#### IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court Note: Electronically Filed Oct 23 2020 02:43 p.m. Elizabeth A. Brown District Court Note: All Street Court

Appellant,

VS.

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

Respondents.

#### APPENDIX TO RESPONDENTS' ANSWERING BRIEF VOLUME III OF VI

LEON GREENBERG
PROFESSIONAL CORPORATION
Leon Greenberg, Esq.
2965 South Jones Blvd., #E3
Las Vegas, NV 89146
Bar # 8094

Attorney for Respondents

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3	Order on Discovery Commissioner's Report and Recommendation filed March 3, 2016	II	RA00224- RA00229
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9	Plaintiffs' Motion for Partial Summary Judgement with Declaration of Plaintiffs' Counsel and Exhibits (through Exhibit "C") filed November 2, 2017	III	RA00497- RA00637
10	Plaintiffs' Motion for Partial Summary Judgement with Declaration of Plaintiffs' Counsel and Exhibits (portion Exhibit "D" only) filed November 2, 2017	IV	RA00638– RA00871
11	Plaintiffs' Motion for Partial Summary Judgement with Declaration of Plaintiffs' Counsel and Exhibits (portion Exhibit "D" through "J" only) filed November 2, 2017	V	RA00872- RA01068
12	Defendants' Objections to Discovery Commissioner's Report & Recommendations filed November 13, 2017	V	RA01069- RA01088

13	Plaintiffs' Response to Defendants' Objections to Discovery Commissioner's Report & Recommendations filed November 22, 2017	V	RA01089- RA01104
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17	Plaintiffs' Motion on Order Shortening Time For Reconsideration of Order of Recusal filed March 21, 2019	VI	RA01241- RA01246
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14	Transcript of Hearing September 26, 2018	VI	RA01105- RA01172
15	Transcript of Hearing September 28, 2018	VI	RA01173- RA01239

**Electronically Filed** 7/12/2017 2:06 PM Steven D. Grierson CLERK OF THE COURT **MOT** 1 LEON GREENBERG, ESQ., SBN 8094 DANA SNIEGOCKI, ESQ., SBN 11715 Leon Greenberg Professional Corporation 2965 South Jones Blvd-Suite E3 3 Las Vegas, Nevada 89146 4 (702) 383-6085 702) 385-1827(fax) 5 leongreenberg@overtimelaw.com dana@overtimelaw.com Attorneys for Plaintiffs 6 DISTRICT COURT 7 **CLARK COUNTY, NEVADA** 8 9 MICHAEL MURRAY, and MICHAEL Case No.: A-12-669926-C RENO, Individually and on behalf of others similarly situated, Dept.: I 10 Plaintiffs, PLAINTIFFS' MOTION TO 11 GAINST DEFENDANTS FOR 12 VS. **TOLATING THIS COURT'S** 13 A CAB TAXI SERVICE LLC, A CAB, ORDER OF MARCH 9, 2017 AND COMPELLING LLC, and CREIGHTON J. NADY, COMPLIANCE WITH THAT 14 Defendants. ORDER 15 16 Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, 17 hereby move this Court for an order sanctioning and holding in contempt defendants, 18 A Cab Taxi Service LLC, A Cab LLC, and Creighton J. Nady, for their willful failure 19 to comply with this Court's order of March 9, 2017 and compelling them to comply 20 with such order. 21 Plaintiffs' motion is brought pursuant to Nev. R. Civ. P. 37(b)(2), is made and 22 based the memorandum of points and authorities submitted with this motion, the 23 attached exhibits, and the other papers and pleadings in this action. 24 /// 25 /// 26 27 28

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

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

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

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

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

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

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#### NATURE OF RELIEF SOUGHT

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

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

#### **ARGUMENT**

I. TS HAVE FAILED TO COMPLY CH NON-COMPLIANCE

#### What defendants were ordered to produce:

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

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

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

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

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

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

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

Defendants cannot be allowed to disavow the existence of crucial materials

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

**CONCLUSION** 

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

LEON GREENBERG PROFESSIONAL CORP.

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

#### **CERTIFICATE OF MAILING**

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

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

by court electronic service to:

TO:

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

/s/ Dana Sniegocki

Dana Sniegocki

### EXHIBIT "A"

2965 South Jones Boulevard, Suite E3
Las Vegas, Nevada 89146
Tel: (702) 383-6085
Fax: (702) 385-1827
leongreenberg@overtimelaw.com
dana@overtimelaw.com
Attorneys for Plaintiffs

# DISTRICT COURT CLARK COUNTY, NEVADA

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

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

Plaintiffs, vs.

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

Defendants.

#### DISCOVERY COMMISSIONER'S REPORT AND RECOMMEN

Hearing Date: Hearing Time:

January 25, 2017 9:00 a.m.

Attorney for Plaintiffs:

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

Attorney for Defendants:

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

Mark K. Wall, Esq. R.

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

**RECOMMENDATIONS**<sup>RA 00452</sup>

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Inis matter came before the Discovery Commissioner on ".

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

the same. Plaintiffs' counsel requested the Commissioner order defenda

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

maintained confidentially until such time as otherwise ordered by the D

amounts for the time period prior to January 1, 2013, defendants must d Confirm that it has been provided and confirm fre how such information, the amount of "total hours worked per pay perior In which it has been produced. My 1 class member, has already been provided. IT IS FURTHER RECOMMENDED that defendants are to suppl disclosures to indicate the total cost to the employee per pay check for a to secure health insurance for himself and his spouse for the time period

2013" as specified on the document proffered by defendants during sucl labeled as A CAB 01917.

DATED this 15 day of February, 2017.

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

Defense counsel is to Confirm whether or not records exist and confirm whether the hours by each member of the class during this time fame can be calculated based -The trip Sheets and payrole records which h

produced as discussed at RA 00454 Hearing

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

Submitted by:

LEON GREENBERG **PROFESSIONAL** CORPORATION

LEON GREENBERG, ESO Nevada Bar No.: 8094

DANA SNIEGOCKI, ESQ.

Nevada Bar No.: 11715

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

leongreenberg@overtimelaw.com

dana@overtimelaw.com Attorneys for Plaintiffs

Approved as to form and co

RODRIGUEZ LAW OFF

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

Attorneys for Defendants

#### NOTICE

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

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

A copy of	the foregoing Discovery Commissioner's Report was:
	Mailed to Plaintiff/Defendant at the following address on the day of
	Placed in the folder of counsel in the Clerk's office on the, 20
	Electronically served counsel on Feb. 10, Pursuant to N.E.F.C.R. Rule 9.

By Commissioner Designee

#### <u>UKDEK</u>

	The Court, having reviewed the above report and recommend
prepared by	the Discovery Commissioner and,
	The parties having waived the right to object thereto,
	No timely objections having been received in the office of the Commissioner pursuant to E.D.C.R. 2.34(f),
	Having received the objections thereto and the written argu support of said objections, and good cause appearing,
	* * *
AND	
	IT IS HEREBY ORDERED the Discovery Commissioner's Recommendations are affirmed and adopted.
***************************************	IT IS HEREBY ORDERED the Discovery Commissioner's Recommendations are affirmed and adopted as modified in manner attached hereto.
	IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report and Recommendations is set for, 2017, at a.m.
Dated	this

DISTRICT COURT JUD

### EXHIBIT "B"

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

RA 00459

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

### EXHIBIT "1"

### EXHIBIT "1"

#### ELECTRONICALLY SERVED 5/11/2017 6:20 PM

#### LEON GREENBERG

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

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

May 11, 2017

Fax: (702) 385-1827

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

Via Court Electronic Service

Re: Murray v. A-Cab

Dear Ms. Rodriguez:

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

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

Page 1 of 2



RA 00462

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

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

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

Dana Sniegock

truly you

cc. Michael K. Wall, Esq.

## EXHIBIT "2"

#### RODRIGUEZ

LAW OFFICES, P.C.

www.rodriguezlaw.com

May 18, 2017

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

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

Dear Ms. Sniegocki:

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

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

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

Sincerely,

RODRIGUEZ LAW OFFICES, P.C.

Esther C. Rodriguez, Esq.

El Rodriguez

ECR:srd

cc: Michael Wall, Esq.

## EXHIBIT "3"

ELECTRONICALLY SERVED 5/19/2017 11:31 AM

#### LEON GREENBERG

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

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

Fax: (702) 385-1827

May 19, 2017

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

Via Court Electronic Service

Re: Murray v. A-Cab

Dear Ms. Rodriguez:

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

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

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

Page 1 of 2



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

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

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

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

Very truly yours,

Dana Sniegocki

cc. Michael K. Wall, Esq

### EXHIBIT "C"

#### DISTRICT COURT

#### CLARK COUNTY, NEVADA

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

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

CREIGHTON NADY

Taken on November 22, 2016

At 9:41 a.m.

