIAN GABROY, ESQ. AND GABROY LAW
OFFICES, P.C. IN SUPPORT
OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS**

Christian Gabroy, an attorney duly admitted to practice law in the State of Nevada and a member of the bar of this Court, hereby affirms, per NRS §53.045 that:

1. I am one of the attorneys representing the plaintiffs in this matter. I am offering this declaration in support of plaintiffs' request for an award of attorney's fees and costs for securing the final judgment for damages rendered in this case to the NRCP Rule 23(b)(3) class and entered by the Court on August 21, 2018. This declaration is intended to comport with the requirements of demonstrating the appropriate award of attorney's fees, under the principles enunciated in *Brunzell v.*

1 *Golden Gate National Bank*, 85 Nev. 345 (1969), for the work performed by my law
2 office, by my associate Kaine Messer, Esq., and our employees. Under *Brunzell* the
3 guiding factors for an award of attorney's fees are (summarized): (1) The quality of the
4 advocate performing the work (their skill, training, experience, and so forth); (2) The
5 character of the work, in respect to its difficulty, intricacy and importance to the litigation;
6 (3) The skill, time and attention given to the work; and (4) The result, in respect to
7 whether the work was successful and the benefit derived from such success.
8

9 2. This declaration incorporates the discussion in the declaration of my co-
10 counsel, Leon Greenberg, of the various *Brunzell* factors and how they should be
11 applied to the award of a fee in this case. I do not repeat those discussions and limit
12 this declaration to providing the Court with information on the amount of work (hours of
13 work) performed by my office in this case and the appropriate basis (hourly fee rate) for
14 an attorney's fee award for those hours. I also detail my office's litigation expenses for
15 which reimbursement is sought
16

17 **AMOUNT OF FEE REQUESTED**
18 **AND BASIS FOR THE SAME**

19 **Amount Requested**

20 3. I am requesting an award of \$48,528 or alternatively \$46,638 in attorney's
21 fees for the work of the employees of my office and myself in this case. As discussed,
22 *infra*, these varying numbers are based upon different underlying approaches the Court
23 may take to the necessity and utility of the all of the work performed by my office. I am
24 also requesting an award of \$180.64 for my office's expenses.

25 **The experience and typical hourly rate of my office's employees.**

26 4. I am 2003 graduate of DePaul Law School and a member of the Illinois
27 and Nevada bars. I have practiced law full time and continuously since 2003. My law
28

1 practice has almost exclusively been in the area of civil litigation, including jury trials. I
2 also have significant experience in prosecuting both individual and class action wage
3 and hour litigations, such as this case involving unpaid minimum wages. I have been
4 appointed class counsel (or co-class counsel) pursuant to FRCP or NRCP Rule 23, or
5 under the similar provisions of the Fair Labor Standards Act in respect to the
6 prosecution of "collective" actions under that statute, in over 10 cases.
7

8 5. Most typically, I work on a contingency fee basis and it is common that I
9 earn well in excess of \$500.00 per hour on my cases that I take on a contingency fee
10 basis. Other attorneys in Las Vegas with experience and training comparable to mine
11 who are retained by private, paying, clients for employment law litigation typically
12 charge hourly rates of \$400 an hour or more. I do and have charged hourly fee paying
13 clients, which are a small part of my practice, fees of \$450 an hour.
14

15 6. My associate, Kaine Messer, Esq. graduated from Western State School
16 of Law in Orange County, California *cum laude* in 2014. He has been licensed in
17 California since 2014 and in Nevada since 2016. His regular hourly rate is \$250.00.
18

19 **The work performed by my office and time expended.**

20 7. My office joined this litigation in 2017 to act as co-class counsel in respect
21 to the final portion of this litigation, including a contemplated trial of this case. While that
22 trial did not take place, the work performed by my office was necessary to the
23 prosecution of this case. Unlike my co-class counsel, I only became involved in this
24 case when it was approaching trial and the arguably collateral, or not pursued, issues
25 had been largely identified and not worked on further. For example, my office
26 performed no appreciable amount of time on work related to the "no health insurance
27 provided" issue and the Nevada Minimum Wage (the \$1.00 an hour "higher tier" -
28

1 currently \$8.25 an hour - issue), an issue ultimately not pursued in this case. As a
2 result, in reviewing my office's time records on the work performed in this case, I cannot
3 identify any significant amount of unproductive or arguably unnecessary time. My
4 associate, Kaine Messer, did attend certain court appearances with me, and I suspect
5 defendants would argue his presence at those court appearances, though very
6 desirable and constructive, was not a time expenditure that was warranted. I disagree
7 with that contention, but provide an alternative analysis as to a fee award for his time
8 that does not award fees for his time spent on those court appearances.

9
10 8. I, personally, based upon my office's review of contemporaneously
11 maintained time records, have expended 120.5 hours of attorney time and 2.5 hours of
12 travel time on this case and my associate, Kaine Messer, has expended no less than
13 20.5 hours of attorney time and 2.5 hours of travel time on this case. Additional work
14 was performed in this matter by a former associate of my office, and, my office's
15 paralegal staff, but I am not itemizing that work (which was significant) in the submission
16 of this fee request. Based upon the attorney's hours expended by just myself and Kaine
17 Messer I would propose to the Court a fee award for my office of \$48,528 after
18 discounting by 10% the fee properly calculated on such hours. That fee award is
19 calculated as follows:

20
21 Christian Gabroy: \$48,700 (120.5 hours x \$400 + 2.5 hours travel x \$200)

22 Kaine Messer: \$5,220 (20.5 hours x \$240 + 2.5 hours travel x \$120)

23
24 9. As an alternative formulation, I would propose reducing Kaine Messer's
25 billable hours to 13, if all time spent by him at Court appearances with me were to be
26 excluded for fee award purposes. That would result in a fee award for my office of
27 \$46,638 after discounting the fee properly calculated on such hours of attorney time by
28 10%. That fee award is calculated as follows:

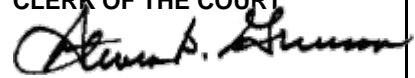
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Christian Gabroy: \$48,700 (120.5 hours x \$400 + 2.5 hours travel x \$200)
Kaine Messer: \$3,120 (13 hours x \$240)

10. Further, my office has incurred costs in this matter of no less than \$180.64. This includes 1,758 black and white copies at \$0.10 per copy, postage in the amount of \$1.34, and a \$3.50 Wiznet filing fee for my notice of appearance in this matter.

I have read and reviewed the true and correct aforementioned statements.
Affirmed this 12th Day of October 2018
/s/ Christian Gabroy

Christian Gabroy, Esq.



LEON GREENBERG, ESQ., SBN 8094
DANA SNIEGOCKI, ESQ., SBN 11715
Leon Greenberg Professional Corporation
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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' OBJECTIONS
TO CLAIMS OF EXEMPTION
FROM EXECUTION AND
NOTICE OF HEARING**

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
hereby submit these Objections to Claims of Exemptions from Execution filed by A
Cab LLC; A Cab Series, LLC, Maintenance Company; A Cab Series, LLC, Taxi
Leasing Company; A Cab Series, LLC, Medallion Company; A Cab Series, LLC,
Employee Leasing Company Two; A Cab Series, LLC, Ccards Company; and A Cab
Series, LLC, Administration Company. Pursuant to NRS 21.112(4) these objections
also include a Notice of Hearing.

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Dated: October 15, 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

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OBJECTIONS

**PLAINTIFFS MAKE LIMITED OBJECTIONS AND SUPPORT
A FINDING CONCLUSIVELY ESTABLISHING THE
PROPERTY AT ISSUE WAS THE JUDGMENT DEBTOR'S
PROPERTY AND APPLYING THE EXEMPTION
SET FORTH AT NRS 21.090(1)(z) ON THAT BASIS**

As discussed, *infra*, the exemptions filed all make reference to NRS 21.090(1)(z), Nevada's "wildcard" judgment exemption for \$10,000 of a judgment debtor's personal property. They also appear to be making a completely incompatible, and contrary claim, that the funds at issue from Wells Fargo Bank are *not* actually property of the judgment debtor but of some third party not identified in the exemption claims.

There is no basis to make a claim of judgment exemption based upon the Wells Fargo Bank funds being the property of someone other than Judgment Debtor A Cab LLC. The Court has already considered that issue via a motion to quash the execution and denied that relief. The exemption claims served are not a proper means to re-litigate that issue.

If the exemption claims served will act as a conclusive adjudication of the status of the Wells Fargo funds as property of the judgment debtor, A Cab LLC, plaintiffs support the granting of the \$10,000 exemption under NRS 21.090(z). Indeed, the only way that exemption **can be granted is if the Wells Fargo funds were A Cab LLC's money at the time of the service of the execution.** By granting that \$10,000 exemption the Court would, if it was to move this matter along in a consistent and just fashion, also have to direct the release of the remaining Wells Fargo monies (approximately \$223,000) to plaintiffs' counsel for deposit in their trust account and for distribution pursuant to such other Order as the Court will issue.

1 **SUMMARY OF EXEMPTIONS CLAIMED**
2 **AND RELEVANT PRIOR PROCEEDINGS**

3 **Exemptions are Claimed by Six Allegedly Subordinate**
4 **“Series” LLCs of the Judgment Debtor and**
 Possibly Separately by the Judgment Debtor

5 Plaintiffs were served with a total of seven claims for exemption. Six of those
6 claims (Ex. “A”) are made in the names of the following alleged “series” LLCs that
7 were allegedly formed¹ by the judgment debtor A Cab LLC (currently known as A Cab
8 Series LLC, having changed its name in 2017):

9 A Cab Series, LLC, Taxi Leasing Company;
10 A Cab Series, LLC, Medallion Company;
11 A Cab Series, LLC, Employee Leasing Company Two;
12 A Cab Series, LLC, CCards Company;
13 A Cab Series, LLC, Administration Company;
14 A Cab Series, LLC, Maintenance Company;

15 It appears judgment debtor A Cab LLC may also be attempting to exert a claim
16 for an exemption in its own name. It served on plaintiffs’ counsel (Ex. “B”) an
17 exemption claim denominated in the name of “A Cab LLC.” But that exemption
18 claim was never filed, at least in that form, with the Court. In this case an exemption
19 claim “in blank,” (Ex. “C” page 1) without any identification of the filer, was made,
20 such exemption claim also varying in form from the one served on plaintiffs’ counsel
21 for A Cab LLC.

22
23 ¹ These alleged circumstances were subject to significant review and
24 consideration by the Court on defendants’ motion to quash the writ of execution heard
25 by the Court on September 26, 2018 and September 28, 2018. No documentary proof
26 of the existence of any such series LLCs, such as business licenses, operating
27 agreements, or anything else, has been introduced into the record. The only basis to
28 conclude these series LLCs exist are defendants’ assertions, which are not supported
 by any detailed declaration explaining when these series LLCs were established or
 anything else about them. Defendants simply insist, in a wholly conclusory fashion,
 that they exist and have, and do, function properly.

1 **The Exemptions Claimed by the Six Allegedly Subordinate**
2 **“Series” LLCs of the Judgment Debtor are Identical “Wildcard”**
3 **Exemptions and NRS 86.296 “Series LLC Property” Claims.**

4 All of the exemption claims made by the six allegedly subordinate “series”
5 LLCs of the judgment debtor A Cab make the following assertions:

- 6 1. That “10,000 held in Wells Fargo Bank Account” is exempt, the Nevada
7 “Wildcard” judgment debtor exemption available under NRS
8 21.090(1)(z)²; and;
- 9 2. That “[t]he garnished funds are the sole and separate property of a Series
10 LLC as established by NRS 86.296.”

11 **The Exemptions Possibly Claimed by the Judgment Debtor**
12 **Incorporates Those of the Six Allegedly Subordinate “Series”**
13 **LLCs and adds a Facially Impossible Exemption**
14 **Claim and Unknown and Not Explained Claims.**

15 The exemption claim for judgment debtor A Cab LLC served upon plaintiffs’
16 counsel makes the same claims as those of the six alleged Series LLCs but adds the
17 following additional claim of exemption (Ex. “B” p. 2):

18 Money or compensation payable or paid under NRS 616A to 616D
19 (worker’s compensation industrial insurance), as provided in NRS
20 616C.205 (NRS 21.090(1)(gg).)

21 A Cab, LLC’s claimed exemption under NRS 21.090(1)(gg) is a nullity. Such
22 exemption is for *compensation* that was *payable or paid* pursuant to chapters 616A to
23 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205. NRS
24 21.090(1)(gg) (emphasis added). Chapters 616A through 616D concern Industrial

25 ² Plaintiffs’ submit that none of the “series LLCs” are eligible to assert this
26 exemption. NRS 21.090(1)(z) allows an exemption for “[a]ny personal property not
27 otherwise exempt from execution pursuant to this subsection **belonging to the**
28 **judgment debtor**, including, without limitation, the judgment debtor’s equity in any
property, money, stocks, bonds or other funds on deposit with a financial institution,
not to exceed \$10,000 in total value, to be selected by the judgment debtor.” NRS
21.090(1)(z) (emphasis added). The “series LLCs,” since they are not the judgment
debtor, cannot take advantage of this exemption.

1 Insurance, or worker's compensation benefits. A Cab, LLC is not a beneficiary of any
2 such *compensation* that was either paid or payable via worker's compensation benefits.
3 Nor can it qualify to receive any such benefits, as it is not a natural person. While
4 some of its employees arguably are persons who may receive such *compensation*, A
5 Cab, LLC, as the employer, is charged with making premium payments to ensure its
6 workers can receive such benefits in the future; it is not itself a beneficiary of
7 *compensation* that was paid pursuant to Chapters 616A through 616D of the Nevada
8 Revised Statutes. Accordingly, it can claim no such exemption.

9 A Cab LLC also asserts its entitlement, under NRS 21.105(2), to an exemption
10 of \$400 of the Wells Fargo account. Because that statute only provides an exemption
11 for a "personal bank account" of the judgment debtor, and A Cab LLC is a commercial
12 business, the Court is urged to deny that exemption as not within the scope of such
13 statute.

14 The exemption filed with the Court "in blank" and that, perhaps, was intended
15 to be made on behalf of A Cab LLC (Ex. "C", first page failing to identify the filer)
16 has the "other" box checked at page four and states "See Attached." Nothing is
17 attached and what is being claimed (if anything) by way of an exemption in that
18 fashion is unknown.

19
20 **The Court has Already Denied Relief to the**
21 **Judgement Debtor on its Claim That the Wells**
22 **Fargo Funds Were the Property of its "Series" LLCs**

23 At hearings held on September 26, 2018 and September 28, 2018 the Court
24 heard and determined A Cab LLC's claims that the Wells Fargo funds were not its
25 property subject to judgment execution but belonged to the six alleged Series LLCs.
26 Ex. "D," Motion to Quash Execution filed by A Cab, LLC at p. 7 asserting that funds
27 held by Wells Fargo belonged to the same six alleged Series LLCs now filing
28

1 exemption claims. It denied that claim. Ex. "E," minutes containing Court's orders
2 from the bench, order still to be submitted to the Court for signature.