Evolve Downtown

400 South 4th Street, Suite 300

Las Vegas, Nevada 89101

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

NADY,	CREIGHTON ON 11/22/2016 Page 67
1	Page 67 Q: Anybody else?
2	A: No.
3	Q: Does she actually review the trip
4	sheets?
5	A: Yes.
6	Q: Do you actually review the trip
7	sheets when you do the payroll?
8	A: Yeah, I think so. I do it, I'd
9	assume she does.
10	Q: And how many trip sheets have to be
11	reviewed for each payroll period?
12	A: I couldn't tell you the exact
13	number.
14	Q: Well, you've reviewed them, haven't
15	you, for the purposes of
16	A: Yes, but I don't count them.
17	Q: Is it more than 100?
18	A: Yes.
19	Q: Is it more than 200?
20	A: Yes.
21	Q: Is it more than 300?
22	A: Yes.
23	Q: Is it more than 500?
24	A: Yes.
25	Q: And you review 500 trip sheets when

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

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

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

Page 71 1 A: I don't know. I'm not a computer 2. quy, but it tells me if have to worry about it. 3 Well, you used the word test. just trying to understand... 4 5 **A**: I assume there's a test on it. 6 MS. RODRIGUEZ: Wait for the guestion. 7 0: Well, you've used that spreadsheet, correct? 8 Pardon? 9 **A**: 10 You've used that spreadsheet you're Q: describing, correct? 11 12 I've used it, yes. A : 13 So you have actually personally Q: 14 looked at trip sheets to determine the amount of time 15 manually by analyzing the trip sheet in front of you that the drive worked that shifted, put the amount of 16 17 time into the spreadsheet plus eight minutes, 18 correct? 19 Plus 16 minutes. **A**: 20 Plus 16 minutes? So you have done Q: 21 that... 2.2 I have done that. A: 23 And that spreadsheet that you were 24 describing is prepared for an entire payroll period, 25 which is two weeks, correct?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25

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

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

NADY,	CREIGHTON on 11/22/2016	
1	Q	Page 89 : What's Nancy's last name?
2	A	: I don't know.
3	Q	: What's her position at A Cab?
4	A	: She reviews the trip sheets.
5	Q	: She's an employee of A Cab,
6	correct?	
7	A	: Yes.
8	Q	: And you don't know her last name?
9	A	.: No, I don't.
10	Q	: And her job is just reviewing trip
11	sheets?	
12	A	: Yes.
13	Q	: Does that job have a title to it?
14	A	: No.
15	Q	: Does anybody at A Cab have the job
16	responsibility o	f verifier?
17	A	: Ah, you can call it that. That
18	would be Nancy.	
19	Q	: Does anybody else have that job
20	responsibility b	esides Nancy?
21	A	: No.
22	Q	: And how long has Nancy worked for A
23	Cab?	
24	A	: I already stated that. I don't
25	know. And you a	sked me two years and I said I don't
1		

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

**Electronically Filed** 11/2/2017 6:57 PM Steven D. Grierson CLERK OF THE COURT **MPSJ** 1 LEON GREENBERG, ESQ., SBN 8094 DANA SNIEGOCKI, ESQ., SBN 11715 Leon Greenberg Professional Corporation 2965 South Jones Blvd- Suite E3 Las Vegas, Nevada 89146 4 (702) 383-6085 (702) 385-1827(fax) 5 leongreenberg@overtimelaw.com dana@overtimelaw.com Attorneys for Plaintiffs 7 DISTRICT COURT 8 **CLARK COUNTY, NEVADA** 9 MICHAEL MURRAY, and MICHAEL Case No.: A-12-669926-C 10 RENO, Individually and on behalf of others similarly situated, Dept.: I 11 Plaintiffs, MOTION FOR PARTIAL 12 SUMMARY JUDGMENT 13 VS. and A CAB TAXI SERVICE LLC, A CAB, MOTION TO PLACE LLC, and CREIGHTON J. NADY, VIDENTIARY BURDEN ON 15 Defendants. DEFENDANTS TO 16 ESTABLISH "LOWER TIER" MINIMUM WAGE AND **DECLARE NAC 608.102(2)(b)** 17 **INVALID** 18 Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation, 19 hereby move this Court for an Order granting partial summary judgment as specified 20 herein pursuant to Nev. R. Civ. P. 56(a) and awarding fees and costs to class counsel. 21 Plaintiffs also seek a ruling that defendants bear the burden of establishing that they 22 only need to have paid the "lower tier" ("health benefits provided") minimum wage 23 specified by Nevada's Constitution and that NAC 608.102(2)(b) is invalid. 24 Plaintiffs' motion is made and based upon the annexed declaration of counsel, 25 the memorandum of points and authorities submitted with this motion, the attached 26 exhibits, and the other papers and pleadings in this action. 27 /// 28

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#### **NOTICE OF MOTION** PLEASE TAKE NOTICE THAT the plaintiffs, by and through their attorneys of record, will bring the foregoing MOTION FOR PARTIAL SUMMARY JUDGMENT and MOTION TO PLACE EVIDENTIARY BURDEN ON DEFENDANTS TO ESTABLISH "LOWER TIER" MINIMUM WAGE AND **DECLARE NAC 608.102(2)(b) INVALID** which was filed in the above-entitled case 12-5-17 for hearing before the 2017, at the hour of \_\_9:00A Dated: November 1, 2017 Leon Greenberg Professional Corporation By: <u>/s/ Leon Greenberg</u> Leon Greenberg, Esq. Nevada Bar No.: 8094 2965 South Jones Boulevard - Suite E3 Las Vegas, Nevada 89146 (702) 383-6085 Attorney for Plaintiffs

# MEMORANDUM OF POINTS AND AUTHORITIES OVERVIEW

The Court (probably much to its chagrin) is very familiar with this extremely contentious class action certified case (set for the February 5, 2018 trial stack) for minimum wages owed to A-Cab's taxi drivers under the Nevada's Constitution's Minimum Wage Amendment (the "MWA"). This motion seeks:

Partial Summary Judgment for Undisputed Minimum Wages Owed Defendants admit their own records confirm they owe at least \$174,839 in precisely identified amounts of at least \$10 each to certain class members under the MWA's "lower tier" (\$7.25 an hour "health benefits made available") minimum wage rate; \$651,262 under the MWA's "higher tier" (\$8.25 an hour "no health benefits made available") minimum wage rate; and \$274,621 if the higher tier \$8.25 an hour rate was only applied during work weeks the class member was under a "new hire" waiting period and was ineligible for health insurance. Partial summary judgment should be granted for whatever quantum of such damages (at least \$174,839, plus interest, costs and attorney' fees) the Court finds applicable.

Order Placing Proof of "Lower Tier" Minimum Wage on Defendants - The MWA's "higher tier" (currently \$8.25 an hour) is a default or presumptive minimum wage, with those employers who make MWA qualified health insurance available entitled to pay the "lower tier" (\$7.25 an hour) minimum wage. Accordingly, every class member should be entitled to the higher tier minimum wage unless the defendants prove they made available to them MWA compliant insurance.

Order Holding NAC 608.102(2)(b) is Invalid and the "Higher Tier"

Minimum Wage Applies During all Health Insurance "Waiting Periods" - The

Nevada Labor Commissioner, in NAC 608.102, has interpreted the MWA as allowing
the payment of the lower tier minimum wage during a employee's new hire insurance
waiting period that is not in excess of six months. This interpretation of the MWA is in

error and the MWA's higher tier minimum wage should be paid during all periods that health insurance is unavailable to the employee, including such new hire "waiting periods" irrespective of their length.

#### **PART ONE**

# MOTION FOR PARTIAL SUMMARY JUDGMENT NATURE OF PARTIAL SUMMARY JUDGMENT REQUESTED

Defendants have admitted that for the period January 1, 2013 through December 31, 2015 they owe, at the \$7.25 an hour minimum wage rate, and as established by their own records, at least \$10.00 and in certain instances in excess of \$3,000 in unpaid minimum wages to at least 319 class members. The total amount of such unpaid minimum wages owed to those 319 class members at such \$7.25 an hour minimum wage rate is at least \$174,839. For the reasons discussed in Parts II and III, *infra*, the proper minimum wage rate for summary judgment purposes is \$8.25 an hour, either for the entirety of the foregoing time period or for workweeks that newly hired class members were on insurance waiting periods. Using that necessary \$8.25 an hour minimum wage rate requires the entry of a judgment for such time period on behalf of the class members to be in the amount of either \$651,262 or \$274,621 plus interest.

#### THE PRIOR MOTION FOR PARTIAL SUMMARY JUDGMENT

The request for partial summary judgment made in this motion was previously made and denied by the Court, without prejudice to its re-submission upon the conclusion of expert discovery. Ex. "A"¹, Order of July 14, 2017, as modified by Minute Order of September 5, 2017. The Court did not preclude granting partial summary judgment, based upon defendants' records. *Id.* It felt that the presentation of expert testimony about the proposed conclusions the Court was being asked to reach from those records, and upon which partial summary judgment would be based, would be helpful. *Id.* Accordingly, expert witness discovery was conducted and an expert

<sup>&</sup>lt;sup>1</sup> All Exhibits are annexed to the support declaration of Leon Greenberg, Esq.

report is now furnished (Ex. "B") confirming the validity of the conclusions drawn from defendants' records, such records providing the basis for the partial summary judgment sought.

#### UNDISPUTED MATERIAL FACTS

Defendants do not dispute, and have confirmed via sworn deposition testimony, that their Quickbooks records (computer data files) produced in this case contain a fully accurate record of: (1) The amount of wages they paid each pay period to every class member from January 1, 2013 through December 31, 2015 for work performed during each such pay period; and (2) The hours each class member worked during each such pay period.

#### **ARGUMENT**

- I. THE DEFENDANTS ADMIT THAT THEIR QUICKBOOKS RECORDS FOR JANUARY 1, 2013 THROUGH DECEMBER 31, 2015 CONTAIN THE HOURS WORKED AND WAGES PAID TO THE CLASS MEMBERS AND THE MINIMUM WAGES SHOWN TO BE OWED BY THOSE RECORDS CANNOT BE DISPUTED
  - A. When the hours worked, wages paid, and minimum wage rate are known, there can be no disputed issues of material fact.

Determining whether an employer owes unpaid minimum hourly wages requires knowledge of three things: (1) The wages the employer paid the employee during the pay period; (2) The number of hours the employee worked in exchange for those wages; and (3) The applicable minimum hourly wage rate. Once those three things are known whether any minimum wages are owed for an individual pay period is a question of law: Was the amount paid, divided by the hours worked, less than the minimum wage? And if was less, how much less?

- B. Defendants admit that the records produced from their Quickbooks payroll system set forth the amount of wages they paid to the class members and their hours of work for the time period of January 2013 through December of 2015.
  - 1. The defendants have produced their complete Quickbooks payroll records for the class members and those records have been accurately summarized.

The defendants have produced two Excel computer files that they represent

contain all of the details of their payroll records, meaning wages paid and hours worked, as contained in their Quickbooks software files. Declaration of Leon Greenberg in support of motion. ¶ 2. Those two Excel files were provided to plaintiffs' consultant, Charles Bass, for summarization. *Id.* As discussed in Exhibit "B" the expert report of Dr. Terrence Claurettie, Charles Bass placed that Quickbooks information into an Excel file called "2013-2015 Payroll Analysis." That Excel file was incorporated into Dr. Claurettie's report and furnished to defendants.

Charles Bass is not a testifying expert but a technical consultant who took the information in the Quickbooks records produced by defendants and placed that information into the "2013-2015 Payroll Analysis" Excel file. The arithmetical operations performed on that information in that Excel file (division, addition, subtraction, multiplication) are visible from the formulas themselves in that file. He cannot furnish any expert opinion testimony. Dr. Claurettie has confirmed the arithmetical correctness of the calculations performed by "2013-2015 Payroll Analysis" Excel file, and of the methodology used by Charles Bass to place the defendants' information in that Excel file. Dr. Claurettie will also offer an expert witness opinion about matters not germane to this partial summary judgment motion.

As confirmed by Dr. Claurettie the "2013-2015 Payroll Analysis" Excel file assembled from defendants' Quickbooks payroll records indicates (a) The total wages, not including tips, paid to each class member each pay period as recorded in the Quickbooks records; (b) The total number of hours each class member worked during that pay period as recorded in the Quickbooks records; and (c) The amount, if any, that the class members' wages (not including tips), based on those Quickbooks records, was below the minimum wage rate of \$7.25 every pay period; below the \$8.25 an hour minimum wage rate every pay period; and below \$8.25 an hour for pay periods prior to the end of the class member's insurance waiting period and \$7.25 an hour after that date. Dr. Claurettie has rigorously reviewed (Ex. "B" pages 7-25) how Charles Bass placed defendants' Quickbooks information into the "2013-2015 Payroll Analysis"

Excel file and concludes such methodology was correct. Ex. "B," p. 25.

2. The summarization of the defendants' records performed by class counsel accurately calculates the amount of unpaid minimum wages owed to each class member based upon the defendants' Quickbooks records.

As discussed in Dr. Claurettie's report, Ex. "B," the "2013-2015 Payroll Analysis" Excel file performs arithmetically correct calculations on defendants' Quickbooks records. Ex. "B" p. 6. Dr. Claurettie confirms that if defendants' Quickbooks records are accurate the "2013-2015 Payroll Analysis" Excel file establishes, with mathematical certainty, that \$175,057 is owed to the class members at a constant \$7.25 an hour minimum wage rate and \$651,567 at a constant \$8.25 an hour minimum wage rate.<sup>2</sup> Ex. "B" p. 25.

Defendants have been provided with the "2013-2015 Payroll Analysis" Excel file. Partial summary judgment must be granted if defendants do not establish the existence of a material issue of fact regarding the accuracy of their Quickbooks records; the accuracy of the placement of their Quickbooks information in that Excel file; or the accuracy of the calculations made in that Excel file.

3. Defendants have confirmed that the Quickbooks records forming the basis for this partial summary judgment motion are accurate.

As discussed in Dr. Claurettie's report, the "2013-2015 Payroll Analysis" Excel file places on a single line of a spreadsheet the amount of wages paid by A-Cab to each class member each pay period and their hours of work, as recorded in the Quickbooks records. Ex. "B" p. 9-10, 14. Defendants have sworn under oath that this hours of work information in their Quickbooks files was fully accurate. Ex. "C" relevant

<sup>&</sup>lt;sup>2</sup> As discussed, *infra*, the request for partial summary judgment in this case is for amounts slightly less than the totals in the "2013-2015 Payroll Analysis" Excel file, for example \$174,839 at the constant \$7.25 an hour rate. This is because class counsel is rounding all individual amounts of damages down, to the nearest dollar, and not seeking judgments for class members owed *de minimis* amounts of less than \$10.

deposition excerpts.

C. The Quickbooks records and correct calculations upon which partial summary judgment is based are properly set forth in the record of these proceedings.

The "2013-2015 Payroll Analysis" Excel file upon which partial summary judgment is based has been furnished to defendants. That file contains a table (spreadsheet) that is named "2013-2015" (the "per payroll period" table) analyzing on each line the minimum wages potentially owed for one pay period for one employee. Greenberg Dec. ¶ 5. There are 14,200 such pay periods that are so analyzed. *Id.* It also contains a separate table (spreadsheet) that is named "2013-2015 per EE" (the "per employee" table) that tallies on a single line the total amount, if any, of minimum wages owed to each class member from those 14,200 pay periods. *Id.* There are 583 employees and lines on the per employee table. *Id.* 

For this partial summary judgment motion only a portion of the "2013-2015 Payroll Analysis" Excel file is necessary. Class counsel is willing to place the entire "2013-2015 Payroll Analysis" Excel file in the record of these proceedings, either in its electronic form or fully printed out with all unnecessary information included. There does not appear to be any standing procedure by which an electronic Excel file can be made part of the docketed record of these proceedings (that file cannot be uploaded and placed in the docket through Odyssey)<sup>3</sup>. It also seems needlessly burdensome to print out many additional pages of information from that file that are not germane to this motion. Accordingly, Class Counsel provides the following for the record, as verified in the Greenberg Dec.:

(1) The full relevant excerpts of 14,200 lines (pay periods), printed on 375 pages, from the "2013-2015 Payroll Analysis" Excel file per payroll period table. Ex. "D." This excerpt does not include

<sup>&</sup>lt;sup>3</sup> An electronic copy of the "2013-2015 Payroll Analysis" Excel file is being provided to Chambers on a DVD with the Chambers copy of this motion.

the check number on each line, or calculations involving additional minimum wages that may be owed because an employee's insurance premium exceed the 10% of wages limit set by the MWA, that are in that original Excel file. That information is irrelevant to this motion.

- (2) The amounts, rounded down to the nearest dollar, owed to each of the 548 class members who are owed at least \$10 in unpaid minimum wages based upon defendants' Quickbooks records. Ex. "E." This list is derived from the "2013-2015 Payroll Analysis" Excel file per employee table. There are 583 class members on that table in that original Excel file "but 35 of those persons are owed either no unpaid minimum wages or a *de minimis* amount of less than \$10 based upon defendants' Quickbooks records and for that reason are excluded from this partial summary judgment request.
- D. Appropriate judgments, with interest accrued since January 1, 2016, should be entered for each of the aggrieved class members whose unpaid minimum wages are established by defendants' Quickbooks records.
  - 1. Judgment for \$651,262 plus interest should be entered and a special master appointed to process any claims by defendants that certain class members were only entitled to the \$7.25 an hour lower tier minimum wage.

As discussed, *infra*, it should be defendants' burden to establish their right to pay the "lower tier" \$7.25 an hour minimum wage to a class member in a pay period. As a result, judgment should now be entered for all class members using, for every pay period, the higher tier \$8.25 an hour minimum wage rate, which would be for a total \$651,262 plus interest owed in varying amounts to 548 class members. *See*, Column "E" of Ex. "D." Those funds would be deposited with the Clerk of the Court.

Defendants would then have the opportunity to prove what pay periods, if any, during which they claim the lower \$7.25 an hour minimum wage was applicable. A claims administrator (special master) paid for by the defendants would be appointed to oversee the collection and submission of relevant evidence and information from the defendants and the class members on that issue for a 180 day period or some other specified period of time. In every instance where a class member and the defendants disputed whether MWA qualified health insurance was available to the class member the special master would submit the evidence gathered to the Court for a determination of that issue. At the conclusion of that process defendants would be entitled to a return of whatever portion of the \$651,262 plus interest they proved was not owed to the class members only entitled to the lower \$7.25 an hour rate during some or all of their pay periods.