3
4 **THE COURT SHOULD EITHER CONCLUSIVELY**
5 **DETERMINE THE WELLS FARGO FUNDS WERE THE**
6 **PROPERTY OF JUDGMENT DEBTOR A CAB LLC AT THE**
7 **TIME OF EXECUTION, APPLY THE NRS 21.090(1)(z) EXEMPTION**
8 **AND RELEASE THE REMAINING FUNDS TO PLAINTIFFS'**
9 **COUNSEL OR DENY ALL EXEMPTION CLAIMS**

10 As discussed, *supra*, the establishment of the only proper exemption before the
11 Court, the NRS 21.090(1)(z) \$10,000 exemption available to A Cab LLC as a
12 judgment debtor, must also establish the Wells Fargo funds were property of the
13 judgment debtor. Establishing those things further compels the release of the
14 remainder of those funds (after applying the \$10,000 exemption) to plaintiffs' counsel.
15 Such turnover of those funds will not, immediately, result in a release of those monies
16 to anyone, as plaintiffs' counsel will place those funds in their IOLTA account and
17 still have to seek a further Court Order authorizing a distribution of those funds to
18 class members (and possibly a portion to counsel) as per the Court's prior Order .

19 The Court should apply the NRS 21.090(1)(z) exemption, direct the Clerk of the
20 Court to remit \$10,000 to judgment debtor A Cab LLC and the remainder
21 (approximately \$223,000) to plaintiffs' counsel for placement in their IOLTA account.
22 Justice is not served by the continued delay in the disbursement process of those funds
23 to the class members on their judgment. A Cab LLC has refused to bond the judgment
24 pending its appeal to the Nevada Supreme Court. In directing the placement of the
25 Wells Fargo funds with the Court on September 28, 2018 the Court expressly noted it
26 was doing so, and imposing a *de facto* pause in the judgment execution process, to
27 grant A Cab LLC an opportunity to seek writ relief from the Nevada Supreme Court.
28 No request for such relief has been filed by A Cab LLC. It is now 17 days later. It is
not appropriate, or in the interests of justice, to continue to delay the judgment
execution process. A Cab LLC has been heard on its claim that the Wells Fargo funds

1 are beyond the reach of the judgment. That claim has been denied. It has refused to
2 bond the judgment pending appeal. It has also NOT availed itself of this Court's most
3 gracious grant to it of a delay in these proceedings so it could avail itself of its option
4 to seek writ relief from the Nevada Supreme Court. It has failed to seek that relief.
5 The class members deserve to receive the compensation awarded to them on their
6 judgment. The Court should move the judgment execution process forward, apply the
7 judgment execution exemption available to A Cab LLC for \$10,000 and direct the
8 remittal of the rest of the Wells Fargo funds to class counsel to hold in trust for the
9 benefit of the class members.

10 CONCLUSION

11 Wherefore, relief should be granted to plaintiffs as aforesaid.

12
13 Dated this 15th day of October, 2018.

14
15 Leon Greenberg Professional Corporation

16
17 By: /s/ Leon Greenberg

18 LEON GREENBERG, Esq.
19 Nevada Bar No.: 8094
20 2965 South Jones Blvd- Suite E3
21 Las Vegas, Nevada 89146
22 (702) 383-6085
23 Attorney for Plaintiffs
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PLAINTIFFS' OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING

TO:

Jay A. Shafer, Esq.
PREMIER LEGAL GROUP
1333 North Buffalo Drive, Suite 210
Las Vegas, NV 89128

Dana Sniegocki

EXHIBIT "A"

Heather L. Smith
CLERK OF THE COURT

DOC

A Cab Series, LLC, Administration Company

(Name)

1500 Searles

(Address)

Las Vegas NV 89101

(City, State, Zip Code)

702-369-6686

(Telephone Number)

(E-mail Address)

☐ Defendant/ ☒ Other, in Proper Person

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL MURRAY and MICHAEL RENO

Plaintiff(s),

vs.

A CAB TAXI SERVICE LLC and A CAB LLC et al

Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 2

CLAIM OF EXEMPTION FROM
EXECUTION

I, (insert your name) A CAB SERIES, LLC, ADMINISTRATION COMPANY, submit this Claim of
Exemption from Execution pursuant to NRS 21.112 and state as follows:

(Check only one of the following boxes.)

☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
Execution regarding the attachment or garnishment of my wages, money, benefits, or
property.

☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

My wages, money, benefits, or property are exempt by law from execution as indicated below.

Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
from Execution has been served, any person who has control or possession over my wages, money,
benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, income, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.570. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(o).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

- 1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)
- 2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
4 (NRS 21.090(1)(b).)
- 5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(cc).)
- 6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)
- 7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
9 in value. (NRS 21.090(1)(d).)
- 10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
12 (NRS 21.090(1)(n).)
- 13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
15 am dependent. (NRS 21.090(1)(u).)
- 16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)
- 19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)
- 20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
21 21.090(1)(j).)
- 22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(l).)
- 23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by
24 NRS 06.236

25 AUTOMATIC BANK ACCOUNT EXEMPTIONS

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*
27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

- 28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

two months are protected, and I am, therefore, entitled to full and customary access to that protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds that amount may be subject to the exemptions stated above.

☐ Exempt state or federal benefits were electronically deposited into my personal bank account during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment relating to my personal bank account, and under Nevada law, I am entitled to full and customary access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other deposits of money into the account. Money in my personal bank account that exceeds that amount may be subject to the exemptions stated above. (NRS 21.105.)

☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada law, I am entitled to full and customary access to \$400 or the entire amount in my account, whichever is less, unless the writ is for the recovery of money owed for the support of any person. Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated above. (NRS 21.105.)

Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real property, as stated above, you must release that money or property to me within nine judicial days after my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

DATED this 2nd day of October, 20 18

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Steve Beck (signature)
Steve Beck (print name)
☐ Defendant ☒ Other, In Proper Person

☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor if really it is unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable: Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer Wells Fargo Bank
☒ Bank 1121 Las Vegas Boulevard South
☐ Other Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

Edward Avakian (signature)
EDWARD AVAKIAN (print name)
☐ Defendant/ ☒ Other, In Proper Person

Heather Shuman
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, CCards Company

3 *(Name)*

4 1500 Searles

5 *(Address)*

6 Las Vegas NV 89101

7 *(City, State, Zip Code)*

8 702-369-6686

9 *(Telephone Number)*

10 *(E-mail Address)*

11 ☐ Defendant ☒ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

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

17 Dept. No.: 1 ☒

18 vs.

19 **CLAIM OF EXEMPTION FROM**
20 **EXECUTION**

21 A CAB TAXI SERVICE LLC and A CAB LLC et al.

22 Defendant(s).

23 I, *(insert your name)* A Cab Series, LLC, CCards Company, submit this Claim of

24 Exemption from Execution pursuant to NRS 21.112 and state as follows:

25 *(Check only one of the following boxes.)*

26 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
27 Execution regarding the attachment or garnishment of my wages, money, benefits, or
28 property.

29 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
30 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

31 My wages, money, benefits, or property are exempt by law from execution as indicated below.

32 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
33 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
34 from Execution has been served, any person who has control or possession over my wages, money,
35 benefits, or property (such as my employer or bank, for example) must release them to me within nine

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1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(z).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(k) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value. (NRS 21.090(1)(b).)

☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(c).)

☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(d).)

☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials used to carry on my trade or business for the support of me and my family not to exceed \$10,000 in value. (NRS 21.090(1)(e).)

☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my primary residence, unless the landlord is enforcing the terms of the rental agreement or lease. (NRS 21.090(1)(f).)

☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I am dependent. (NRS 21.090(1)(g).)

☐ Money or payments received as compensation for loss of my future earnings or for the wrongful death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably necessary for the support of me and my dependents. (NRS 21.090(1)(h)-(i).)

☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(j).)

☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS 21.090(1)(k).)

☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(l).)

☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by
NRS 86.296

AUTOMATIC BANK ACCOUNT EXEMPTIONS

(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)

☐ All exempt federal benefits that were electronically deposited into my account during the prior

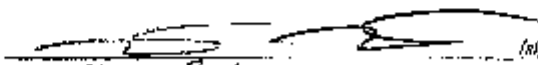
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 2018.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following (insert the name and address of the
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee:

☐ Employer
☒ Bank
☐ Other

Wells Fargo Bank
1121 Las Vegas Boulevard South
Las Vegas NV 89104

DATED this 3rd day of October, 2018

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

Edward Avakian

(signature)

EDWARD AVAKIAN

(print name)

☐ Defendant/ ☒ Other, In Proper Person

Heather L. Hemin
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, Medallion Company

3 *(Name)*

4 1500 Searles

5 *(Address)*

6 Las Vegas NV 89101

7 *(City, State, Zip Code)*

8 702-369-6686

9 *(Telephone Number)*

10 *(E-mail Address)*

11 ☐ Defendant/ ☒ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

16 vs.

17 A CAB TAXI SERVICE LLC and A CAB LLC et al

18 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 18

**CLAIM OF EXEMPTION FROM
EXECUTION**

19 I, *(insert your name)* A Cab Series, LLC, Medallion Company, submit this Claim of

20 Exemption from Execution pursuant to NRS 21.112 and state as follows:

21 *(Check only one of the following boxes.)*

22 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
23 Execution regarding the attachment or garnishment of my wages, money, benefits, or
24 property.

25 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
26 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

27 My wages, money, benefits, or property are exempt by law from execution as indicated below.
28 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
from Execution has been served, any person who has control or possession over my wages, money,
benefits, or property (such as my employer or bank, for example) must release them to me within nine

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1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(dk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(gk)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(i).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

- 1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(u).)
- 2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
- 3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
- 4 (NRS 21.090(1)(b).)
- 5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)
- 6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)
- 7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
- 8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
- 9 in value. (NRS 21.090(1)(d).)
- 10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
- 11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
- 12 (NRS 21.090(1)(n).)
- 13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
- 14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
- 15 am dependent. (NRS 21.090(1)(u).)
- 16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
- 17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
- 18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)
- 19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)
- 20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
- 21 21.090(1)(j).)
- 22 ☐ Child welfare assistance provided pursuant to NRS 432.035. (NRS 21.090(1)(l).)
- 23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by

24 NRS 86.296

25 **AUTOMATIC BANK ACCOUNT EXEMPTIONS**

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*

27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct deposit benefit(s).)*

- 28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior


1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 18.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite B4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

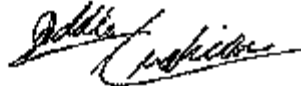
Garnishee:

☐ Employer
☒ Bank
☐ Other

Wells Fargo Bank
1121 Las Vegas Boulevard South
Las Vegas NV 89104

DATED this 3rd day of October, 2018

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.



EDWARD AVAKIAN

(signature)

(print name)

☐ Defendant/ ☒ Other, In Proper Person

Heather Shuman
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, Employee Leasing Company Two

3 *(Name)*

4 1500 Searles

5 *(Address)*

6 Las Vegas NV 89101

7 *(City, State, Zip Code)*

8 702-339-5686

9 *(Telephone Number)*

10 *(E-mail Address)*

11 ☐ Defendant/ ☒ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

16 vs.

17 A CAB TAXI SERVICE LLC and A CAB LLC et al

18 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 2

19 **CLAIM OF EXEMPTION FROM**
20 **EXECUTION**

21 I (insert your name) A CAB SERIES, LLC, EMPLOYEE LEASING COMPANY TWO, submit this Claim of
22 Exemption from Execution pursuant to NRS 21.112 and state as follows:

23 *(Check only one of the following boxes.)*

24 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
25 Execution regarding the attachment or garnishment of my wages, money, benefits, or
26 property.

27 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
28 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

29 My wages, money, benefits, or property are exempt by law from execution as indicated below.
30 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
31 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
32 from Execution has been served, any person who has control or possession over my wages, money,
33 benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 516C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(i).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(p).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
4 (NRS 21.090(1)(b).)

5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(cc).)

6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)

7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
9 in value. (NRS 21.090(1)(d).)

10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
12 (NRS 21.090(1)(n).)

13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
15 am dependent. (NRS 21.090(1)(u).)

16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)

19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)

20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
21 21.090(1)(j).)

22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(l).)

23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by

24 NRS 86.296

25 **AUTOMATIC BANK ACCOUNT EXEMPTIONS**

26 *Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*
27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

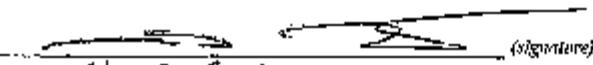
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiffs service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 2018.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
Steve Beck (print name)

25 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following (insert the name and address of the
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer
☒ Bank
☐ Other

Wells Fargo Bank
1121 Las Vegas Boulevard South
Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.



EDWARD AVAKIAN

(signature)

(print name)

☐ Defendant/ ☒ Other, In Proper Person

Heather L. Hume
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, Maintenance Company

3 (Name)

3 1600 Searles

4 (Address)

4 Las Vegas NV 89101

5 (City, State, Zip Code)

5 702-369-5686

6 (Telephone Number)

7 (E-mail Address)

7 ☐ Defendant ☒ Other, In Proper Person

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

11 MICHAEL MURRAY and MICHAEL RENO

12 Plaintiff(s),

13 vs.

14 A CAB TAXI SERVICE LLC and A CAB LLC et al

15 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 ☐

**CLAIM OF EXEMPTION FROM
EXECUTION**

16 I, (insert your name) A Cab Series, LLC, Maintenance Company, submit this Claim of
17 Exemption from Execution pursuant to NRS 21.112 and state as follows:

18 (Check only one of the following boxes.)

19 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
20 Execution regarding the attachment or garnishment of my wages, money, benefits, or
21 property.

22 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
23 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

24 My wages, money, benefits, or property are exempt by law from execution as indicated below.
25 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
26 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
27 from Execution has been served, any person who has control or possession over my wages, money,
benefits, or property (such as my employer or bank, for example) must release them to me within nine

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CLERK OF THE COURT

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judicial days after this Claim of Exemption from Execution has been served.

(Check all of the following boxes that apply to your wages, money, benefits, or property.)

- ☐ Money or payments received pursuant to the federal Social Security Act, including retirement, disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- ☐ Money or payments for assistance received through the Nevada Department of Health and Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS 21.090(1)(kk) and 422A.325.)
- ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710. (NRS 21.090(1)(hh).)
- ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/ industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax, Medicare, and Social Security taxes.
- ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable earnings are exempt. (NRS 21.090(1)(g).)
- ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which case your exempt income is always \$362.50. Your non-exempt income is your weekly disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per week. (NRS 31.295.)
- ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependant and either you or your dependant has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value. (NRS 21.090(1)(b).)

☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(cc).)

☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)

☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials used to carry on my trade or business for the support of me and my family not to exceed \$10,000 in value. (NRS 21.090(1)(d).)

☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my primary residence, unless the landlord is enforcing the terms of the rental agreement or lease. (NRS 21.090(1)(n).)

☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I am dependent. (NRS 21.090(1)(u).)

☐ Money or payments received as compensation for loss of my future earnings or for the wrongful death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)

☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)

☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS 21.090(1)(j).)

☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(l).)

☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by NRS 86.296

AUTOMATIC BANK ACCOUNT EXEMPTIONS

(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)

☐ All exempt federal benefits that were electronically deposited into my account during the prior


1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 16.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following (insert the name and address of the
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabrov, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabrov Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable: Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer Wells Fargo Bank
☒ Bank 1121 Las Vegas Boulevard South
☐ Other: Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

Edward Avakian (signature)
EDWARD AVAKIAN (print name)
☐ Defendant/ ☒ Other, In Proper Person

Thomas S. Lavin
CLERK OF THE COURT

1 **DOC**

2 A Cab Series, LLC, Taxi Leasing Company

3 *(Name)*

4 1500 Searles

5 *(Address)*

6 Las Vegas NV 89101

7 *(City, State, Zip Code)*

8 702-369-5886

9 *(Telephone Number)*

10 *(E-mail Address)*

11 ☐ Defendant/ ☒ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

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

17 Dept. No.: 1 ☒

18 vs.

19 **CLAIM OF EXEMPTION FROM**
20 **EXECUTION**

21 A CAB TAXI SERVICE LLC and A CAB LLC et al

22 Defendant(s).

23 I, *(insert your name)* A Cab Series, LLC, Taxi Leasing Company, submit this Claim of
24 Exemption from Execution pursuant to NRS 21.112 and state as follows:

25 *(Check only one of the following boxes.)*

26 ☐ I am a Defendant in this case and have had my wages withheld or have received a Notice of
27 Execution regarding the attachment or garnishment of my wages, money, benefits, or
28 property.

29 ☒ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
30 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

31 My wages, money, benefits, or property are exempt by law from execution as indicated below.
32 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
33 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
34 from Execution has been served, any person who has control or possession over my wages, money,
35 benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☐ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(li).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

- 1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)
- 2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
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4 (NRS 21.090(1)(b).)
- 5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)
- 6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)
- 7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
9 in value. (NRS 21.090(1)(d).)
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11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
12 (NRS 21.090(1)(h).)
- 13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
15 am dependent. (NRS 21.090(1)(u).)
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17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)
- 19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)
- 20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
21 21.090(1)(jj).)
- 22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ll).)
- 23 ☒ Other: The garnished funds are the sole and separate property of a Series LLC as established by
24 NRS 86.206

25 AUTOMATIC BANK ACCOUNT EXEMPTIONS

26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*
27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

- 28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

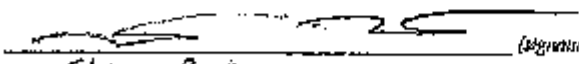
1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.5(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☐ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 2018.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
Steve Beck (print name)
25 ☐ Defendant/ ☒ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(show the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd, Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable
301 E Clark Avenue Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer

Wells Fargo Bank

☒ Bank

1121 Las Vegas Boulevard South

☐ Other

Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

Edward Avakian

(signature)

EDWARD AVAKIAN

(print name)

☐ Defendant/ ☒ Other, In Proper Person

EXHIBIT “B”

1 **DOC**

2 A Cab LLC

(Name)

3 1500 Searles

(Address)

4 Las Vegas NV 89101

(City, State, Zip Code)

5 702-369-5686

(Telephone Number)

6
(E-mail Address)

7 ☒ Defendant/ ☐ Other, In Proper Person

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MICHAEL MURRAY and MICHAEL RENO

11 Plaintiff(s),

12 vs.

13 A CAB TAXI SERVICE LLC and A CAB LLC et al

14 Defendant(s).

Case No.: A-12-669926-C

Dept. No.: 1 ☒

15 **CLAIM OF EXEMPTION FROM EXECUTION**

16 I, (insert your name) A Cab LLC, submit this Claim of

17 Exemption from Execution pursuant to NRS 21.112 and state as follows:

18 (Check only one of the following boxes.)

19 ☒ I am a Defendant in this case and have had my wages withheld or have received a Notice of
20 Execution regarding the attachment or garnishment of my wages, money, benefits, or
21 property.

22 ☐ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
23 of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

24 My wages, money, benefits, or property are exempt by law from execution as indicated below.

25 Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
26 hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
27 from Execution has been served, any person who has control or possession over my wages, money,
28 benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)

5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)

8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)

10 ☒ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)

12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)

13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)

15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.

20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)

23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)

27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account, which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

- 1 my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)
- 2 ☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard
- 3 equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value.
- 4 (NRS 21.090(1)(b).)
- 5 ☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)
- 6 ☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)
- 7 ☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials
- 8 used to carry on my trade or business for the support of me and my family not to exceed \$10,000
- 9 in value. (NRS 21.090(1)(d).)
- 10 ☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my
- 11 primary residence, unless the landlord is enforcing the terms of the rental agreement or lease.
- 12 (NRS 21.090(1)(n).)
- 13 ☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including
- 14 compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I
- 15 am dependent. (NRS 21.090(1)(u).)
- 16 ☐ Money or payments received as compensation for loss of my future earnings or for the wrongful
- 17 death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably
- 18 necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)
- 19 ☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)
- 20 ☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS
- 21 21.090(1)(jj).)
- 22 ☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ll).)
- 23 ☒ Other: The Garnished and Witheld funds belong to a third party, and are not subject to execution.
- 24

AUTOMATIC BANK ACCOUNT EXEMPTIONS

25
26 *(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically*
27 *protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)*

- 28 ☐ All exempt federal benefits that were electronically deposited into my account during the prior

1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

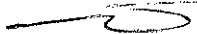
4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)

10 ☒ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 2018.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☒ Defendant/ ☐ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor: Leon Greenberg, Esq. Christian Gabroy, Esq.
(or Plaintiff/Judgment Creditor directly if unrepresented) Leon Greenberg PC Gabroy Law Offices
2965 S Jones Blvd. Suite E4 170 South Green Valley Parkway # 280
Las Vegas, Nevada 89146 Henderson, Nevada 89012

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable

301 E Clark Avenue, Suite 100

Las Vegas NV 89101

Garnishee: ☐ Employer

Wells Fargo Bank

☒ Bank

1121 Las Vegas Boulevard South

☐ Other

Las Vegas NV 89104

DATED this 3rd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.



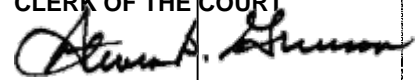
(signature)

EDWARD AVAKIAN

(print name)

☒ Defendant/ ☐ Other, In Proper Person

EXHIBIT "C"



1 **DOC**

2 A Cab LLC

3 *(Name)*

4 1500 Searles

5 *(Address)*

6 Las Vegas NV 89101

7 *(City, State, Zip Code)*

8 702-369-5686

9 *(Telephone Number)*

10 *(E-mail Address)*

11 ☒ Defendant/ ☐ Other, In Proper Person

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 MICHAEL MURRAY and MICHAEL RENO

15 Plaintiff(s),

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

17 Dept. No.: I B

18 vs.

19 **CLAIM OF EXEMPTION FROM**
20 **EXECUTION**

21 A CAB TAXI SERVICE LLC and A CAB LLC et al

22 Defendant(s).

23 I, *(insert your name)* _____, submit this Claim of

24 Exemption from Execution pursuant to NRS 21.112 and state as follows:

25 *(Check only one of the following boxes.)*

26 ☒ I am a Defendant in this case and have had my wages withheld or have received a Notice of
27 Execution regarding the attachment or garnishment of my wages, money, benefits, or
28 property.

☐ I am not a Defendant in this case, but my wages, money, benefits, or property are the subject
of an attachment or garnishment relating to a Defendant in this case. (NRS 21.112(10).)

My wages, money, benefits, or property are exempt by law from execution as indicated below.

Pursuant to NRS 21.112(4), if the Plaintiff/Judgment Creditor does not file an objection and notice of
hearing in response to this Claim of Exemption within eight judicial days after my Claim of Exemption
from Execution has been served, any person who has control or possession over my wages, money,
benefits, or property (such as my employer or bank, for example) must release them to me within nine

1 judicial days after this Claim of Exemption from Execution has been served.

2 (Check all of the following boxes that apply to your wages, money, benefits, or property.)

- 3 ☐ Money or payments received pursuant to the federal Social Security Act, including retirement,
4 disability, survivors' benefits, and SSI. (NRS 21.090(1)(y) and 42 U.S.C. § 407(a).)
- 5 ☐ Money or payments for assistance received through the Nevada Department of Health and
6 Human Services, Division of Welfare and Supportive Services, pursuant to NRS 422.291. (NRS
7 21.090(1)(kk) and 422A.325.)
- 8 ☐ Money or payments received as unemployment compensation benefits pursuant to NRS 612.710.
9 (NRS 21.090(1)(hh).)
- 10 ☒ Money or compensation payable or paid under NRS 616A to 616D (worker's compensation/
11 industrial insurance), as provided in NRS 616C.205. (NRS 21.090(1)(gg).)
- 12 ☐ Money or payments received as veteran's benefits. (38 U.S.C. § 5301.)
- 13 ☐ Money or payments received as retirement benefits under the federal Civil Service Retirement
14 System (CSRS) or Federal Employees Retirement System (FERS). (5 U.S.C. § 8346.)
- 15 ☐ Seventy-five percent (75%) of my disposable earnings or eighty-two (82%) of my disposable
16 earnings if my gross weekly salary is \$770 or less. "Disposable earnings" are the earnings
17 remaining "after the deduction . . . of any amounts required by law to be withheld." (NRS
18 21.090(1)(g)(1).) The "amounts required by law to be withheld" are federal income tax,
19 Medicare, and Social Security taxes.
- 20 ☐ Check here if your disposable weekly earnings do not exceed \$362.50 or 50 times the
21 federal minimum wage ($50 \times \$7.25 = \362.50), in which case ALL of your disposable
22 earnings are exempt. (NRS 21.090(1)(g).)
- 23 ☐ Check here if your disposable weekly earnings are between \$362.50 and \$483.33, in which
24 case your exempt income is always \$362.50. Your non-exempt income is your weekly
25 disposable earnings minus \$362.50, which equals (insert amount here): \$ _____ per
26 week. (NRS 31.295.)
- 27 ☐ Money or benefits received pursuant to a court order for the support, education, and maintenance
28 of a child, or for the support of a former spouse, including arrearages. (NRS 21.090(1)(s)-(t).)

- ☐ Money received as a result of the federal Earned Income Tax Credit or similar credit provided under Nevada law. (NRS 21.090(1)(aa).)
- ☒ \$10,000 or less of my money or personal property, identified as *(describe the specific money or property you wish to make exempt)* \$10,000 held in the Wells Fargo Bank Account, which is not otherwise exempt under NRS 21.090. (NRS 21.090(1)(z).)
- ☐ Money, up to \$1,000,000, held in a retirement plan which conforms with or is maintained pursuant to applicable limitations and requirements of the Internal Revenue Code, including, but not limited to, an IRA, 401k, 403b, or other qualified stock bonus, pension, or profit-sharing plan. (NRS 21.090(1)(r).)
- ☐ All money, benefits, privileges, or immunities derived from a life insurance policy. (NRS 21.090(1)(k).)
- ☐ Money, benefits, or refunds payable or paid from Nevada's Public Employees' Retirement System pursuant to NRS 286.670. (NRS 21.090(1)(ii).)
- ☐ A homestead recorded pursuant to NRS 115.010 on a dwelling (house, condominium, townhome, and land) or a mobile home where my equity does not exceed \$550,000. (NRS 21.090(1)(l).)
- ☐ My dwelling, occupied by me and my family, where the amount of my equity does not exceed \$550,000, and I do not own the land upon which the dwelling is situated. (NRS 21.090(1)(m).)
- ☐ Check here if the judgment being collected arises from a medical bill. If it does, your primary dwelling and the land upon which it is situated (if owned by you), including a mobile or manufactured home, are exempt from execution regardless of your equity. (NRS 21.095.)
- ☐ My vehicle, where the amount of equity does not exceed \$15,000, or I will pay the judgment creditor any amount over \$15,000 in equity. (NRS 21.090(1)(f).)
- ☐ Check here if your vehicle is specially equipped or modified to provide mobility for you or your dependent and either you or your dependent has a permanent disability. Your vehicle is exempt regardless of the equity. (NRS 21.090(1)(p).)
- ☐ A prosthesis or any equipment prescribed by a physician or dentist for me or my dependent. (NRS 21.090(1)(q).)
- ☐ My private library, works of art, musical instruments, jewelry, or keepsakes belonging to me or

my dependent, chosen by me and not to exceed \$5,000 in value. (NRS 21.090(1)(a).)

☐ My necessary household goods, furnishings, electronics, clothes, personal effects, or yard equipment, belonging to me or my dependent, chosen by me and not to exceed \$12,000 in value. (NRS 21.090(1)(b).)

☐ Money or payments received from a private disability insurance plan. (NRS 21.090(1)(ee).)

☐ Money in a trust fund for funeral or burial services pursuant to NRS 689.700. (NRS 21.090(1)(ff).)

☐ My professional library, equipment, supplies, and the tools, inventory, instruments, and materials used to carry on my trade or business for the support of me and my family not to exceed \$10,000 in value. (NRS 21.090(1)(d).)

☐ Money that I reasonably deposited with my landlord to rent or lease a dwelling that is used as my primary residence, unless the landlord is enforcing the terms of the rental agreement or lease. (NRS 21.090(1)(n).)

☐ Money or payments, up to \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by me or by a person upon whom I am dependent. (NRS 21.090(1)(u).)

☐ Money or payments received as compensation for loss of my future earnings or for the wrongful death or loss of future earnings of a person upon whom I was dependent, to the extent reasonably necessary for the support of me and my dependents. (NRS 21.090(1)(v)-(w).)

☐ Money or payments received as restitution for a criminal act. (NRS 21.090(1)(x).)

☐ Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270. (NRS 21.090(1)(jj).)

☐ Child welfare assistance provided pursuant to NRS 432.036. (NRS 21.090(1)(ii).)

☒ Other: See Attached

AUTOMATIC BANK ACCOUNT EXEMPTIONS

(Some direct-deposit funds are automatically protected and should not be taken from your bank account. If automatically protected money was taken from your bank account, check the appropriate box below and attach proof of direct-deposit benefits.)

☐ All exempt federal benefits that were electronically deposited into my account during the prior


1 two months are protected, and I am, therefore, entitled to full and customary access to that
2 protected amount. (31 C.F.R. part 212.6(a).) Money in my personal bank account that exceeds
3 that amount may be subject to the exemptions stated above.

- 4 ☐ Exempt state or federal benefits were electronically deposited into my personal bank account
5 during the 45-day period preceding Plaintiff's service of the writ of execution or garnishment
6 relating to my personal bank account, and under Nevada law, I am entitled to full and customary
7 access to \$2,000 or the entire amount in the account, whichever is less, regardless of any other
8 deposits of money into the account. Money in my personal bank account that exceeds that
9 amount may be subject to the exemptions stated above. (NRS 21.105.)
- 10 ☒ A writ of execution or garnishment was levied on my personal bank account, and under Nevada
11 law, I am entitled to full and customary access to \$400 or the entire amount in my account,
12 whichever is less, unless the writ is for the recovery of money owed for the support of any person.
13 Money in my personal bank account that exceeds \$400 may be subject to the exemptions stated
14 above. (NRS 21.105.)