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Judgments in amounts immediately payable and indisputably owed to each class member should be entered and those funds immediately 2. released to each class member.

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It is not disputed that at least \$174,839 is owed to the class members at the \$7.25 an hour lower tier minimum wage rate. See, Column "D" of Ex. "D." As discussed, infra, class members should also entitled to \$8.25 an hour when they were under a "waiting period" to qualify for health insurance as NAC 608.102(2)(b) is invalid. If the Court agrees with that contention it should enter judgment for the \$274,621 owed to the class members at the \$8.25 an hour higher tier minimum wage for those "waiting period" pay periods and at the \$7.25 an hour lower tier minimum wage rate during other pay periods. *Id.*, Column "F."

The Court should direct judgment of least \$174,839 or \$274,621 plus interest on behalf of the aggrieved class members and the immediate payment of those amounts to such persons. In the event the Court agrees that a judgment for \$651,262 plus interest and a claims administration process, as discussed, *supra*, is appropriate, such amounts

(\$174,839 or \$274,621 plus interest) would be subsumed within that larger judgment. Such amounts would be immediately disbursed to the aggrieved class members by the claims administrator without waiting for the conclusion of the claims administration process.

### E. The Court should make an immediate interim award of at least \$135,000 in costs and fees to Class Counsel.

The Court is well aware of the intractable conduct of the defendants in this case. Senior Class Counsel, Leon Greenberg, has, to date, personally expended over 850 hours of attorney time litigating this case with his associate counsel expending over 500 hours (1,350 hours in total). Greenberg Dec. ¶ 13. He has also, personally, expended over \$35,000 of costs (expert fees, court reporter fees, class notice costs) necessary to the prosecution of this case. *Id.* He has incurred many thousands of dollars more of costs in the form of associate attorney and paralegal time expenses.

Defendants' conduct in making this litigation so protracted and expensive is, by their own sworn testimony, not based upon any dispute over the amounts owed and at issue in this motion. Defendants agree that their Quickbooks records for the 2013-2015 period are fully accurate. Those records, incontrovertibly, establish at least \$174,839 in unpaid minimum wages are owed. Defendant Nady, at his deposition, acknowledged he was aware of the defendants' liability for unpaid minimum wages ("I do have some liability here and I think I know what it is.") and that he isrefusing to pay that known liability unless class counsel was a "little nicer about it." Deposition excerpt, p. 118, l. 17-l. 25, Ex. "F." This litigation is maintained by defendants, in respect to defendants' failure to pay the damages at issue in this motion, solely to gratify defendant Nady's ego and as an abusive litigation tactic.

Class counsel requests, at a minimum, an interim fee and expense award of \$135,000 as part of the judgment immediately entered. While interim awards of

attorney's fees are not made in most class action cases, they are proper in this case, or any other case, where some measure of relief has been secured prior to final judgment and attorneys fees are awarded to prevailing plaintiffs (as under the MWA). *See, Texas State Teachers Ass'n v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 790 (1989). Class counsel also asks for leave to make a motion, prior to trial, for a full award of fees and costs based upon such grant of partial summary judgment. The requested immediate award of less than \$100,000 in fees is less than \$75 an hour for the over 1,350 hours class counsel has expended (senior Class Counsel Leon Greenberg was previously awarded motion related fees in this case at \$400 an hour, Ex. "G" Order).

Class counsel makes this diminutive interim fee award request because it understands that the Court must be cautious in awarding attorney's fees. Defendants have engaged in their protracted course of abusive conduct because Class Counsel's resources are limited. Defendants intend to exhaust Class Counsel's personal resources and make their continued, and successful, representation of the class members impossible. Such conduct by defendants, and the need to not allow defendants to frustrate the remedial goals of the MWA, overwhelmingly support the requested interim fee award. *See, Avera v. Sec'y of HHS*, 515 F.3d 1343, 1351-52 (D.C. Cir. 2008) (Discussing Supreme Court cases on the issue; explaining importance of granting interim fee awards when failing to do so would cause hardship or deter counsel from prosecuting cases; and denying fees as such circumstances were not shown)<sup>4</sup>. The requested interim fee award is a small fraction of the amount expended by defendants (in excess of \$500,000)<sup>5</sup> in their abusive defense of this litigation.

<sup>&</sup>lt;sup>4</sup> That *Avera* was a Vaccine Act case, where a party need not prevail to receive an attorney's fee award, is immaterial.

<sup>&</sup>lt;sup>5</sup> This \$500,000 sum is supported by certain confidential information that cannot be publicly disclosed. Defendants have publicly disclosed that they have spent at least \$47,203 for the services of an expert witness. Ex. "H", p. 2, 1. 6-8.

# II. PARTIAL SUMMARY JUDGMENT SHOULD ALSO BE GRANTED CONSISTENT WITH DEFENDANTS' EXPERT'S REVIEW OF 123 PAY PERIODS THAT FOUND \$3,847 IS OWED TO CLASS MEMBERS FOR WORK PERFORMED DURING THOSE PAY PERIODS

Defendants commissioned an expert report from Scott Leslie, CPA, to rebut the expert report of Dr. Claurettie. Most of Mr. Leslie's report is irrelevant to this motion, and a portion relies upon mediation privilege protected materials that were improperly provided to him by defendants' counsel (that issue will be the subject of a future motion). In that report Mr. Leslie examined the hours worked, and wages earned, by a sample of class members for 123 pay periods. The portion of his report discussing that examination, and his conclusion that a total of \$3,847 in unpaid minimum wages was owed to those drivers for those 123 pay periods, is set forth at Ex. "I." Exhibits 4 to 6 of Leslie's report (included at Ex. "I") show his conclusions regarding minimum wage underpayments for each of those 123 shifts. Some of the minimum wage under payments he found occurred from 2010-2012 (\$2,796 in Exhibits 3 and 5) and some from 2013-2015 (\$1,051 in Exhibits 4 and 6), with Exhibit 7 of his report concluding \$3,847 is owed for those 123 pay periods.

It is requested the Court direct defendants to identify the class members whom they have found are owed \$2,796 in unpaid minimum wages for the 2010-2012 period and enter a judgment for those amounts accordingly. Those class members are not identified by name in Leslie's report. Plaintiffs' counsel could identify them by referencing the information disclosed in that report but should not be burdened with spending the time to do so. No request is made for entry of any judgment on the 2013-2015 findings in Leslie's report. It is more efficient to subsume the amount he found owed for that period (\$1,051) into the plaintiffs' request for partial summary judgment based on the Quickbooks records for 2013-2015.

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#### **PART TWO**

# MOTION FOR AN ORDER DETERMINING IT IS DEFENDANTS' BURDEN TO PROVE THE "LOWER TIER" MINIMUM WAGE RATE APPLIES DURING A PAY PERIOD

#### **ARGUMENT**

- I. THE LANGUAGE OF THE MWA AND ANALOGOUS CASE LAW, THE PURPOSE OF THE MWA, AND THE PRAGMATIC REALITIES INVOLVED IN ITS ENFORCEMENT, REQUIRE EMPLOYERS BEAR THE BURDEN OF SHOWING THEY ARE ENTITLED TO PAY THE MWA'S "LOWER TIER" RATE
  - A. The language of the MWA places a mandatory burden on employers to "pay" the minimum wage, meaning, as found in analogous decisions under the Federal Minimum Wage law, employers should bear the burden of showing they are entitled to pay the "lower tier" minimum wage.

#### The MWA states:

Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section. The rate shall be five dollars and fifteen cents (\$5.15) [now \$7.25] per hour worked, if the employer provides health benefits as described herein, or six dollars and fifteen cents (\$6.15) [now \$8.25] per hour if the employer does not provide such benefits.

The operative language is that the "...employer *shall* pay a wage to each employee of not less than the hourly rates set forth in this section." This is a mandatory command, placing the burden upon the employer to pay the required minimum wage rate. That minimum wage rate is dependent upon "if the employer provides health benefits," in which event the lower tier applies, and "if the employer does not provide such benefits" the higher tier applies. The *default rate* that the MWA imposes is the "higher tier" rate as the employer must do something more (provide the "health benefits") to pay the "lower tier" rate.

The MWA sets forth a lower minimum wage that an employer may take advantage of *if the employer does something it is not required to do under the MWA*. It does not require an employer to provide health insurance benefits. Instead it grants the employer some additional advantages, in respect to what the MWA otherwise does

require, if the employer provides those benefits. This is exactly what the federal minimum wage law, the Fair Labor Standards Act (the "FLSA") does with granting employers an option to secure a "tip credit" and pay a lower FLSA minimum wage. *See*, 29 U.S.C. § 203(m), which, after explaining how the lower "tipped employee" minimum wage rate is calculated, specifies:

The preceding 2 sentences [explaining the calculation of the lower "tipped employee" minimum wage rate] shall not apply with respect to any tipped employee unless such employee has been informed by the employer of the provisions of this subsection, and all tips received by such employee have been retained by the employee, except that this subsection shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

This provision of the FLSA operates in a functionally identical fashion to the MWA's "two tier" minimum wage rate. Both the FLSA and the MWA afford employers an option to pay a lower minimum wage rate if they do things not required by those laws (under the FLSA if they agree on certain rules for employee tips, under the MWA if they provide certain health insurance benefits). They both require express *action* by the employer to pay those lower minimum wage rates (under the FLSA the employee "must be informed by the employer" about the rate, under the MWA the "employer provides health benefits"). Accordingly, this Court should look to the analogous FLSA decisions on the burden of proof to establish 29 U.S.C. 203(m)'s lower "tipped employee" minimum wage rate to determine where the MWA's "lower tier" minimum wage burden of proof should be placed.

Under the FLSA it is the *employer's burden* to establish it has complied with the pre-requisites specified under 29 U.S.C. 203(m) so it can enjoy the benefit of paying the FLSA's lower "tipped employee" minimum wage. *See, Barcellona v. Tiffany English Pub, Inc.*, 597 F.2d 464, 467 (5<sup>th</sup> Cir. 1979) (Language in 29 U.S.C. 203(m) stating that tip credit is only available if the employee "has been informed by the employer" about the tip credit and that "all tips received by such employee have been retained" by the employee places the burden of establishing such facts on the

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employer); *Perez v. Lorraine Enters.*, 769 F.3d 23, 27 (1<sup>st</sup> Cir. 2014) (The FLSA "requires that an employer take affirmative steps to inform affected employees of the employer's intent to claim the tip credit" and placing burden of proving such facts upon the employer, citing *Barcellona*); and *Kilgore v. Outback Steakhouse*, 160 F.3d 294, 298 (6<sup>th</sup> Cir. 1998) ("Subsection [29 U.S.C.] 203(m) [of the FLSA] also requires *an employer to satisfy* two other conditions to use a tip credit toward an employee's minimum wage" (emphasis provided, language indicates burden is being placed upon the employer).

B. The Nevada Supreme Court's MWA jurisprudence strongly supports the conclusion employers bear the burden of proving their entitlement to pay the MWA "lower tier" minimum wage.

The Nevada Supreme Court has not expressly addressed who has the burden of proving an employer's right to pay the "lower tier" MWA minimum wage. But its other MWA decisions strongly support the burden placement conclusions adopted by the federal courts for the FLSA's lower tier "tipped employee" minimum wage rate. In *MDC Rests. LLC v. Eighth Judicial Dist. Ct.*, 383 P.3d 262, 266-67 (Nev. Sup. Ct. 2016) in discussing the purpose of the MWA, the Court stated:

Article 15, Section 16 [the MWA] was approved by the voters through a ballot initiative entitled "Raise the Minimum Wage for Working Nevadans." The stated purpose of that measure was to ensure that "workers who are the backbone of our economy receive fair paychecks that allow them and their families to live above the poverty line." Nevada Ballot Questions 2006, Nevada Secretary of State, Question No. 6, § 2(6). Our conclusion does not detract from this purpose. Under the MWA, employers must either offer qualifying health care coverage or pay a higher wage to better enable workers to afford these types of cost-of-living expenses. (Emphasis provided).

As *MDC* observed, it is the "employers" who "must either offer qualified health care coverage or pay a higher wage." It would be inconsistent with this language to then place the burden of proof under the MWA upon the employee to *prove a negative*, that the employer did *not* offer "qualifying health care coverage" and as a result must pay the higher tier minimum wage.

The Nevada Supreme Court has also, quite correctly, described the higher tier

MWA minimum wage as a "base wage" right granted to all Nevada employees, with the MWA's lower tier minimum wage being something an employer "may" enjoy if it provides health benefits:

Article 15, Section 16 of the Nevada Constitution, commonly known as the Minimum Wage Amendment (MWA), guarantees a base wage to Nevada workers. Under the MWA, if an employer provides health benefits, it may pay its employees a lower minimum wage than if no such health benefits are provided. *Western Cab v. Eight Jud. Dist. Ct.*, 390 P.3d 662, 665 (Nev. Sup. Ct. 2017).

This "base wage" terminology for the MWA's higher tier is synonymous with the term "default wage" and makes the presumptive minimum wage the MWA's higher tier rate. It would be inconsistent with this language, indeed it would turn such language on its head, to make the MWA's lower tier minimum wage the presumptive rate unless *the employee* proved they were entitled to the higher tier ("base") minimum wage. Such an approach cannot be reconciled with this "base wage" language.

The view that the MWA has created a higher minimum wage as its default application, subject to reduction to a lower rate if an employer establishes it has provided health insurance, is also implicit in the language used in *Thomas v. Nevada Yellow Cab*, 372 P.3d 518, 520 (Nev. Sup. Ct. 2014). *Thomas* characterized the MWA as imposing both a "mandatory minimum wage pertaining to all employees" and as having "raised the state minimum wage rage to a rate higher than the minimum imposed in Nevada by the Labor Commissioner." *Id.* That "higher" rate achieved by the MWA, above the rate imposed by the Labor Commissioner, is *not* the "lower tier" rate applicable to employers who provide MWA compliant health insurance. That MWA lower tier rate is the same rate applied by the FLSA and that the Labor Commissioner would also impose if the MWA did not exist. *See*, NRS 608.250(1).

C. Pragmatic considerations also militate in favor of placing the burden upon employers to prove they are entitled to pay the MWA's "lower tier" minimum wage.

Employees invoking the protections of the MWA are, by definition, those earning the lowest of wages. If not living in penury they are only spared from that

existence by the MWA's protections. The MWA's allowance of a lower minimum wage rate is solely determined by an *employer's action* in "providing" health benefits to the employee. And such "providing" of health benefits does not require any actual participation by the employee in any health insurance program. It only requires that such insurance, as specified by the MWA, be an "option" that is made available to the employee by the employer. See, *MDC Rests., Id.* 

The pragmatic problem posed by forcing the employee to prove an employer *did not* have the right to pay the MWA's "lower tier" minimum wage rate is manifest. Whether an employer's health insurance program meets the MWA's "lower tier" minimum wage requirements involves proof of a number of different facts. Those include the cost of the insurance premiums to the employee (that cost cannot be more than 10% of the wages paid by the employer) and that such insurance is also available (at the required cost) for the employee and their "dependents." It is the employer, not the employee, who is in a far better position to prove these issues. Indeed, some of such information is, in the first instance, solely within the purview of the employer, who makes the decision to secure particular forms of insurance, with particular qualification criteria, and that involve particular employee costs.

Enforcement of the MWA on a class action basis, as in this case, may also be greatly frustrated by placing the burden of establishing entitlement to the "higher tier" minimum wage upon the employee. Employers would argue, as no doubt defendants will in this case, that such burden of proof renders *any* class action recovery for *any* group of employees at the "higher tier" rate impossible when an employer provides health insurance that *may* render certain employees only eligible for the "lower tier" rate. They will argue such "higher" v. "lower" tier rate is an individual issue, that must be established by each class member, and therefore no class wide award of damages at the "higher tier" rate is possible.

# D. The purpose of the MWA would be frustrated if employees the burden of proving that no health benefits were provided.

The purpose of the MWA was to "Raise the Minimum Wage for Working

Nevadans." *MDC Rests. Id.* Requiring employees to show they were *not* provided with health insurance would be contrary to this purpose. Rather than receive a "raise" Nevadans would, as a matter of a legal presumption, receive *nothing* under the MWA. Their minimum wage rate would remain at the "lower tier," identical to what it would be under the FLSA or Nevada's minimum wage law prior to the MWA's enactment.

### **PART THREE**

MOTION FOR AN ORDER DETERMINING THAT NAC 608.102(2)(B) IS INVALID AND THAT THE MWA'S "HIGHER TIER" MINIMUM WAGE RAGE APPLIES DURING THE HEALTH INSURANCE "WAITING PERIODS" OF ALL CLASS MEMBERS

### **ARGUMENT**

- I. HEALTH INSURANCE IS NOT "PROVIDED" UNDER THE MWA DURING PERIODS INSURANCE BENEFITS CANNOT BE ACCESSED BY THE EMPLOYEE, NAC 608.102(2)(B) IS INVALID AND THE CLASS MEMBERS ARE ENTITLED TO THE MWA'S HIGHER RATE DURING INSURANCE "WAITING PERIODS"
  - A. NAC 608.102(2)(B) violates the MWA by allowing employers to pay the lower tier minimum wage during time periods that employees have no option to receive health insurance benefits.

The issue in *MDC Rests*. was whether the MWA's use of the term "provide health benefits" meant the employee must actually *receive* such benefits from the employer by participating in an insurance plan or such benefits must merely *be available* to the employee. *MDC Rests*. held the latter. An employer gains the advantage of paying the MWA's lower tier minimum wage when it makes available to the employee insurance that complies with the MWA's requirements, irrespective of whether the employee avails himself of the right to participate in such insurance:

Thus, the support for workers provided through passage of the MWA simply requires that employees who have the option to receive health benefits take advantage of those rights. In essence, obtaining relief rests with the workers. *MDC Rests.*, *Id*.