15 Pursuant to NRS 21.112(4), if you are a Garnishee or other person who has control or possession
16 over my exempt ☐ wages, ☒ bank accounts, ☐ benefits, ☒ other accounts/funds, or ☒ personal or real
17 property, as stated above, you must release that money or property to me within nine judicial days after
18 my Claim of Exemption from Execution was served on you, unless the Plaintiff/Judgment Creditor files
19 an objection and notice of hearing within eight judicial days after service of my Claim of Exemption from
20 Execution, which the Plaintiff/Judgment Creditor will serve on you by mail or in person.

21 DATED this 2nd day of October, 20 18.

22 I declare under penalty of perjury under the laws of the
23 State of Nevada that the foregoing is true and correct.

24  (signature)
25 Steve Beck (print name)
26 ☒ Defendant/ ☐ Other, In Proper Person

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the _____ day of October, 2018, I placed
a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** in the
United States Mail, with first-class postage prepaid, addressed to the following *(insert the name and address of the*
following parties/entities):

Attorney for Plaintiff/Judgment Creditor:	<u>Leon Greenberg, Esq.</u>	<u>Christian Gabroy, Esq.</u>
(or Plaintiff/Judgment Creditor directly if unrepresented)	<u>Leon Greenberg PC</u>	<u>Gabroy Law Offices</u>
	<u>2965 S Jones Blvd, Suite B4</u>	<u>170 South Green Valley Parkway # 280</u>
	<u>Las Vegas, Nevada 89146</u>	<u>Henderson, Nevada 89012</u>

☐ Sheriff or ☐ Constable:

Office of Ex-Officio Constable
301 E Clark Avenue, Suite 100
Las Vegas NV 89101

Garnishee: ☐ Employer
☒ Bank
☐ Other

Wells Fargo Bank
1121 Las Vegas Boulevard South
Las Vegas NV 89104

DATED this 2nd day of October, 2018.

I declare under penalty of perjury under the laws of the
State of Nevada that the foregoing is true and correct.

(signature)

(print name)
☐ Defendant/ ☐ Other, In Proper Person

EXHIBIT “D”

MTN

JAY A. SHAFER, ESQ.
Nevada Bar No. 006791
PREMIER LEGAL GROUP
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Fax: (702) 794-4421
jshafer@premierelegalgroup.com
Attorney for Defendant A CAB, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

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

**DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN
THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER
SHORTENING TIME**

Date of Hearing: 9/26/2018
Time of Hearing: 9:00 AM

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., Michael K. Wall, Esq., of Hutchison & Steffen, LLC, and Jay A. Shafer, Esq. of Premier Legal Group hereby submit this DEFENDANT'S EX-PARTE APPLICATION FOR MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME. This Motion is based on the attached points and authorities, all pleadings and papers on file herein, and any argument by counsel at

AA009229

1 the time of the hearing on this matter.

2 No parties will suffer undue prejudice if heard on shortened time so that unnecessary
3 damages incurred in Plaintiff withholding the funds of third parties can be avoided. It would
4 benefit all parties and the Court to have all matters heard as soon as possible. Therefore
5 Defendant respectfully requests this court to hear the Motion on an Order Shortening Time.

6 No parties will suffer undue prejudice if heard on shortened time so that unnecessary
7 damages incurred in Plaintiff withholding the funds of third parties can be avoided. It would
8 benefit all parties and the Court to have all matters heard as soon as possible. Therefore
9 Defendant respectfully requests this court to hear the Motion on an Order Shortening.
10

11
12 DATED this 19th day of September, 2018.

13 PREMIER LEGAL GROUP

14
15 By: /s/ Jay A. Shafer
16 JAY A. SHAFER, ESQ.
17 Nevada Bar No. 006791
18 1333 North Buffalo Drive, Suite 210
19 Las Vegas, Nevada 89128
20 Telephone: (702) 794-4411
21 Fax: (702) 794-4421
22 jshafer@premierelegalgroup.com
23 Counsel for Defendants
24
25
26
27
28

ORDER SHORTENING TIME

Upon the Declaration of Jay A. Shafer, Esq. and good cause appearing IT IS HEREBY ORDERED that a Hearing shall be required for the relief requested herein and that the time for hearing on DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME shall be and hereby is scheduled for the 26th day of September, 2018 at 9:00 a.m. of said day, before Department I of this Honorable Court. Because of the extraordinary circumstances involved in this matter, any Hearing shall so be set on an Order Shortening Time.

Dated this 21 day of September, 2018.


DISTRICT COURT JUDGE

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1 9. On September 17, 2018, Defendant A Cab LLC became aware of the hold and made
2 inquiries to Wells Fargo.

3 10. That my client has informed me that the only documentation they received in relation to
4 the September 17, 2018 execution was the Writ of Execution itself and that no notice of
5 execution was received.

6 11. The funds being held by Wells Fargo represent the operational funds of related but
7 distinct entities, whose operation is being harmed by having these funds withheld. This includes
8 a maintenance company employed to maintain the cabs, a management company and other
9 separate legal entities who will be prevented from paying their employees and be forced to cease
10 operations, such that the entire enterprise will be permanently and irreparably harmed.

11 12. Time is of the essence and the relationship between and among the parties is such that
12 immediate intervention by this Court is required to quash the writ, maintain the status quo, and to
13 prevent additional irreparable harm to the defendant and third parties.
14

15 13. This request for order shortening time and temporary restraining order is made in good
16 faith and without dilatory motive.
17

18 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
19 CORRECT ON THIS 19th DAY OF SEPTEMBER, 2018.

20
21 
22 JAY A. SHAFER, ESQ.
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POINTS AND AUTHORITIES

I. GOOD CAUSE EXISTS TO QUASH THE WRIT OF EXECUTION

Plaintiffs have served a Writ of Execution on Wells Fargo in an attempt to gain assets of Defendant A CAB LLC as well as other independent third parties, a copy of which is attached as Exhibit "A". The Writ of Execution served on Wells Fargo must be quashed, and the funds taken under said Writ of Execution must be returned to their accounts because (a) the funds held and taken do not belong to Defendant A Cab LLC, but third parties who do not have liability to Plaintiff, and (b) notice of the Writ of Execution was not given as required by NRS 21.075 and 21.076.

As this court is aware, the Defendants in this action are A Cab LLC and A CAB TAXI SERVICE, LLC. A judgment has been entered against these Defendants, but no other parties. Plaintiffs have sought to amend the judgment to add "A Cab Series, LLC" as a Defendant, which motion is still pending before the court, and there is good cause not to amend this. Despite the ungranted permission to amend, Plaintiffs have gone beyond the bounds of permissible action in attempting to execute on separate independent entities which although related to A Cab LLC are not subject to execution. Rather than even attempting to seek to pierce the corporate veil, Plaintiffs have sought to hamstring Defendants and to hold these independent entities hostage. Again, Plaintiffs' shortcuts have generated unnecessary controversy and errors, which they will likely seek to have the court backtrack to fix.

In its writ of execution, Plaintiffs have asked Wells Fargo to garnish and execute upon A Cab Series, LLC, Maintenance Company; Cab Series, LLC, Administration Company; A Cab Series, LLC, Taxi Leasing Company and other series LLC cells, which operate independently from A Cab LLC. These entities have their own books, records and accountings, and do not share assets such that it is appropriate to execute upon these entities. Here, Plaintiffs

1 writ has held funds of \$233,619.54 from the following accounts:

2 Wells Fargo Account ending #0133 – A Cab Series, LLC, Maintenance Company

3 Wells Fargo Account ending #0158 – A Cab Series, LLC, Administration Company

4 Wells Fargo Account ending #0158 – A Cab Series, LLC, Administration Company

5 Wells Fargo Account ending #5755 – A Cab Series, LLC, Taxi Leasing Company

6 Wells Fargo Account ending #4896 – A Cab Series, LLC, Employee Leasing Company

7 Two

8 Wells Fargo Account ending #0635 – A Cab Series, LLC, Medallion Company

9 Wells Fargo Account ending #0510 – A Cab Series, LLC, CCards

10 These accounts are not those of A Cab LLC, and should not be withheld, levied or garnished.

11 Rather the funds should be accessible to their owners so they can be used to facilitate operations,
12 pay employees and conduct business.

13
14 Further, while a claim of exemption would result in these funds being returned to the
15 proper parties, the fact that there is a withholding of these funds causes real and substantial harm
16 to these third parties. For example in Account Ending 4896, for A Cab Series, LLC, Employee
17 Leasing Company Two, there are employee payroll checks which will not clear if the funds are
18 not released. Moreover, \$22,441.58 of the funds withheld are payroll taxes due the IRS which
19 are held in escrow, including both the employer and employee portion of Social Security and
20 Medicare taxes.

21
22 Additionally, a substantial liability exists if these entities are presented from
23 remitting taxes which belong to the state. Of the funds taken \$47,088.60 belongs to the State of
24 Nevada for the 3% Passenger Tax collected on behalf of the State. Another \$30,822.00 belongs
25 to Clark County Department of Aviation. A portion of these funds are due to the State and
26 County by September 30, 2018.

These funds are not “Bank Accounts or monies on deposit with Wells Fargo Bank that are owned by judgment debtors A Cab LLC or A Cab Taxi Service LLC”, but are being withheld because of the instruction of Plaintiffs’ counsel. Upon information and belief, Plaintiffs’ counsel has advised that any accounts referencing “A Cab” should be subject to the writ.

There is a real and immediate risk of harm, and a delay in hearing this matter will cause an abiding, substantial and irreparable harm. Again, this issue could have been avoided if Plaintiffs had performed as required, but in their rush caused unreasonable, unnecessary and avoidable harm. The Court should hear this issue immediately, and quash the current and pending writ.

ARGUMENT

I. DEFENDANT WAS DEPRIVED OF DUE PROCESS BY PLAINTIFFS' FAILURE TO COMPLY WITH THE NOTICE REQUIREMENTS OF NRS 21.075 .

In Nevada, writs of execution of judgments are governed by Nevada Revised Statute § 21.010, et seq. Section 21.075 prescribes the form, content, and services that is required for a writ of execution. Subsection 1 states:

Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

NEV. REV. STAT. § 21.075(1).

Subsection 2 provides an exemplar of a writ of execution that complies with subsection 1, stating that “[t]he notice required pursuant to subsection 1 must be substantially in the following form” NEV. REV. STAT. § 21.075(2). In turn, section 21.076 governs the manner and time

1 of service of a writ of execution of judgment. In pertinent part, it states that “[t]he service must
2 be mailed by the next business day after the day the writ of execution was served.” NEV. REV.
3 STAT. § 21.076

4 Here, the Sherriff served the writ at the latest on September 17, 2018. As of the date of
5 this motion, Defendant has not received the Notice of Writ of Execution or the other statutorily
6 required items, and proof of service has not been made. Correspondingly, the writ must be
7 quashed for failure to comply with NRS 21.075 and 21.076.
8

9 **II. PLAINTIFFS ARE NOT ENTITLED TO EXECUTE AGAINST**
10 **INDEPENDENT ENTITIES IN VIOLATION OF NRS 86.296.**

11 In 2005 the Nevada Legislature revised the limited liability statute (Nevada Revised
12 Statutes (“NRS”) Chapter 86) in to allow for the creation of Series LLCs. A Series LLC creates
13 multiple “cells” or “series,” each of which operates as its own LLC. Accordingly, each series has
14 different assets, liabilities, members, managers and rights. The commonality is that for purposes
15 of filing fees there is only one LLC. The statute explicitly provides that the “debts, liabilities,
16 obligations and expenses” of one series “are enforceable against the assets of that series only,
17 and not against the assets of the company generally or any other series”. NRS 86.296(2)(b). Thus
18 the assets of “A Cab Series, LLC, Maintenance Company” or any other entity cannot be
19 executed to satisfy the liabilities of “A Cab LLC”. This rule of separation, well known and
20 understood when distinguishing between two ordinary Limited Liability corporations, is the
21 same for two series Limited Liability corporations. Here, the funds belonging to all entities other
22 than A Cab LLC should be returned. As the most expeditious way to do this is to quash the writ,
23 Defendant asks that the Court do so immediately.
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DATED this 19th day of September, 2018.

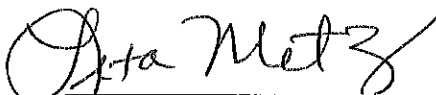
By: /s/ Jay A. Shafer
JAY A. SHAFER, ESQ.
Nevada Bar No. 9184
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Fax: (702) 794-4421
jshafer@premierelegalgroup.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 21st 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



A Representative of PREMIER LEGAL GROUP

EXHIBIT A

EXHIBIT A

AA009240

Legal Order Processing Confirmation Email Cover Sheet**To: Levy/Writ Processing****Email to: WRIT_LEVY@wellsfargo.com**

From: Georges Bourtrisian (ad-ent\u535847)

Phone: (702) 464-3138

Fax:

AU: 0001947

State: NV

Email: Georges.Bourtrisian@wellsfargo.com

The information was successfully submitted on 9/17/2018 at 1:26 PM. Your reference number is 71819.

Customer / Served Name: A Cab Taxi Service LLC, A Cab LLC

Type of Order: Levy/Writ/Garnishment

Batch:

Number of Documents:

Please write the following on the upper right hand corner of the legal order before sending:

Reference number: 71819

Date and time the legal order was served

AU the legal order was served upon

How the legal order was served - either by mail or in person

Your signature

Your printed name

Fee amount received at time of service if applicable

NAME Georges BourtrisianTITLE personal bankerAU# 01947DATE 9/17/18TIME 11:02 AMHOW SERVED in person 2 of 2 @ \$5 each

Use the scan-to-email function on your multi-function printer (MFP) to email the order with this cover page to WRIT_LEVY@wellsfargo.com

COPY

WRIT

Leon Greenberg, Esq.

Attorney for Michael Murray and Michael Reno
(Name)

2965 South Jones Blvd., Ste. E3
(Address)

Las Vegas, NV 89146
(City, State, Zip Code)

702.383.6085
(Telephone Number)

leongreenberg@overtime.law.com
(E-mail Address)

Plaintiff

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiff(s),

vs.

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

Defendant(s).

Case No.: A-12-669926-C

Dept. No.: I

WRIT OF GARNISHMENT

THE STATE OF NEVADA TO:

WELL FARGO Bank 1121 Las Vegas Boulevard South, Las Vegas, NV 89104, Garnishee.

You are hereby notified that you are attached as garnishee in the above-entitled action, and you are commanded not to pay any debt from yourself to A CAB LLC or A CAB TAXI SERVICE LLC, Defendant(s), and that you must retain possession and control of all personal property, money, credits, debts, effects, and choses in action of said Defendant(s) that do not exceed \$960,000 in order that the same may be dealt with according to law; where such property consists of wages, salaries, commissions or bonuses, the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and Nevada Revised Statutes 31.295.

Plaintiff believes that you have property, money, credits, debts, effects, and choses in action in

WRIT

LEON GREENBERG PROFESSIONAL CORPORATION
Leon Greenberg, Esq. Bar No. 8094

(Name and Bar Number (if any))

2965 South Jones Blvd, Suite E3

(Address)

Las Vegas, Nevada 89146

(City, State, Zip Code)

702-383-6085 (Tel)

702-385-1827 (Fax)

(Telephone and Facsimile Number)

leongreenberg@overtimelaw.com

(E-mail Address)

Attorney for Michael Murray and Michael Reno

Plaintiffs

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiff(s),

vs.