Despite this holding that "health benefits" under the MWA means benefits that the employee the "option" to "take advantage of," the Nevada Labor Commissioner, in

NAC 608.102(2),<sup>6</sup> provides that newly hired employees can be paid at lower tier rate MWA rate for up to six months even though they have *no option* to receive such health benefits. This regulation is invalid. That health insurance waiting periods may be the norm for newly hired employees is irrelevant to what the MWA requires. Employers cannot seek aid from invalid Labor Commissioner regulations that conflict with the MWA. This was also determined in *MDC Rests*. which held another branch of NAC 608.102, subsection (3), to be invalid. That subsection purports to allow employers to include employee tips in calculating the employee's "gross wages" under the MWA and determining the permissible insurance premium cost to the employee. Such regulation, being contrary to the MWA's language, has no force. *Id.*, 383 P.3d at 267.

B. The class members should receive an immediate judgment for their unpaid minimum wages, as established by defendants' Quickbooks records, at the "higher tier" MWA rate for their insurance waiting periods.

As discussed, the "2013-2015 Payroll Analysis" Excel file has calculated the amounts owed to the class members at the \$8.25 an hour rate during insurance waiting time periods and at \$7.25 an hour after those periods. Not all of the class members were under insurance waiting periods during the 2013-2015 time periods, but for those who were, the minimum wages they were owed under the \$8.25 an hour rate should be awarded to them. The Court should grant partial summary judgment accordingly, irrespective of whether it agrees to place the burden of establishing the "lower tier"

<sup>&</sup>lt;sup>6</sup> NAC 608.102(2): The health insurance plan must be made available to the employee and any dependents of the employee. The Labor Commissioner will consider such a health insurance plan to be available to the employee and any dependents of the employee when:

<sup>(</sup>a) An employer contracts for or otherwise maintains the health insurance plan for the class of employees of which the employee is a member, subject only to fulfillment of conditions required to complete the coverage which are applicable to all similarly situated employees within the same class; and

<sup>(</sup>b) The waiting period for the health insurance plan is not more than 6 months.

1	MWA rate upon the defendants and enter judgment, as requested, for all class members
2	at the higher tier rate for all time periods (subject to defendants establishing the lower
3	tier rate applied for certain pay periods).
4	CONCLUSION
5	For all the foregoing reasons, plaintiffs' motion should be granted in its entirety
6	together with such other further and different relief that the Court deems proper.
7	Dated: November 2, 2017
8	LEON GREENBERG PROFESSIONAL CORP
9	/a/ I aan Chambana
10	/s/ Leon Greenberg Leon Greenberg, Esq. Nevada Bar No. 8094
11	2965 S. Jones Boulevard - Ste. E-3
12	Las Vegas, NV 89146 Tel (702) 383-6085 Attorney for the Class
13	Attorney for the Class
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# **CERTIFICATE OF MAILING**

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

**Motion for Partial Summary Judgment** 

And

Motion to Place Evidentiary Burden on Defendants to Establish "Lower Tier" Minimum Wage and Declare Nac 608.102(2)(B) Invalid

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

**Electronically Filed** 11/2/2017 6:57 PM Steven D. Grierson CLERK OF THE COURT **DECL** 1 LEON GREENBERG, ESQ., SBN 8094 DANA SNIEGOCKI, ESQ., SBN 11715 Leon Greenberg Professional Corporation 2965 South Jones Blvd- Suite E3 Las Vegas, Nevada 89146 (702) 383-6085 4 (702) 385-1827(fax) leongreenberg@overtimelaw.com 5 dana@overtimelaw.com 6 Attorneys for Plaintiffs **DISTRICT COURT** 7 **CLARK COUNTY, NEVADA** 8 MICHAEL MURRAY, and MICHAEL Case No.: A-12-669926-C RENO, Individually and on behalf of others similarly situated, I 10 Dept.: Plaintiffs, 11 **DECLARATION OF** PLAINTIFFS' COUNSEL 12 VS. LEON GREENBERG, ESQ. A CAB TAXI SERVICE LLC, A CAB, Re: Motion for Partial Summary LLC, and CREIGHTON J. NADY, Judgment 14 Defendants. 15 16 17 Leon Greenberg, an attorney duly licensed to practice law in the State of 18 Nevada, hereby affirms, under the penalty of perjury, that: 19 1. I, along with Dana Sniegocki, have been appointed class counsel in this case 20 for the plaintiff class. That class is composed of defendants' current and former taxi 21 driver employees. 22 On the Request for Partial Summary Judgment 23 2. Pursuant to this Court's orders, and the discovery process in this case, 24 defendants have provided to my office two excel files: One entitled "10-10-2012 thru 25 6-27-2014 ssn.xlsx" which was created on October 03, 2016 at 6:25:15 p.m. and 26 modified on that date at 6:25:26 p.m. and is 14,633,039 bytes in size and the other 27 entitled "06-28-2014 thru -5-27-2016 ssn.xlsx" which was created on October 03, 2016 28

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

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

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

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

# On the Request for an Interim Fee Award

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

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

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

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

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

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

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K. Wall of Hutchison & Steffen, LLC.

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ODM

Esther C. Rodriguez, Esq.

RODRIGUEZ LAW OFFICES, P.C.

Nevada Bar No. 6473

3 10161 Park Run Drive, Suite 150 Las Vegas, Nevada 89145 4 702**-**32Ō-8400 info@rodriguezlaw.com 5 6 Michael K. Wall, Esq. Nevada Bar No. 2098 7 Hutchinson & Steffen, LLC 10080 West Alta Drive, Suite 200 8 Las Vegas, Nevada 89145 702-385-2500 9 mwall@hutchlegal.com Attorneys for Defendants 10 11 DISTRICT COURT 12 CLARK COUNTY, NEVADA 13 MICHAEL MURRAY and MICHAEL RENO, Individually and on behalf of others similarly Case No.: A-12-669926-C 14 situated. Dept. No. 15 Plaintiffs. 16 VS. 17 A CAB TAXI SERVICE LLC and A CAB, LLC, 18 Defendants. 19 20 ORDER DENYING PLAINTIFFS' 21 MOTION FOR PARTIAL SUMMARY JUDGMENT Plaintiffs' Motion for Partial Summary Judgment came on for hearing before this Court on 22 May 18, 2017, at 10:15 a.m., and for follow-up argument following additional briefing on May 25, 23 2017, at 1:00 p.m. Plaintiffs were represented at both hearings by their attorneys, Leon Greenberg 24 and Dana Sniegocki of Leon Greenberg Professional Corporation. Defendants were represented at 25

Page 1 of 4

both hearings by their attorneys, Esther C. Rodriguez of Rodriguez Law Offices, P.C., and Michael

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following reasons:

provided a report from him.

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

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

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

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

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

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

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

Rodriguez Law Offices, P.C.

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

All other trial deadlines remain as previously set.

### IT IS SO ORDERED.

DATED this  $\mathcal{Z}$  day of \_

Submitted by:

RODRIGUEZ LAW OFFICES, P. C.

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

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

Attorneys for Defendants

Approved as to form and content:

LEON GREENBERG PROFESSIONAL **CORPORATION** 

declined

LEON GREENBERG, ESQ.

Nevada Bar No.: 8094

DANA SNIEGOCKI, ESQ. Nevada Bar No.: 11715

2965 South Jones Boulevard, Suite E3

Las Vegas, Nevada 89146 Attorneys for Plaintiffs

# DISTRICT COURT CLARK COUNTY, NEVADA

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

September 05, 2017 Chambers Motion

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

COURT CLERK: Michele Tucker

### **JOURNAL ENTRIES**

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

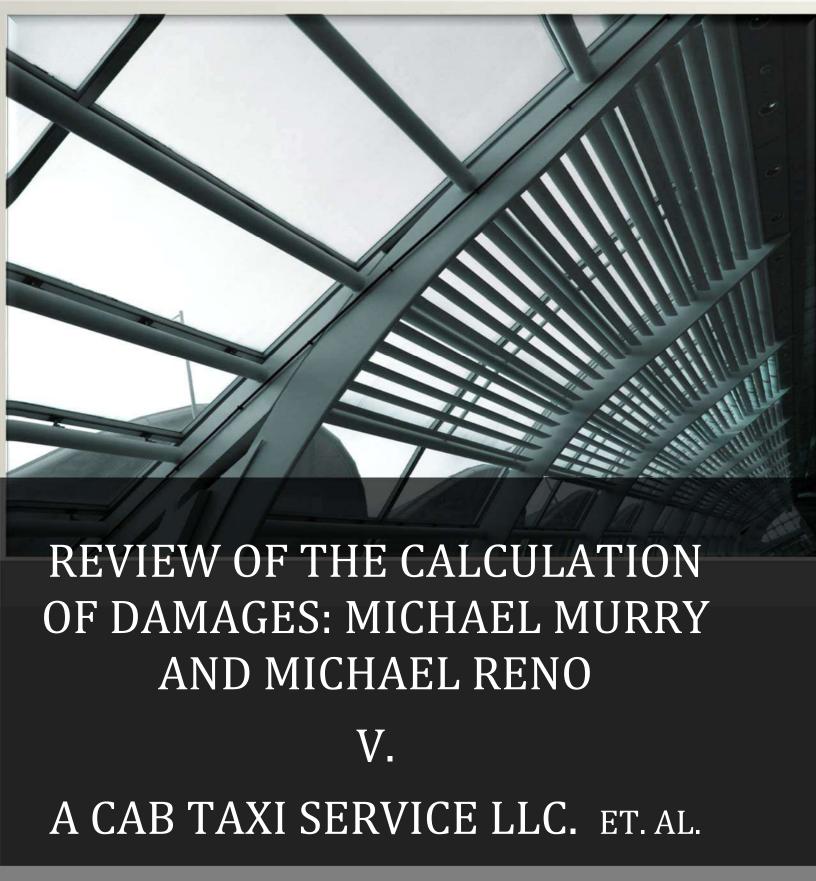
The Motion will be treated as a Motion to Modify or Clarify the Court's Order entered on July 17, 2017, and to that extent, the Motion is GRANTED to include the following to be inserted in paragraph 5, and after the first sentence:

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

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

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

# EXHIBIT "B"



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

## I. ASSIGNMEMT

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

### II. PURPOSE OF THE BASS CALCULATIONS

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

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 $<sup>^{1}</sup>$  Damage calculations were also made on approximately 527 drivers in the 2010 to 2012 time period.

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

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

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<sup>&</sup>lt;sup>2</sup> I am not in a position to opine on the assumptions made by Mr. Bass on the length of such waiting period.

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

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

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

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

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

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

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

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

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

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

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

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

## III. DECLARATION OF MR. CHARLES BASS

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

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

### IV. REVIEW PLAN

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

## A. First Visit: July 5, 2017

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

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

FIGURE ONE

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

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

<sup>&</sup>lt;sup>3</sup> As indicated above, data from the "driver contact" file can be used to match the driver ID with a name.

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

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

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

<sup>&</sup>lt;sup>4</sup> The value of "9" in a row marks the end to the pay period in question.

# FIGURE TWO

8100	\$274.74	\$285.78	\$157.88	\$161.88	\$162.78	\$304.37	\$307.37	\$307.37	\$500	05/055	83.50	\$71.05	\$30.46	\$91.46	\$137.53	\$2.75	\$169.70	\$171.70	\$171.70	\$116.38	\$118.38	\$141.63	8500	\$171.83	\$173.83	\$173.83	\$160.45	\$162.45	\$162.45
\$100	524.74	\$788.78	\$157.88	\$1918	\$162.78	5304.37	\$500.33	\$307.37	8800	05.655	05.63	\$71.05	\$30.46	\$91.46	83353	223	\$169.70	8171.70	8171.70	\$116.38	\$118.38	\$141.63	8700	\$171.83	\$173.83	\$173.83	\$160.45	\$182.45	\$162.45
		6			6			6				6			6				6			6				6			6
		6			6			6				6			6				6			6				6			6
10/10/2014	10/10/2014	10/10/2014	10242014	10242014	10/24/2014	11/07/2014	11/07/2014	11/07/2014	11/21/2014	11/21/2014	11/21/2014	11/21/2014	12/05/2014	12/05/2014	12/05/2014	12/19/2014	12/19/2014	12/19/2014	12/19/2014	01/02/2015	01/02/2015	01/02/2015	01/16/2015	01/16/2015	01/16/2015	01/16/2015	01/30/2015	01/30/2015	01/30/2015
09/27/2014	09/27/2014	09/27/2014	10/11/2014	10/11/2014	10/11/2014	10/25/2014	10/25/2014	10/25/2014	11/08/2014	11/08/2014	1108/2014	11/08/2014	11/22/2014	11/22/2014	11/22/2014	12/06/2014	12062014	12/06/2014	1206/2014	12/20/2014	12/20/2014	12/20/2014	01/03/2015	01/03/2015	01/03/2015	01/03/2015	01/17/2015	01/17/2015	01/17/2015
8	273.74	100	157.88	4.00	080	304.37	300	000	200	54.50	4.00	7.55	90.46	100	46.07	2.75	166.95	200	000	116.38	200	23.25	200	169.83	200	0.00	160.45	2.00	000
8	273.74	0.28	157.88	4,00	700	304.37	300		200	54.50	4,00	11.0	90'46	100	2.43	275	166.96	200		116.38	200	1.19	200	169.83	200		160.45	200	
8	100	39.44	100	100	22.45	001	100	38.71	100	100	100	9.80	1,00	100	18.96	100	100	100	19.93	100	100	19.54	100	100	100	19.72	100	100	20.07
CC Swipe @ 0.25	Driver Commission	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	CC Swipe @ 0.25	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	CC Swipe @ 0.25	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy	CC Swipe @ 0.25	Driver Commission	Incentive #5	Minimum Wage Subsidy	Driver Commission	Incentive #5	Minimum Wage Subsidy
Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter
Amold	Amoid	Amold	Amold	Amoid	Amold	Amold	Amold	Amoid	Amold	Amold	Amoid	Amold	Amold	Amold	Amoid	Amold	Amold	Amold	Amoid	Amold	Amold	Amoid	Amold	Amold	Amold	Amoid	Amold	Amoid	Amold
8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S	8812 Amold, Peter S
14405 10/17/2014 8	14405 10/17/2014 8	14405 10/17/2014 8	1031/2014	14687 10/31/2014 8	14687 10/31/2014 8	14943 11/14/2014 8	14943 11/14/2014 8	14943 11/14/2014 8	15194 11/28/2014 8	15194 11/28/2014 8	11/28/2014	15194 11/28/2014 8	15451 12/12/2014 8	15451 12/12/2014 8	15451 12/12/2014 8	15712 12/26/2014 8	15712 12/26/2014 8	15712 1226/2014 8	15712 12/26/2014 8	15958 01/09/2015 8	15958 01/09/2015 8	15958 01/09/2015 8	16210 01/23/2015 8	16210 01/23/2015 8	16210 01/23/2015 8	16210 01/23/2015 8	16473 02/06/2015 8	16473 02/06/2015 8	16473 02/06/2015 8
14405	14405	14405	14687	14687	14687	14943	14943	14943	15194	15194	15194	15194	15451	15451	1545	15712	15712	15712	15712	15958	15958	15958	16210	16210	16210	16210	16473	16473	16473

# FIGURE THREE- START AND END DATES

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

# **Employee Contact List**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ride.

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

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

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

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

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

B. Second Visit: July 7, 2017

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RA 00547

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

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

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

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

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

FIGURE FIVE-NEXT PAGE

Avg Hrs per Shift	11.88	11.62	2.60	11.93	11.77	11.59	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Week	23.77	23.25	2.60	23.85	23.55	23.18	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Week Shift Count	7	2	-	2	2	2	-	-	-	-	-	1	-
Week			-		=	-			-	-	-		
Avg Hrs per Shift	11.77	11.50	2.60	11.95	11.82	11.67	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Week	11.77	11.50	2.60	11.95	11.82	11.67	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Week Shift Count	-	-	-	-	-		-	-	-	-	-		-
Shift Hours	11.77	11.50	2.60	11.95	11.82	11.67	11.80	11.72	11.23	11.88	12.00	11.83	11.72
Weeknum	40	41	45	43	44	45	47	48	49	22	51	52	53
Day of Week +1	4	4	4	4	9	9	2	2	2	2	2	2	2
Day Trip Count	15	18	4	19	19	19	15	15	14	16	14	12	15
Last Shift	9/30/14	10/1/14	10/14/14	10/21/14	10/30/14	11/6/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
First Shift	9/28/14	10/5/14	10/14/14	10/19/14	10/26/14	11/2/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
Last Shift Calc	9/30/14	10/7/14	10/14/14	10/21/14	10/30/14	11/6/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
First Shift Calc L	9/30/14	10/7/14	10/14/14	10/21/14	10/30/14	11/6/14	11/16/14	11/23/14	11/30/14	12/7/14	12/14/14	12/21/14	12/28/14
Initial Print	9/30/14 12:03	10/7/14 12:16	10/14/14 12:00	10/21/14 12:00	10/30/14 12:01	11/6/14 12:00	11/16/14 12:02	11/23/14 12:00	11/30/14 12:02	12/7/14 12:00	12/14/14 12:01	12/21/14 12:00	12/28/14 12:01
Shift_Date	9/30/14	10/7/14	10/14/14			11/6/14			11/30/14			12/21/14	12/28/14
First Name Shift_Date	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter	Peter
Last	Arnold	Arnold	Arnold	Arnold	Arnold					Arnold		Arnold	
Employe	8812 /	8812 /	8812 /	8812 /	8812 /	8812 Arnold	8812 Arnold	8812 Arnold	8812 Arnold	8812 /	8812 Arnold	8812 /	8812 Arnold