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

Defendant(s).

Case No.: A-12-669926-C

Dept. No.: I

WRIT OF EXECUTION ON BANK
ACCOUNT

THE PEOPLE OF THE STATE OF NEVADA:

To the Sheriff of Clark County or the Constable for the Township of _____

Greetings: To Well Fargo Bank, 1121 Las Vegas Boulevard South, Las Vegas, NV 89104

To Financial Institutions: This judgment is for the recovery of money.

On August 21, 2018, a judgment was entered by the above-entitled court in the
above-entitled action in favor of Michael Murray, as Judgment
creditor and against A CAB LLC and A CAB TAXI SERVICE LLC, as Judgment Debtors,
for:

\$ 900,317.34 Principal,

\$ 132,710.47 Pre-Judgment Interest,

\$ Attorney's Fees, and

\$ Costs, making a total amount of

\$ 1,033,027.81 The judgment as entered, and

1 WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed
2 herein, it appears that further sums have accrued since the entry of judgment, to wit:

3 \$ 0.00 Accrued Interest, and

4 \$ 0.00 Accrued Costs, together with

5 \$ 10.00 Fee, for the issuance of this writ, making a total of

6 \$ 10.00 As accrued costs, accrued interest and fees.

7 Credit must be given for payments and partial satisfactions in the amount of

8 \$ zero.

9 is to be first credited against the total accrued costs and accrued interest, with any excess credited against
10 the judgment as entered, leaving a net balance of

11 \$ 1,033,027.81

12 actually due on the date of the issuance of this writ, of which

13 \$ 900,317.34

14 bears interest at 7.00 percent per annum, in the amount of \$ 172.55 per day, from the date
15 of judgment to the date of levy, to which must be added the commissions and costs of the officer executing
16 this writ.

17 NOW, THEREFORE, SHERIFF or CONSTABLE, you are hereby commanded to satisfy this
18 judgment with interest and costs as provided by law, out of the following personal property of the
19 judgment debtor, except that for any workweek, 75 percent of the disposable earnings of the debtor
20 during that week or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair
21 Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable,
22 whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal
23 property cannot be found, then out of the real property belonging to the debtor in the aforesaid county.

24 Any bank account or funds on deposit with Well Fargo Bank belonging to judgment
25 debtor A Cab LLC or A Cab Taxi Service LLC but only to the extent of \$960,000 you are
26 not to levy or collect any funds in excess of \$960,000.
27
28

1
2 You are required to return this Writ from date of issuance not less than 10 days or more
3 than 60 days with the results of your levy endorsed thereon.
4

5 STEVEN D. GRIFFINSON OF
6 CLERK OF COURT

7 By: *Steven D. Griffinson*

8 Deputy Clerk of Court 09/11/2018 Date

9 Issued at the direction of:

10 (Signature) *Leon Greenberg*

11 Attorney for Michael Murray and Michael Reno

12 Plaintiffs

13 Name: Leon Greenberg, Esq.
14 Address: 2965 South Jones Blvd., Ste. E3
15 City, State, Zip: Las Vegas, Nevada 89146
16 Phone: 702.383.6085
17 E-mail: leongreenberg@overtime.law.com

18 INFORMATION

SHERIFF OR CONSTABLE

19 AMOUNTS TO BE COLLECTED BY LEVY:

RETURN:

20 NET BALANCE: 1,033,027.81

21 Not satisfied \$
22 Satisfied in sum of \$
23 Costs retained \$
24 Commission retained \$
25 Costs incurred \$
26 Commission incurred \$
27 Costs received \$

28 Garnishment Fee: 5.00

Mileage: 2.00

Levy Fee: 30.00

Sub-Total: 1,033,064.81

Commission: 5,217.83

TOTAL LEVY: 1,038,282.64

REMITTED TO JUDGMENT CREDITOR:

29 \$

30 I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy
31 endorsed thereon.

32 SHERIFF OF CLARK COUNTY or
33 CONSTABLE FOR THE TOWNSHIP OF

34 By:

Title

Date

your hands and under your custody and control belonging to said Defendant(s), more particularly described as:

Bank Accounts or monies on deposit with Wells Fargo Bank that are owned by judgment debtor's A Cab LLC or A Cab Taxi Service LLC

YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment to answer the interrogatories set forth herein and forward such answer to the office of the Sheriff or Constable which issued the Writ of Garnishment. In case of your failure to answer the interrogatories within 20 days, a Judgment by Default will be entered against you for:

(a) The amount demanded in the Writ of Garnishment or the value of the property described in the writ, as the case may be; or

(b) If the garnishment is pursuant to NRS 31.291, the amount of the lien created pursuant to that section, which amount or property must be clearly set forth in the Writ of Garnishment.

IF YOUR ANSWERS TO the interrogatories indicate that you are the employer of the Defendant(s), this Writ of Garnishment shall be deemed to **CONTINUE FOR 120 DAYS** or until the amount demanded in the attached Writ of Execution is satisfied, whichever occurs earlier.

YOU ARE FURTHER DIRECTED to forward all funds due to the Defendant(s) each payday in the future, **UP TO 120 DAYS**, less any amount which is exempt and less \$3.00 per pay period (not to exceed \$12.00 per month) which you may retain as a fee for compliance. The \$3.00 fee does not apply to the first pay period covered by this Writ of Garnishment.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the interrogatories on Plaintiff and Defendant(s) at the addresses listed below.

Issued at direction of (sign and check one):

SHERIFF/CONSTABLE - CLARK COUNTY
S. ROBB P#9580

Leon Greenberg, Attorney for Plaintiff
Michael Murray c/o Leon Greenberg, Esq.,
2965 S. Jones Blvd. Suite E3 Las Vegas, NV 89146
Name and address of Plaintiff

A Cab LLC and A Cab Taxi Service LLC
c/o Esther Rodriguez, Attorney at Law
10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145
Name and address of Defendant(s)

1 STATE OF NEVADA)
2) ss:
3 COUNTY OF CLARK)

4 The undersigned being duly sworn states that I received the within WRIT OF GARNISHMENT
5 on the ____ day of _____, 20____, and personally served the same on the ____ day
6 of _____, 20____ in the same manner as provided by rule of court or law of this
7 state for the service of a summons in a civil action, and I tendered the statutory fee of \$5.00 to

8 _____ at _____
9 _____, City of _____, County of
10 _____, State of Nevada.

11 By: _____
12 Title

13 **INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE AND SIGNED UNDER**
14 **PENALTY OF PERJURY:**

15 1. Are you in any manner indebted to the Defendant(s) A CAB LLC or A CAB TAXI SERVICE LLC

16 _____, either in property or money, and is the
17 debt now due? If not due, when is the debt to become due? State fully all particulars.

18 Answer: _____
19 _____
20 _____

21 2. Did you have in your possession, in your charge or under your control, on the date the Writ of
22 Garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or
23 choses in action of the Defendants A CAB LLC or A CAB TAXI SERVICE LLC or in which such
24 Defendants are/is interested? If so, state its value, and state fully all particulars.

25 Answer: _____
26 _____
27 _____
28 _____

1 3. Are you a financial institution with an account held by A CAB LLC or A CAB TAXI SERVICE LLC ?
2 If so, state the account number and the amount of money in the account which is subject to
3 garnishment. As set forth in section 3 of Assembly Bill 223 (76th Sess. 2011), \$2,000 or the entire
4 amount in the account, whichever is less, is not subject to garnishment if the financial institution
5 reasonably identifies that an electronic deposit of money has been made into the account within the
6 immediately preceding 45 days which is exempt from execution, including, without limitation,
7 payments of money described in section 3 of Assembly Bill 223 or, if no such deposit has been made,
8 \$400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the
9 garnishment is for the recovery of money owed for the support of any person. The amount which is
10 not subject to garnishment does not apply to each account of the judgment debtor, but rather is an
11 aggregate amount that is not subject to garnishment.

12 Answer: _____
13 _____
14 _____
15 _____

16 4. Are you a financial institution that previously maintained an account held by A CAB LLC or A CAB
17 TAXI SERVICE LLC that was active on or after January 1, 2013 but is now closed? If so, state the
18 account number of all such closed accounts and whether, when such account was closed, the
19 remaining funds in that account were transferred to any different account, either at your financial
20 institution or another institution, and all particulars known to you about such account the funds were
21 transferred to, including the account number, institution name and address, and the name of the
22 account holder.

23 Answer: _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 5. State your correct name and address, or the name and address of your attorney upon whom written
2 notice of further proceedings in this action may be served.

3 Answer: _____
4 _____
5 _____
6 _____

7 I declare under penalty of perjury that the answers to the foregoing interrogatories by me
8 subscribed are true and correct.

9 Executed on the _____ day of the month of _____ of the year 20____.

10 _____
11 (Signature of Garnishee)

12 Print name: _____

13 Title: _____
14 _____

15 **NOTE:** Under 31.297, if an employer, without legal justification, refuses to withhold the earnings of a
16 Defendant demanded in a WRIT OF GARNISHMENT or knowingly misrepresents the earnings of the
17 Defendant, the court may order the employer to appear and show cause why he should not be subject to the
18 following penalties:

19 (1) If the Plaintiff has received a judgment against the Defendant, an order to the employer to pay the
20 Plaintiff the amount of arrearages caused by the employer's refusal to withhold or his misrepresentation of the
21 Defendant's earnings.

22 (2) In addition, the court may order the employer to pay the Plaintiff punitive damages in an amount not to
23 exceed \$1,000 for each pay period in which the employer has, without legal justification, refused to withhold
24 the Defendant's earnings or has misrepresented the earnings.
25
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EXHIBIT B

EXHIBIT B

DECLARATION OF STEVE BECK IN SUPPORT OF
MOTION TO QUASH

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Steve Beck, being first duly sworn, deposes and says that Declarant is makes this affidavit of my own personal knowledge.

1. That I am an employee of A Cab Series LLC, Employee Leasing Company Two.
2. That presently I keep the books and records of A Cab Series, LLC, Maintenance Company; A Cab Series, LLC, Administration Company; and many others of the A Cab Series LLCs.
3. That I have personal knowledge of the facts contained in this Motion and am competent to testify thereto.
4. I submit this Affidavit in Support of Defendants' Ex-parte Application for TRO and Motion to Quash Writ of Execution and, in the Alternative, Motion for Partial Stay of Execution on Order Shortening Time.
5. On September 17, 2018, I received notice that Wells Fargo had received a Writ of Garnishment and had frozen funds belonging to various Series LLCs. On August 21, 2018, this Court entered judgment in favor of Plaintiffs.
6. Here, Plaintiffs' writ has caused funds of \$233,619.54 to be held from the following accounts:
 - a. Acct ending #0133 – A Cab Series, LLC, Maintenance Company
 - b. Acct ending #0158 – A Cab Series, LLC, Administration Company
 - c. Acct ending #5755 – A Cab Series, LLC, Taxi Leasing Company

- d. Acct ending #4896 – A Cab Series, LLC, Employee Leasing Company Two
 - e. Acct ending #0635 – A Cab Series, LLC, Medallion Company
 - f. Acct ending #0510 – A Cab Series, LLC, CCards
7. These accounts are not those of A Cab LLC.
8. In account Ending 4896, for A Cab Series, LLC, Employee Leasing Company Two, there are employee payroll checks which will not clear if the funds are not released. Moreover, \$22,441.58 of the funds withheld are payroll taxes due the IRS which are held in escrow, including both the employer and employee portion of Social Security and Medicare taxes.
9. Of the funds taken, \$47,088.60 belongs to the State of Nevada for the 3% Passenger Tax collected on behalf of the State. Another \$30,822.00 belongs to Clark County Department of Aviation. A portion of these funds are due to the State and County by September 30, 2018.
10. I have not received or seen any Notice of Execution accompanying the writ. The only notice I received was that received from Wells Fargo to explain the hold.
11. Wells Fargo has refused to lift the hold or return access to the funds absent direction from the Court.
12. Under the authority of this judgment, Plaintiffs obtained a writ of execution on September 11, 2018 seeking execution against:
- “Bank Accounts or monies on deposit with Wells Fargo Bank that are owned by judgment debtors A Cab LLC or A Cab Taxi Service LLC”
13. Plaintiff did not serve a copy of this writ upon counsel for Defendant A Cab LLC.
14. Upon information and belief a copy of the writ was received by Wells Fargo on

September 17, 2018, who immediately put a hold on funds at Wells Fargo for all entities affiliated with "A Cab LLC" or who bore a name which was similar to that name.

15. On September 17, 2018, Defendant A Cab LLC became aware of the hold and made inquiries to Wells Fargo.

16. The funds being held by Wells Fargo represent the operational funds of related but distinct entities, whose operation is being harmed by having these funds withheld. This includes a maintenance company employed to maintain the cabs, a management company and other separate legal entities who will be prevented from paying their employees and be forced to cease operations, such that the entire enterprise will be permanently and irreparably harmed.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT ON THIS 19th DAY OF SEPTEMBER, 2018.



STEVE BECK

EXHIBIT "E"

[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-12-669926-C

Michael Murray, Plaintiff(s) vs. A Cab Taxi Service LLC, Defendant(s) §
§
§
§
§
§
§
§
§
§

Case Type: **Other Civil Filing**
Subtype: **Other Civil Matters**
Date Filed: **10/08/2012**
Location: **Department 1**
Cross-Reference Case Number: **A669926**
Supreme Court No.: **72691**
77050

PARTY INFORMATION

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

EVENTS & ORDERS OF THE COURT

09/28/2018 **All Pending Motions** (10:00 AM) (Judicial Officer Cory, Kenneth)
ALL PENDINGS - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF

Minutes

09/28/2018 10:00 AM

- ALL PENDING - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF Kelly Dove, counsel for Wells Fargo present. Court NOTED it had received Defendant's exhibits in support to quash the writ of execution. COURT ORDERED, Defendant's Exhibits A-J ADMITTED. Statements by the Court regarding LLC series and review of numerous laws in Nevada and other states. Mr. Shafer argued as to the statutes regarding LLC's and operating agreements in Nevada. Further argued as to NRS 86.296. Statements by Ms. Rodriguez. Colloquy regarding LLC statutes. Statements by the Court regarding creating LLC's that are not identifiable to the public. Arguments by Mr. Greenberg regarding public notice and there being no business licenses for the entities. Ms. Dove advised if the Court wishes for a motion for interpleader be filed they would do so, or they would just follow the Court's direction. COURT ORDERED, Motion to Quash the Writ of Execution DENIED and the FUNDS BE TRANSFERRED TO THE CLERK OF THE COURT pending further action by this Court. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Appropriate Judgment Enforcement Relief CONTINUED. Court inquired if the defendant's would be seeking redress from the

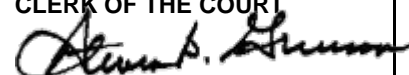
AA009255

Supreme Court. Mr. Shafer advised that is one of the options they would be pursuing. The exemption process still remains to be done pursuant to the writ of execution statute. Mr. Shafer requested if the Court is denying they would request denying in part and granting in part as to the funds in the employee leasing company. If the Court is not inclined to do that, that the Court would preclude further execution of the funds against the company. Essentially, they maintain the status quo until such time as two week that they can have Mr. Ocean testify as to the records. Mr. Shafer requested the Court preclude further execution on the funds that may be deposited into Wells Fargo. Mr. Greenberg argued that to the extent the funds are being held under the same EIN# that is the same EIN# when they started the law suit, they believe they should be properly subject to execution and they are sufficient to identify them as funds in the judgment debtor A Cab LLC. There was never a writ served just on A Cab Series Leasing Company in generic form. An execution was served based on the designation of these funds being associated under the EIN# and there is no basis to restrain them from doing this. If A Cab wishes to stop the process execution they could post a bond in the amount of \$960,000.00 which is less than the judgment entered. Mr. Shafer stated they could not post the bond as the funds are being held and they do not have the collateral to secure a bond. Mr. Shafer stated Mr. Greenberg is correct a writ was served with an EIN#. The EIN# they are saying belongs to one company is incorrect as to who they are saying it belongs to and this issue has not been briefed before this Court, but anticipate it will be. Mr. Shafer requested until the Court returns in two weeks and additional briefing has been submitted that plaintiff doesn't take these unrelated companies and stay the proceedings on this particular writ. Defendant is not asking the Court to restrain the plaintiff's ability to file other motions or other proceedings, but just as to this account so that A Cab can continue to operate. Defendant is just asking for a stay on further execution on the writ that was served on Wells Fargo, not A Cab or A Cab Taxi, just as to these other separately named series LLC's. That money is not withheld from those accounts in the future. Court inquired if Mr. Shafer presently represents any of the series LLC's entities. Mr. Shafer advised he has not been presently retained, but believes he will when they file their requests for exemptions. Ms. Rodriguez stated she believed Mr. Wall was going to contact the entirety of Hutchinson and Steffen to make an appearance on 120 plus series individual entities if the Court was going to require representation for each of the entities and that she does not currently represent them. Court STATED the challenges come back to the attempted use of Nevada's relatively new series LLC's statutes and for all the reasons discussed this Court concludes they have not correctly, in such a way to ensure due process to the plaintiff's class members. The defendant is free to seek redress on the central issue of whether or not these separate entities have been created in such a way that it does not deny the rights of the plaintiff class members. The Court is only going to rule on the motion to quash the writ, which has been denied. The Court will allow further argument on the plaintiff's motion. CONTINUED TO: 10/22/18 10:00 AM (PLAINTIFF'S COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF)

[Parties Present](#)

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OPPM

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Attorneys for Defendants

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

OPPOSITION TO PLAINTIFFS' COUNTER-MOTION

FOR APPROPRIATE JUDGMENT RELIEF

Defendants A Cab, LLC and Creighton J. Nady, by and through their attorneys of record,

1 ESTHER C. RODRIGUEZ, ESQ., of RODRIGUEZ LAW OFFICES, P.C., MICHAEL K. WALL, ESQ., of
2 HUTCHISON & STEFFEN, LLC, and JAY A. SHAFER, ESQ., of PREMIER LEGAL GROUP hereby submit
3 this Opposition to Plaintiffs' Counter-Motion for Appropriate Judgment Relief ("*Counter-motion*").

4 Defendants are under the understanding that Plaintiffs' *Counter-motion* is moot, as the Court
5 has already ruled on the main issue and requested relief contained in the *Counter-motion* (the request
6 to transfer property to Plaintiffs' counsel); and the other issue has been superseded with Plaintiffs'
7 subsequent motion requesting the same relief (the request for a debtor exam). Nevertheless, out of
8 an abundance of caution Defendants will file this Opposition to make their position clear for the
9 record.

10 Defendants filed and served their *Ex-Parte Motion to Quash Writ of Execution and, in the*
11 *Alternative, Motion for Partial Stay of Execution on Order Shortening Time* on September 21, 2018.
12 The matter was set for hearing on September 26, 2018. On September 24, 2018, Plaintiffs served a
13 response to Defendants' Motion and also attached said *Counter-motion*. Said *Counter-motion* was
14 not properly noticed, and is in direct violation of EDCR 2.26. This Court accordingly should not
15 hear this counter-motion which directly violates the rules of civil procedure and the local rules
16 which require proper notice and service to the adverse side. In fact, as detailed below, Plaintiffs
17 have subsequently filed another motion seeking the same relief, and which is set on the Court's
18 calendar November 8, 2018.

19 On September 26, 2018, the Court indicated that it would in fact not hear Plaintiffs' Counter-
20 motion that day which was seeking "a judgment debtor examination, the appointment of a receiver
21 and an order directing the transfer of property to plaintiffs' counsel, as the Court deems
22 appropriate." Plaintiffs' *Counter-motion*, p. 1:18-20. After receiving additional briefing and
23 argument, on September 28, 2018, the Court ordered the garnished funds to be transferred to the
24 Clerk of Court, as opposed to Plaintiffs' request that the property should be transferred to plaintiffs'
25 counsel. **See Exhibit 1**, Minutes of hearing of September 28, 2018. Accordingly, Plaintiffs' request
26 has already been ruled upon by this Court and is rendered moot.

27 The Court ordered Plaintiffs to prepare an order arising from this hearing of September 28,
28 2018, but the Plaintiffs have thus far failed to comply with the Court's direction and have not

1 circulated a proposed order. Instead, Plaintiffs merely filed another motion on October 5, 2018,
2 “Plaintiffs’ Motion for Order Granting a Judgment Debtor Examination and for Other Relief” which
3 mirrors the request in the Counter-motion. Defendants’ Opposition to this motion is due October 25,
4 2018, and the matter is set for hearing on November 8, 2018.

5 Also during the hearing of September 28, 2018, the Court re-set the hearings for Plaintiffs’
6 *Motion to Amend Judgment* and Defendants’ *Motion for Reconsideration* to October 22, 2018.

7 However, the court minutes also reflect that Plaintiffs’ *Counter-motion* has been re-set to this date.

8 **Exhibit 1.** It is Defendants’ position that the motion for the debtor exam requesting the same relief
9 has superceded Plaintiffs’ improperly-noticed *Counter-motion*, and is set for hearing on November
10 8, 2018. Defendants will file their response in compliance with the NRCP time in which to respond.

11 Plaintiffs’ last requested relief contained in their Counter-motion is for the appointing of a
12 receiver of A Cab LLC and all of its assets for the purpose of conducting such business to satisfy the
13 judgment or in the alternative for the purpose of selling the business and applying the available
14 proceeds from such sale to the judgment. *Counter-motion*, 6:5-10. Plaintiffs have not supported this
15 request with any supporting authority or caselaw or basis for taking such a drastic action. This
16 request reflects simple greed in seeking to close down a Nevada business and put hundreds of
17 workers out of a job, to satisfy minimal underpayments which were allegedly made as far back as
18 2007. With Plaintiffs’ requested relief, these same workers, who Plaintiffs’ counsel purports to
19 represent, would lose employment with the closing of the business which Plaintiffs’ counsel seeks to
20 shut down.

21 ...

22 ...

23 ...

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28 ...

II. Conclusion

Defendants respectfully request that the Court deny Plaintiffs' requested relief contained in their rogue "counter-motion" in its entirety.

DATED this 15th day of October, 2018.

RODRIGUEZ LAW OFFICES, P. C.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 15th day of October, 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

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

CASE No. A-12-669926-C

Michael Murray, Plaintiff(s) vs. A Cab Taxi Service LLC,
Defendant(s)§
§
§
§
§
§
§
Case Type: Other Civil Filing
Subtype: Other Civil Matters
Date Filed: 10/08/2012
Location: Department 1
Cross-Reference Case Number: A669926
Supreme Court No.: 72691
77050
PARTY INFORMATION

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

EVENTS & ORDERS OF THE COURT

09/28/2018 | All Pending Motions (10:00 AM) (Judicial Officer Cory, Kenneth)
ALL PENDINGS - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF

Minutes

09/28/2018 10:00 AM

- ALL PENDING - DEFENDANT'S EX-PARTE MOTION TO QUASH WRIT OF EXECUTION AND, IN THE ALTERNATIVE, MOTION FOR PARTIAL STAY OF EXECUTION ON ORDER SHORTENING TIME... PLAINTIFFS RESPONSE TO DEFENDANTS EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF Kelly Dove, counsel for Wells Fargo present. Court NOTED it had received Defendant's exhibits in support to quash the writ of execution. COURT ORDERED, Defendant's Exhibits A-J ADMITTED. Statements by the Court regarding LLC series and review of numerous laws in Nevada and other states. Mr. Shafer argued as to the statutes regarding LLC's and operating agreements in Nevada. Further argued as to NRS 86.296. Statements by Ms. Rodriguez. Colloquy regarding LLC statutes. Statements by the Court regarding creating LLC's that are not identifiable to the public. Arguments by Mr. Greenberg regarding public notice and there being no business licenses for the entities. Ms. Dove advised if the Court wishes for a motion for interpleader be filed they would do so, or they would

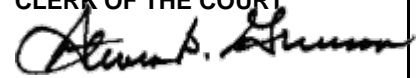
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just follow the Court's direction. COURT ORDERED, Motion to Quash the Writ of Execution DENIED and the FUNDS BE TRANSFERRED TO THE CLERK OF THE COURT pending further action by this Court. COURT FURTHER ORDERED, Plaintiff's Counter-Motion for Appropriate Judgment Enforcement Relief CONTINUED. Court inquired if the defendant's would be seeking redress from the Supreme Court. Mr. Shafer advised that is one of the options they would be pursuing. The exemption process still remains to be done pursuant to the writ of execution statute. Mr. Shafer requested if the Court is denying they would request denying in part and granting in part as to the funds in the employee leasing company. If the Court is not inclined to do that, that the Court would preclude further execution of the funds against the company. Essentially, they maintain the status quo until such time as two week that they can have Mr. Ocean testify as to the records. Mr. Shafer requested the Court preclude further execution on the funds that may be deposited into Wells Fargo. Mr. Greenberg argued that to the extent the funds are being held under the same EIN# that is the same EIN# when they started the law suit, they believe they should be properly subject to execution and they are sufficient to identify them as funds in the judgment debtor A Cab LLC. There was never a writ served just on A Cab Series Leasing Company in generic form. An execution was served based on the designation of these funds being associated under the EIN# and there is no basis to restrain them from doing this. If A Cab wishes to stop the process execution they could post a bond in the amount of \$960,000.00 which is less than the judgment entered. Mr. Shafer stated they could not post the bond as the funds are being held and they do not have the collateral to secure a bond. Mr. Shafer stated Mr. Greenberg is correct a writ was served with an EIN#. The EIN# they are saying belongs to one company is incorrect as to who they are saying it belongs to and this issue has not been briefed before this Court, but anticipate it will be. Mr. Shafer requested until the Court returns in two weeks and additional briefing has been submitted that plaintiff doesn't take these unrelated companies and stay the proceedings on this particular writ. Defendant is not asking the Court to restrain the plaintiff's ability to file other motions or other proceedings, but just as to this account so that A Cab can continue to operate. Defendant is just asking for a stay on further execution on the writ that was served on Wells Fargo, not A Cab or A Cab Taxi, just as to these other separately named series LLC's. That money is not withheld from those accounts in the future. Court inquired if Mr. Shafer presently represents any of the series LLC's entities. Mr. Shafer advised he has not been presently retained, but believes he will when they file their requests for exemptions. Ms. Rodriguez stated she believed Mr. Wall was going to contact the entirety of Hutchinson and Steffen to make an appearance on 120 plus series individual entities if the Court was going to require representation for each of the entities and that she does not currently represent them. Court STATED the challenges come back to the attempted use of Nevada's relatively new series LLC's statutes and for all the reasons discussed this Court concludes they have not correctly, in such a way to ensure due process to the plaintiff's class members. The defendant is free to seek redress on the central issue of whether or not these separate entities have been created in such a way that it does not deny the rights of the plaintiff class members. The Court is only going to rule on the motion to quash the writ, which has been denied. The Court will allow further argument on the plaintiff's motion. CONTINUED TO: 10/22/18 10:00 AM (PLAINTIFF'S COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF)

Parties Present

Return to Register of Actions

AA009263



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Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

Dept.: I

**PLAINTIFFS' REPLY TO
DEFENDANTS' RESPONSE
TO PLAINTIFFS' COUNTER-
MOTION FOR APPROPRIATE
JUDGMENT ENFORCEMENT
RELIEF**

Hearing Date: Oct. 22, 2018

Hearing Time: 10:00 A.M.

Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, hereby submit this reply to defendants' response to plaintiffs' counter-motion for appropriate judgment enforcement relief, including a judgment debtor examination, the appointment of a receiver, and an order directing the transfer of property to plaintiffs' counsel, as the Court deems appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

**I. THE PLAINTIFFS' COUNTER-MOTION IS NOT MOOT
AND THE COURT SHOULD EXPEDITE THE GRANTING
OF APPROPRIATE JUDGMENT ENFORCEMENT RELIEF**

A. This case has been adjudicated, judgment is entered, and A Cab LLC refuses to post an appeal bond; no basis exists to deny a complete turnover of its assets to satisfy the judgment and the Court should expedite judgment enforcement.

The purpose of plaintiffs' broadly postured counter-motion was, in fact, quite narrow: to have this Court use its powers, in an expedited fashion, to direct that the assets of A Cab LLC, and the revenue it generates as an ongoing business, be used to

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1 satisfy the judgment entered by the Court. The most efficacious means for doing so is
2 the entry of an immediate Order that will (1) Appoint a receiver under NRS Chapter 32
3 to take possession of A Cab LLC and operate its business and exercise all of its
4 powers and conserve all profits of such business for disposition by the Court, as it will
5 further Order, to satisfy the judgment; (2) Order defendant Nady, as the principal and
6 chief manager of A Cab LLC to turn over all books, records and assets of A Cab LLC
7 to such receiver and provide such receiver with all information that they need to
8 operate A Cab LLC and otherwise fully cooperate with the receiver in their operation
9 of A Cab LLC; and (3) Order A Cab LLC to terminate the use by its series LLCs of all
10 taxi medallions issued to A Cab LLC by the Nevada Taxicab Authority, and also
11 revoking all agreements it has entered into with those series LLCs granting them the
12 right to use such taxi medallions, unless those series LLCs provide to the receiver of A
13 Cab LLC all revenue generated by the operation of those taxi medallions and A Cab
14 LLC will also be obligated, in such circumstances, to pay all of the expenses incurred
15 in operating those taxi medallions.

16 Defendant Nady, the controlling principal of A Cab LLC, will not voluntarily
17 use the income or resources A Cab LLC satisfy the judgment. He will continue to
18 operate A Cab LLC's taxi business and retain the profits of those operations for his
19 personal advantage, until he is either forced to cease its operations or loses control
20 over the business. Contrary to defendants' counsel's claim, plaintiffs do NOT want A
21 Cab LLC to cease operations and be liquidated. It is unlikely its liquidation value will
22 satisfy plaintiffs' judgment. Rather its value, to the class members, is its ability to
23 continue to operate, continue to generate revenue and profits, and by doing so
24 eventually satisfy the class members' judgment over a period of time.

25 This case is over. It has been fully adjudicated against A Cab LLC. Such
26 defendant, having not posted an appeal bond, or sought bankruptcy court protection,
27 can present no legitimate basis to deny the plaintiffs' possession of all of its property
28

1 and its entire business. Nor can it oppose plaintiffs' request that it be suspended from
2 having its taxi medallions operated by its "series" LLCs for the ultimate benefit of
3 anyone except the plaintiffs. Those taxi medallions are the property of A Cab LLC,
4 not any of its "series" LLCs. Ex. "A" Certificate of Public Convenience and Necessity
5 issued by the Nevada Taxicab Authority to A Cab LLC granting it, and no one else,
6 those taxi medallions. It is absolutely critical that such property be directed to the
7 benefit of A Cab LLC, meaning at this point to the plaintiff judgment creditors who
8 must now take possession A Cab LLC's business through a receiver to satisfy their
9 judgment. The revenue generated by that property, those taxi medallions, cannot
10 continue to be diverted to 115 different "series" LLCs for the benefit of defendant
11 Nady.

12 **B. The Court's turnover order on the Wells Fargo funds, and plaintiffs'**
13 **separate motion for a judgment debtor examination, do not render**
14 **the counter-motion moot.**

15 Plaintiffs' counter-motion sought appropriate relief from the Court to
16 effectively, and swiftly, collect the judgment. That they have also filed a separate
17 motion (chambers hearing on November 8, 2018) for a judgment debtor examination
18 does not render their counter-motion moot. The grim, and unfortunate, reality is that
19 such an examination will not, by itself, result in any justice for the class members. At
20 most it may uncover some additional assets that can be levied upon to partially satisfy
21 the judgment. In the meantime, every day that A Cab LLC continues to operate is
22 another day that the profits generated by its taxi business are absconded with by
23 defendant Nady and placed beyond the reach of the judgment. While the appointment
24 of a receiver may be viewed as an unusual move, as a sort of last resort, nothing about
25 this case is usual or typical. Contrary to all reason, or for no other reason than sheer
26 *hubris* (he has now spent far more defending this case than the amount owed to the
27 class members), defendant Nady will *never* take steps to have the judgment satisfied.
28 Accordingly, a receiver should be appointed and A Cab LLC's agreements with the

1 allegedly “separate entity” series LLCs regarding its taxi medallions must be rescinded
2 or reformed to end the diversion of profits from the operation of those taxi medallions
3 to defendant Nady.

4 Defendants, despite the Court’s invitation they do so, have not sought writ relief
5 in respect to the turnover of the Wells Fargo funds. Accordingly, those funds should
6 now be released to plaintiffs’ counsel and placed in their IOLTA account and
7 distributed, within the next 30 days, to the class members and plaintiffs’ counsel
8 pursuant to a formula to be presented promptly to the Court for its approval. The
9 distribution of those funds to class members should be handled by the receiver (or
10 another appointed Special Master or settlement administrator) who should be
11 compensated by A Cab LLC to perform that task.

12
13 **C. No procedural or other bar exists to granting**
14 **the counter-motion, appointing a receiver, and otherwise**
15 **proceeding as requested to expedite judgment satisfaction.**

16 Plaintiffs’ counter-motion is properly presented. NRS 32.010(4) expressly
17 authorizes this Court to appoint a receiver to take possession of a judgment debtor’s
18 property when it refuses to use it to satisfy the judgment. The Court, long ago,
19 certified this case as a class action under NRCP Rule 23(b)(2) and placed defendants
20 on notice it was prepared to issue appropriate class wide equitable and injunctive
21 relief. While defendants argue that plaintiffs’ counter motion was “in direct violation”
22 of EDCR 2.26 because it “was not properly noticed” in compliance with that rule, that
23 is not true. Rather, EDCR 2.20 authorizes the presentation of counter-motions in
24 response to motions and states they require no separate notice of motion. In any event,
25 NRCP 7(b)(1) grants this Court broad authority to hear and decide motions, which
26 may be made orally to the Court, or if made in writing need only be recited as to their
27 reasoning and objectives, requirements met by the plaintiffs in this case.

1 A Cab LLC is now an adjudicated judgment debtor. It enjoys no
2 presumption, enjoyed by every defendant prior to entry of an adverse judgment, of
3 non-liability. Quite the opposite, it is now established to be liable to the class
4 members and to have forfeited its right to any property (unless such property is
5 expressly exempt from judgment execution) that is available to satisfy the class
6 members' judgment. While it may still enjoy a limited due process right to be heard,
7 and have notice of the proceedings that will effectuate the seizure of its property to
8 satisfy that judgment, those rights have been adequately respected by these
9 proceedings. In opposing plaintiffs' counter-motion, A Cab LLC presents no actual
10 basis to deny the issuance of an Order appointing a receiver. At most, it hypothesizes
11 that such an Order is not in the interests of the class members (something it has no
12 credible basis to opine on). In sum, it has been sufficiently advised, consistent with
13 its limited due process rights, of the request to seize its property to satisfy the
14 judgment and have a receiver appointed. It has presented no valid basis to deny the
15 plaintiffs such relief which should, accordingly, be granted.

16 CONCLUSION

17 For all the foregoing reasons, plaintiffs' counter-motion should be granted.
18

19 Dated: October 16, 2018

20 LEON GREENBERG PROFESSIONAL CORP.

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

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Plaintiffs' Reply to Defendants' Response to Plaintiffs' Counter-motion

TO:

Jay A. Shafer, Esq.
PREMIER LEGAL GROUP
1333 North Buffalo Drive, Suite 210
Las Vegas, NV 89128

Dana Sniegocki

EXHIBIT "A"



NEVADA TAXICAB AUTHORITY ORDER

and

AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

ADMIRAL TAXICAB SERVICE, LLC
d/b/a A CAB, LLC

CPC T 1052 SUB 1
EFFECTIVE NOVEMBER 1, 2015

The Nevada Taxicab Authority ("Authority") finds that the above-named carrier has met the requirements of N.R.S. 706.8827 and received authority from the Taxicab Authority to engage in transportation in Clark County as a taxicab motor carrier on May 1, 2001, and the Taxicab Authority over the intervening time having ordered additional medallions and the removal of medallion restrictions now finds it in the best interest of the Authority and the Taxicab Industry to issue this Amended Certificate of Public Convenience and Necessity ("Certificate"), therefore:

IT IS ORDERED, that the said carrier be, and is hereby, granted this Amended Certificate of Public Convenience and Necessity as evidence of the continuing authority of the holder to engage in transportation in Clark County as a taxicab motor carrier, subject however, to such terms, conditions, and limitations as now are, or may hereafter be attached to the exercise of the privileges herein granted to the said carrier; and

IT IS FURTHER ORDERED, and is made a condition of this Certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure to do so shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that nothing contained herein shall be construed to be either a franchise or irrevocable; and that the failure to comply with the rules and regulations and/or orders of the Taxicab Authority or applicable statutory provisions shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that any interest in this Certificate including, but not limited to, shares of stock, shall not be sold, transferred, leased or otherwise altered without having first obtained authorization from the Taxicab Authority; and

IT IS FURTHER ORDERED, that the transportation service to be performed by said carrier shall be as specified below:

Admiral Taxicab Service, LLC d/b/a A CAB, LLC, is authorized to operate one hundred fifteen (115) taxicab medallions for the transportation of fares or passengers originating within Clark County, Nevada.

IT IS FURTHER ORDERED that this Certificate supersedes any and all prior Certificates held by this carrier, or any predecessor-in-interest of this carrier, and said prior Certificates are void and are hereby revoked; and


IT IS FURTHER ORDERED that the Taxicab Authority retains jurisdiction to correct any errors which may have occurred in the drafting of this Certificate.

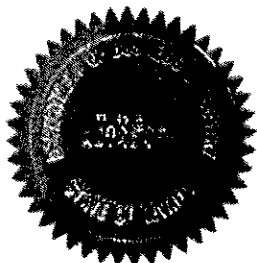
DATED this 28th day of January, 2016.

BY THE AUTHORITY:

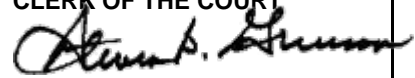

ILEANA DROBKIN, Chairman

ATTEST


RONALD GROGAN
Taxicab Authority Administrator



AA009271



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Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

Hearing Date: October 22, 2018
Hearing Time: 10 a.m.

REPLY IN SUPPORT OF 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., MICHAEL K. WALL, ESQ., of HUTCHISON & STEFFEN, LLC, and JAY A. SHAFER, ESQ., of PREMIER LEGAL GROUP pursuant to NRCP 52, NRCP 59, NRCP 60, NRCP 12, and NRCP 41, hereby respectfully submit this Reply in Support of Defendants' Motion for Reconsideration, Amendment, For New Trial, and for Dismissal of Claims.

I.

MEMORANDUM OF POINTS AND AUTHORITIES

1. Defendants Seek "Amendment to Findings by the Court" Pursuant to NRCP 52 Which is Unopposed by Plaintiffs.

In their *Response in Opposition*, Plaintiffs do not address nor oppose Defendants' request for NRCP 52(b) amendment. Defendants have noted to the Court that in its summary judgment order, the Court did not indicate that the majority of the claimants have resolved their claims. The Court received the details of the settlement reached in the matter of *Jasminka Dubric v. A Cab, LLC et.al.*, Case No. A-15-721063-C, through the Court settlement program, 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.

As this request is unopposed, the Court should grant this request and allow amendment to the order to reflect these facts.

2. Plaintiffs Offer Inadequate Support for the Court to Deny Defendants' Request for New Trial Based upon NRCP 59.

A new trial may be granted to all or any of the parties and on all or part of the issues for any of the following causes or grounds materially affecting the substantial rights of an aggrieved party: (1) Irregularity in the proceedings of the court, jury, master, or adverse party, or any order of the court, or master, or abuse of discretion by which either party was prevented from having a fair trial; (2) Misconduct of the jury or prevailing party; (3) Accident or surprise which ordinary prudence could not have guarded against; (4) Newly discovered evidence material for the party making the

1 motion which the party could not, with reasonable diligence, have discovered and produced at the
2 trial; (5) Manifest disregard by the jury of the instructions of the court; (6) Excessive damages
3 appearing to have been given under the influence of passion or prejudice; or, (7) Error in law
4 occurring at the trial and objected to by the party making the motion. **NRCP 59(a).**

5 In support of this request, Defendants offered the Court the guidance from the Nevada
6 Supreme Court on the impropriety of aggregating the claims, and the guidance from its sister
7 department in the Eighth Judicial District Court which refused to certify the class in the exact same
8 circumstances. Plaintiffs' response was simply to label Chief Judge Linda Bell's decision and order
9 as "awry" and "not of concern." The fact is that Plaintiffs have never addressed major issues within
10 their case.

11 Firstly, as written by Judge Bell, Plaintiffs do not meet the requirements under NRCP 23(a)
12 for class certification pursuant to *Shuette v. Beazer Homes Holding Corp.*, 121 Nev. 837, 847, 124
13 P.3d 530, 538 (2005). Secondly, Plaintiffs have directly pled and asserted fraud; it is not being
14 "recast" by Defendants as such. Fraud is the basis of their claims against the company for forcing
15 fraudulent break times.

16 Plaintiffs have failed to prove any actual damages for any individual Plaintiff, much less
17 actual damages for a class of individuals. There are no admissible documents or witnesses who
18 support an underpayment of minimum wages; and both of Plaintiffs experts admit they have no
19 opinions on actual damages. No Plaintiff can testify in support of a claim, as no Plaintiff complied
20 with **NAC 608.155**. Defendants' pretrial motions were never heard, which would subject the case to
21 a complete dismissal.

22 **3. Plaintiffs Cannot Overcome That this Court Lacks Subject Matter Jurisdiction over**
23 **These Claims.**

24 The District Court does not have subject matter jurisdiction over these claims. The Supreme
25 Court decision of *Castillo v. United Fed. Credit Union* is clear in specifically addressing the
26 improper aggregation of small claims such as these presented by Plaintiff Murray and Plaintiff Reno.
27 The *Castillo* court noted: "Nevada, unlike other jurisdictions, recognizes that justice courts have the
28 ability to hear class actions. See JCRCP 23." *Castillo v. United Fed. Credit Union*, 134 Nev. Adv.

Op. No. 3 (February 1, 2018); 409 P.3d 54, 58.

In response, Plaintiffs argue that they have continued to ask for “equitable relief”, and that is enough to establish subject matter jurisdiction. It is not.

Contrary to what has occurred in this case, Plaintiffs pursued injunctive relief in the *Pereira* case. This Court’s sister department analyzed Plaintiffs’ injunctive relief and denied it indicating: “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**” *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 to Defendants’ Motion herein**. This is exactly what this Court has ordered in this matter - monetary back wages. In this present case, Plaintiffs have not even filed a motion for injunctive relief, as they did before Judge Bell.

Here, Plaintiffs have never brought a motion for an injunction, and have never actually pursued injunctive relief in any real way. It is clear the claim was just inserted into the complaint because as is the practice of many plaintiff’s attorneys to plead claims that are not necessarily applicable in order to cover all the possible bases.

Secondly, in their response Plaintiffs are confusing “equitable relief” with “injunctive relief”. Plaintiffs are using the two as though they were synonymous. They are not. For the most part, the common law distinction between equitable and legal relief does not play a major role in American jurisprudence, since most courts have both equitable and legal jurisdiction. Of course, there are a few areas where the distinction of equitable vs. legal still makes a difference, but just because an injunction seeks equitable relief does not mean that all equitable relief is a form of injunction.

Article 6, section 6 of the Nevada Constitution declares that there is no concurrent jurisdiction between justice and district courts. The Constitution allows the legislature to determine and confer jurisdiction. Therefore, courts cannot create subject matter jurisdiction. The legislature has created district court jurisdiction by declaring what jurisdiction the justice court has in NRS 4.370, and reserving to the district court all other subject matter jurisdiction over civil cases. So, for

1 example, there is no statute that says the district court has jurisdiction of matters where the amount
2 in controversy is more than \$15,000. Instead, NRS 4.370 says the justice court has jurisdiction in
3 cases where the amount in controversy does not exceed \$15,000. By operation of the Constitution,
4 that means the district court cannot have jurisdiction in those matters. NRS 4.370 confers no
5 jurisdiction on justice courts to issue injunctions. Ergo, district court's have exclusive jurisdiction to
6 issue injunctions.

7 However, NRS 4.370 confers on justice courts jurisdiction to hear civil cases generally, with
8 specified limitations. Pursuant to Article 6, section 14 of the Nevada Constitution, there is one form
9 of civil action in Nevada, which includes authority to exercise jurisdiction in both law and equity.
10 Thus, justice courts have jurisdiction to grant both legal and equitable relief in all of the areas over
11 which they possess general, civil jurisdiction. The exclusion of the power to grant an injunction has
12 nothing to do with other forms of equitable relief.

13 Finally, Plaintiffs cannot have it both ways. They severed Defendant Nady from the action
14 in order to obtain a final order. That makes the case against Defendant Nady a separate case. They
15 cannot argue for jurisdiction in this case based on subject matter jurisdiction over the now separate
16 Nady case.

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

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II.

CONCLUSION

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

DATED this 16th day of October, 2018.

RODRIGUEZ LAW OFFICES, P. C.

/s/ Esther C. Rodriguez, Esq.
Esther C. Rodriguez, Esq.
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Attorneys for Defendants

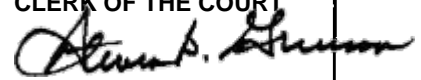
CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 16th day of October, 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:

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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 DISMISSAL OF CLAIMS**ON ORDER SHORTENING TIME**

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., MICHAEL K. WALL, ESQ., of
HUTCHISON & STEFFEN, LLC, and Jay A. Shafer, Esq., of PREMIER LEGAL GROUP and pursuant to

1 NRCP 12(b)(1) and 12(h)(3), hereby respectfully move this Court for dismissal based upon lack of
2 subject matter jurisdiction.

3 DATED this 15th day of October, 2018.

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

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

12 **ORDER SHORTENING TIME**

13 It is hereby ordered, that the foregoing MOTION FOR DISMISSAL OF CLAIMS ON
14 ORDER SHORTENING TIME shall be heard on the 22nd day of October 2018, at the hour of
15 10:00 am/pm or as soon as the matter may be heard by the Court in Department I.

16 DATED this 16 day of October, 2018.

17 Kenneth Cory
18 HON. KENNETH CORY
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DECLARATION OF COUNSEL IN SUPPORT OF AN OST

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2 1. Defendants bring this Motion on an OST because with the present motion the
3 jurisdiction of this Court to hear additional motions is challenged pursuant to NRCP 12(b)(1) and
4 NRCP 12(h)(3).

5 2. Presently, there are several motions scheduled to be heard before this Court on the
6 following dates:

7 **October 22, 2018:** *Plaintiffs' Motion to Amend Judgment;*

8 **October 22, 2018:** *Defendants' Motions for Reconsideration, Amendment, for New Trial,*
9 *and for Dismissal of Claims.*

10 **November 8, 2018:** *Plaintiffs' Motion to Conduct Debtor Exam*

11 **November 15, 2018:** *Plaintiffs' Motion for Attorney Fees*

12 **No date set:** *Claims of Exemptions to Garnishments*

13 3. As detailed in Defendants' present motion, a ruling of this Court that expands the
14 jurisdictional limits of Nevada's District Courts violates the Nevada Constitution, the separation of
15 powers doctrine, and NRCP 82. It is therefore imperative that the present motion be heard before
16 additional rulings by this Court. This cannot be accomplished if this present motion is heard in the
17 normal course.

18 4. This Motion, brought on an expedited basis, is brought in good faith and in
19 accordance with the circumstances discussed herein.

20 Affirmed this 15 day of October 2018.

21
22 
23 Esther C. Rodriguez, Esq.

I.

¹ Plaintiffs' Second Amended and Supplemental Complaint filed August 19, 2015.

1 *Malik*, 127 Nev. 175, 179, 251 P.3d 163, 166 (2011) ("As an initial matter, whether a court lacks
2 subject matter jurisdiction 'can be raised by the parties at any time, or *sua sponte* by a court of
3 review, and cannot be conferred by the parties.' *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221,
4 224 (1990). However, if the district court lacks subject matter jurisdiction, the judgment is
5 rendered void. (emphasis added) *State Indus. Ins. System v. Sleeper*, 100 Nev. 267, 269, 679 P.2d
6 1273, 1274 (1984).").

7 II.

8 POINTS AND AUTHORITIES

9 1. The District Court does not have subject matter jurisdiction over these claims.

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

14 "The issue in this appeal concerns whether the justice court or the district court had
15 original jurisdiction over this matter, and thus, we are asked whether the district court
16 erred in granting respondent's motion to dismiss based on lack of subject matter
17 jurisdiction. In particular, we consider (1) whether aggregation of putative class
18 member claims is permitted to determine jurisdiction, (2) whether a claim for
19 statutory damages can be combined with a claim for the elimination of the deficiency
20 amount asserted to determine jurisdiction, and (3) whether an assertion of injunctive
21 relief establishes jurisdiction. **First, we conclude that in Nevada, aggregation of**
22 **putative class member claims is not permitted to determine jurisdiction.** Second,
23 we conclude that a claim for statutory damages can be combined with a claim for the
24 elimination of the deficiency amount demanded by respondent to determine
25 jurisdiction. Finally, we conclude that because appellant sought appropriate
26 injunctive relief, the district court possessed original jurisdiction." *Castillo v. United*
27 *Fed. Credit Union*, 134 Nev. Adv. Op. No. 3 (February 1, 2018); 409 P.3d 54.

28 In this instance, all claims asserted by all named Plaintiffs as well as all potential class

1 members fall well-below the District Court's minimum threshold of \$15,000. Further, Plaintiffs'
2 claims for injunctive relief are a non-issue, as their claims cease as of December 31, 2015. **Exhibit**
3 **1, Order**, p. 32, para. A. Despite the Plaintiffs adding the word "injunctive relief" in paragraphs 20
4 and 21 of their Complaint, there is no indication that Plaintiffs are legitimately seeking an
5 injunction.

6 An injunction is appropriate when monetary damages are inadequate. *See Czipott v. Fleigh*,
7 87 Nev. 496, 499, 489 P.2d 681, 683 (1971). However, "injunctive relief is not available in the
8 absence of actual or threatened injury, loss or damage." *Berryman v. Int'l Bhd. of Elec. Workers*, 82
9 Nev. 277, 280, 416 P.2d 387, 388 (1966). "There should exist the reasonable probability that real
10 injury will occur if the injunction does not issue." *Id.* at 280, 416 P.2d at 389. *Castillo*, 409 P.3d at
11 59.

12 Here, the request for an injunction has been altogether dropped, and not pursued by Plaintiffs
13 as a non-issue. There was never a motion for injunction pursued by Plaintiffs; and there was never
14 any indication that there was an ongoing harm that needed to be stopped. Simply, placing the word
15 "injunction" in a complaint cannot form a basis for the District Court to assert jurisdiction. In fact,
16 any claim for injunction is not mentioned in, nor part of the summary judgment order entered by this
17 Court on August 22, 2018. Further, Plaintiffs are not entitled to injunctive relief, because all they
18 seek is an "obey the law" injunction which is not permitted. Thirdly, Defendants resolved any
19 outstanding underpayment of minimum wage claims well-past the time of the "Murray claims"
20 (which cease on December 31, 2015) in the *Dubric* matter which extends through September 30,
21 2016.² The *Castillo* court, contrarily engaged in an analysis and found that Plaintiff was seeking
22

23 ² On May 23, 2018, this Court entertained the argument of Plaintiffs' counsel, Trent
24 Richards, Esq. of the Bourassa Law Group in explaining to the Court the settlement that had
25 been reached in the matter of *Jasminka Dubric v. A Cab, LLC et.al.*, Case No. A-15-721063-C,
26 through the Court settlement program. The Court received the details of the settlement, as well
27 as the specific overlap of the claimants and their respective claims which extend through
28 September 30, 2016. 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

1 legitimate injunctive relief which could not be cured with monetary damages. Specifically, the
2 *Castillo* plaintiffs had an ongoing harm by wrongful collection and reporting of adverse information
3 to consumer reporting agencies by the Defendant. *Castillo*, 409 P.3d 59.

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

6 **2. Any Change to the Jurisdictional Limits of Nevada's Justice and District Courts is**
7 **Reserved to the Nevada Legislature Under the Nevada Constitution.**

8 The District Court is not the proper forum to change the minimum jurisdictional limits of the
9 Nevada District Courts. The Nevada Legislature's recent amendment of NRS 4.370, which does not
10 allow class action plaintiffs to aggregate claims, is dispositive of the issues before the Court. Until
11 the Legislature enacts legislation that enables class action plaintiffs to aggregate their claims, they
12 may not do so.

13 The District Court's jurisdiction is limited to claims in excess of \$15,000, except as
14 otherwise provided by specific statute. NRS 4.370 In *Snyder v. Harris*, 394 U.S. 332, 89 S. Ct.
15 1053, 22 L.Ed.2d 319 (1969) *abrogated* by 28 U.S.C. § 1332, The Class Action Fairness Act
16 ("CAFA"), the United States Supreme Court considered whether, in light of the 1966 amendments to
17 Rule 23 of the Federal Rules of Civil Procedure, class action plaintiffs could aggregate their claims
18 to satisfy the minimum jurisdictional limits of the district courts. *Snyder* hold that plaintiffs and
19 class members cannot aggregate their claims to satisfy the jurisdictional limits of the district courts.
20 *Snyder*, 394 U.S. at 336-38, 89 S.Ct. 1057-58; see also *In re Ford Motor Co./Citibank (South*
21 *Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001).³

22 Nevada agrees with the concept of not allowing aggregation of claims to satisfy the
23 minimum jurisdiction of the Nevada Courts. *Castillo v. United Fed. Credit Union*, 134 Nev. Adv.
24 Op. No. 3, 409 P.3d 54. In fact, the *Castillo* court noted: "Nevada, unlike other jurisdictions,
25 recognizes that justice courts have the ability to hear class actions. See JCRCP 23." *Id.*, 409 P.3d at

26
27 ³ Under CAFA which was enacted in 2005, class action plaintiffs are expressly permitted
28 to aggregate their claims in federal court. To date, the Nevada Legislature has not enacted
similar legislation for the Nevada courts.

1 58. The Nevada Supreme Court also holds that when a court concludes to a legal certainty that a
2 plaintiff cannot recover the amount of damages necessary to establish jurisdiction, dismissal for
3 want of jurisdiction is appropriate. *Morrison v. Beach City LLC*, 116 Nev. 34, 38, 991 P.2d 982, 984
4 (2000).

5 **3. Subject Matter Jurisdiction Cannot be Waived and May be Raised at Any Time.**

6 “[S]ubject matter jurisdiction cannot be waived and may be raised at any time, or *sua sponte*
7 by a court of review.” *Vaile v. Dist. Court*, 118 Nev. 262, 276 44 P.3d 506 (2002). Rule 12(b)(1) of
8 the Nevada Rules of Civil Procedure allows defendants to file a motion to dismiss claims for a lack
9 of subject matter jurisdiction. Although the defendant is the moving party, the plaintiff is the party
10 invoking the court’s jurisdiction. The plaintiff therefore bears the burden of proving the court has
11 subject matter jurisdiction over the pending case. *Morrison v. Beach City LLC*, 116 Nev. 34, 36-37,
12 991 P.2d 982, 983 (2000) (citing *Nelson v. Keefer*, 451 F.2d 289 (3d Cir. 1971);⁴ 2 James Wm.
13 Moore et. al., *Moore’s Federal Practice* § 12.30 [5] (3d ed. 1999) 15 *Moore’s Federal Practice* §
14 102.107).

15 A defendant may attack the existence of subject matter jurisdiction not only on the face of
16 the pleadings, but also with evidence extrinsic to the pleadings. *Mortenson v. First Fed. Sav. &*
17 *Loan Ass’n*, 549 F.2d 884, 891 (9th Cir. 1979). Dismissal under Rule 12(b)(1) is appropriate if the
18 complaint, considered in its entirety, fails to allege sufficient facts to establish that the court has
19 subject matter jurisdiction over the dispute. *In re Dynamic Random Access Memory (DRAM)*
20 *Antitrust Litig.*, 546 F.3d 981, 984-85 (9th Cir. 2008).

21 Further, the U.S. Supreme Court has established that “each plaintiff in a Rule 23(b)(3) class
22 action must satisfy the jurisdictional amount, and any plaintiff who does not must be dismissed from
23 the case - one plaintiff may not ride in on another’s coattails.” *Zahn v. Int’l Paper Co.*, 414 U.S.
24 291, 301, 94 S. Ct. 505, 512 (1973) *abrogated* by CAFA. The holdings in *Snyder* and *Zahn* were

25
26 ⁴ The cited federal cases dismiss the claims based on Fed. R. Civ. P. 12(b)(1), the federal
27 counterpart to Nevada’s Rule 12(b)(1). “[F]ederal decisions involving the Federal Rules of Civil
28 Procedure provide persuasive authority when this court examines its rules.” *Foster v. Dingwall*,
126 Nev. Adv. Op. 5, 228 P.3d 453, 456 (2010) (quoting *Nelson v. Heer*, 121 Nev. 832, 834, 122
P.3d 1252, 1253 (2005)).

1 abrogated by CAFA, which allows class action plaintiffs in federal court to aggregate their claims.
2 Despite being in session for multiple times since CAFA was enacted, the Nevada Legislature has not
3 enacted similar legislation.

4 NRS 4.370 establishes the jurisdictional limits of Nevada's Justice Courts. The Nevada
5 Legislature recently amended NRS 4.370 to increase the jurisdictional limits effective 2017. When
6 it amended NRS 4.370, the Nevada Legislature did not include a provision that allows class action
7 plaintiffs to aggregate their claims. Aggregation of claims is not permitted under the common law or
8 Nevada statutory law. This Court is not empowered to alter the jurisdictional limits of the District or
9 the Justice Courts, as that is reserved to the Nevada Legislature. Article 6 § 9 of the Nevada
10 Constitution.

11 **4. Under the Separation of Powers Doctrine, the Jurisdictional Threshold of Nevada**
12 **Courts May Only be Altered by the Nevada Legislature.**

13 Pursuant to NRCP 82, the NRCP do not extend, limit or affect the jurisdiction of Nevada's
14 District Courts. The structure of Nevada's courts are enumerated in Article 6 of the Nevada
15 Constitution. Pursuant to Article 6 § 9 of the Nevada Constitution, the Nevada Legislature sets "the
16 limits of the civil and criminal jurisdiction" of the Justice Courts. Pursuant to Article 6 § 6 of the
17 Nevada Constitution, the jurisdictional limits of Nevada's District Courts include "all cases excluded
18 by law from the original jurisdiction of justices' courts." *Id.* When it sets the jurisdictional limits of
19 the Justice Courts, the Nevada Legislature also sets the jurisdictional limits of the District Courts.

20 "The separation of powers; the independence of one branch from the others; the requirement
21 that one department cannot exercise the powers of the other two is fundamental in our system of
22 government." *Galloway v. Truesdell*, 83 Nev. 13, 422 P.2d 237 (1967). Judicial power arises from
23 the judicial powers and functions granted to Nevada's courts in the Nevada Constitution. *Id.*, 83
24 Nev. at 20, 422 P.2d at 242-43. "The judicial department may not invade the legislative and
25 executive province." *Dunphy v. Sheehan*, 92 Nev. 259, 265, 549 P.2d 332, 336 (1976) (citing *State*
26 *v. District Court*, 85 Nev. 485, 457 P.2d 217 (1969)).

27 ...

28 ...

III.

CONCLUSION

Nevada's District Courts are courts of limited jurisdiction. A ruling of this Court that expands the jurisdictional limits of Nevada's District Courts violates the Nevada Constitution, the separation of powers doctrine, and NRCP 82. Based upon the foregoing points and authorities, Defendants respectfully requests this Honorable Court dismiss Plaintiffs' claims for lack of subject matter jurisdiction.

DATED this 15th day of October, 2018.

RODRIGUEZ LAW OFFICES, P. C.

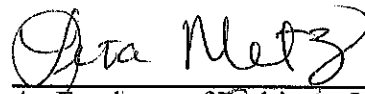
/s/ Esther C. Rodriguez, Esq.
Esther C. Rodriguez, Esq.
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10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 17th day of October, 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


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