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

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

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

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

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

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

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

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

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

#### FIGURE SIX NEXT PAGE

Net Minimum Wages Owed When Both Insurance Qualification	Insurance	Premium Cost	Considered			\$39.60			\$22.43			\$11.99
Minimum Wages Owed at \$8.25 an Hour for All Pay Periods where Insurance Premium Cost for Employee Only Coverage was More than 10% of	\$7.25 an Hour for	all Other Pay	Periods			239.60		•	\$22.43			\$11.99
	at \$7.25 an	Hour after that	date			\$39.60			\$22.43			S11.99
Minimum	at \$8.25 an		Hours			\$39.60			\$22.43		_	\$11.99
Minimum Wages	S7.25 an	Hour for all	Hours			\$0.16			80.00			80.00
Total Cab Manager	Minus	Payroll	Hours			82.			400			8.02
5	Manager	Avg Hrs	per Shift	11.88	11.62		2.60	11.93		11.71	11.59	
	Total	Wages	Paid			39.44 \$285.78			22.45 \$162.78			38.71 \$307.37
	Hours for Pay	Period From	Payroll Records			39.44			22.45			38.71
Hours For Pay Period if One Hour is	9 -5	ager				47.02			26.45			46.73
Hours Period Ho Subtr	from Each	Cab Man	慧						~			4
		Manager Cab Manager		13.77	47.02	_	760	26.45	7	23.55	46.73	4
Hours For Pay Period From Cah Running	Manager Cab	as Manager	Adjusted Hours	TE TE	23.25 47.02	,	700, 700	23.85 26.45	,	23.57 23.55	23.18 46.73	-
Similar	Manager Cab	as Manager	Adjusted Hours									
Hours For Pay Period for Pay From Cah Runnine	Period From Manager Cab	Cab Manager as Manager	Records Adjusted Hours	3.7	335	7	260	23.85	3 , ,	335	23.18	4
Hours For Pay Period Hours for Pay	Period From Manager Cab	Manager Cab Manager as Manager	Records Records Adjusted Hours	3.7	335	7	260	23.85	3	335	23.18	*
Hours For Pay Period Hours for Pay	From Cab Period From Manager Cab	Manager Manager Cab Manager as Manager	Records Records Adjusted Hours	7, 12 7, 12 13.77	10/1/14 2 4 23.25 23.25	10)10/14 4	10)14/14 1" 1 2.60 2.60"	10/21/14 2 3 23.85 23.85	10/24/14 3	10/30/14 2 23.55 23.55	11/6/14 2 4 23.18 23.18	11/114 4
Hours For Pay Period Hours for Pay	Pay Cab From Cab Period From Manager Cab	Manager Manager Cab Manager as Manager	End Date Shifts Records Records Adjusted Hours	7, 12 7, 12 13.77	10/1/14 2 4 23.25 23.25	10)10/14 4	10)14/14 1" 1 2.60 2.60"	10/21/14 2 3 23.85 23.85	10/24/14 3	10/30/14 2 23.55 23.55	11/6/14 2 4 23.18 23.18	11/114 4
Hours For Pay Period Hours for Pay	Pay Pay Cab From Cab Period From Manager Cab	Period Manager Manager Cab Manager as Manager	Start Date End Date Shifts Records Records Adjusted Hours	7, 12 7, 12 13.77	10/1/14 2 4 23.25 23.25	10)10/14 4	1, 1 260 260	10/21/14 2 3 23.85 23.85	10/24/14 3	10/26/14 10/30/14 27 2 23.55 23.55	11/6/14 2 4 23.18 23.18	11/114 4
Hours For Shifts Pay Period Worked Hours for Pay Period	Pay Pay Cab From Cab Period From Manager Cab	Period Manager Manager Cab Manager as Manager	Insurance Start Date End Date Shifts Records Records Adjusted Hours	77.52 77.52 2 2 42/28/24	10/5/14 10/7/14 2 4 23.25 23.25	12/1/14 9/27/14 10/10/14 4	10/14/14 10/14/14 17 1 2.60 2.60	10/19/14 10/19/14 2 3 23.85 23.85	12/1/14 10/11/14 10/24/14 3	10/26/14 10/30/14 2 2 23.55 23.55	11/2/14 11/6/14 2 4 23.18 23.18	4/1/14 10/25/14 11/1/14 17/1/14
Hours For Shifts Pay Period Worked Hours for Pay Period	Pay Pay Cab From Cab Period From Manager Cab	Health Period Period Manager Manager Cab Manager as Manager	Start Date End Date Shifts Records Records Adjusted Hours	77. 23 7. 23	10/1/14 2 4 23.25 23.25	Peter 12/1/14 9/27/14 10/10/14 4	Peter 10/14/14 10/14/14 11" 1 2.60 2.60"	Peter 10/19/14 10/21/14 2 3 23.85 23.85	10/11/14 10/24/14 3	Peter 10/26/14 10/30/14 2 2 2 23.55 23.55	11/6/14 2 4 23.18 23.18	4 41/1/11 41/5/201

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

## FROM CAB MANAGER

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

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

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

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

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

#### C. Third Visit: July 11, 2017

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

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

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

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

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

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

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

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

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

2013-2015   2010-2012   2010
DAMAGE CALCULATION         RATIO         ADJUSTED           1         \$1,021,854         \$1,040,103         1.01785872         \$1,250,701         \$1,228,757           2         \$1,932,169         \$1,945,075         1.00667954         \$2,032,265         \$2,018,780
1 \$1,021,854 \$1,040,103 1.01785872 \$1,250,701 <b>\$1,228,757</b> 2 \$1,932,169 \$1,945,075 1.00667954 \$2,032,265 <b>\$2,018,780</b>
2 \$1,932,169 \$1,945,075 1.00667954 \$2,032,265 <b>\$2,018,780</b>
3 \$1,164,454 \$1,178,715 1.01224694 \$1,535,583 <b>\$1,517,004</b>
4 \$1,104,554 \$1,127,394 1.02067803 \$1,466,280 <b>\$1,436,574</b>
5 \$1,229,607 \$1,248,095 1.0150357 \$1,654,459 <b>\$1,629,952</b>

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

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

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

VI. SUMMARY

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

calculations were made consistent with the assumptions regarding the application of

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

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

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

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

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

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

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

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

VII. COMPENSATION

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

testimony. I have allocated eighteen hours to this report.

**VIII. ATTACHMENTS** 

In addition to the materials relied upon I have attached:

1. Curriculum Vitae

2. Case History

3. Invoice

Respectfully Submitted,

Dated: July 18, 2017

Terrence M. Clauretie, Ph.D.

Tirrence M. Clauretie

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## **EXHIBITS**

#### **ELARTION OF CHARLES BASS**

#### THE SUMMARIZATION THAT I PERFORMED

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

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

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

#### THE INFORMATION THAT I SUMMARIZED

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

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

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

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

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

- Column "F" which is titled "SSN/Tax ID" I am advised that this 4 digit number is the last 4 numbers of the employee's social security number.
- Column "G" which is titled "Payroll Item" I am advised this identifies a particular type of payment to the employee or deduction from the employee's pay that was performed or calculated on that line of the Excel file as part of the paycheck identified by the number in Column "C";
- Column "H" which is titled "Qty" Except when Column "G" contains the
  Payroll Item "Minimum Wage Subsidy" this column contains either a
  zero, a 1, or no entry. When Column "G" contains the Payroll Item
  "Minimum Wage Subsidy" this column may also contain a number larger
  than 1 expressed with two decimals. I am advised that when this Column
  "H" Qty item contains a number and on the same line the Column "G"
  Payroll Item is identified as "Minimum Wage Subsidy" the Column "H"
  Qty number is the number of hours the employee worked during the
  period of time covered by the paycheck being issued;
- Column "I" which is titled "Sales Price" This column contains either a positive or negative number or a percentage expressed as a positive or negative amount. I did not use the information in this column in creating

the Exhibit "B" and "C" summaries.

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

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

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

#### HOW I CREATED THE SUMMARY

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

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

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

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

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

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

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

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

unpaid minimum wages at \$8.25 an hour.

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

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

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

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

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

Affirmed this // day of January, 2017

Charles M. Bass

#### PAYROLL ITEMS (COLUMN G)

Bonus

Hourly rate

Minimum wage subsidy

Overtime

Driver commission

CC swipe

Incentive #1

Incentive #2

Incentive #4

Incentive#5

Supervisor consulting pay

Tips supplemental

Reimburse cc more than book

Reimburse data entry error

Reimburse overpaid cash machine

Reimburse taxi passenger

Reimburse wrong meter reading

Federal withholding

Medicare employee

Social security employee

Federal unemployment

Medicare company

Social Security company

NV unemployment compensation

Career enhancement program

Dental plan

Sec 125 medical

Tips out

Vision insurance

Cash loan

Cash loan fee

Child support

Employee advance principal

Employee draw fees

Tax levy

Wage garnishment

#### PAYROLL ITEMS INCLUDED IN COMPENSATION (COLUMN G)

Bonus

CC Swipe @ 0.25

Driver Award Bonus

Driver Award Program

**Driver Commission** 

Driver referral

Driver Vacation Pay

Holiday Bonus

Holiday Pay

Hourly Rate

Incentive #1

Incentive #2

Incentive #4

Incentive #5

Incentive #6

Longevity Pay

Minimum Wage Subsidy

Overtime

Postcard Incentive

**Profit Sharing** 

R/C Bonus @ 0.25

Reimb-CC More Than Book

Reimb-Data entry error

Reimb-Didn't Enter Gas CPO

Reimb-Manual CC Not Entered

Reimb-Overpaid Cash Machine

Reimb-Taxipass Error

Reimb-Triad Error

Reimbursement-Fines paid

Reimbursement-NW

Reimb-Verifone Error

Reimb-Wrong meter readings

Sick Pay Office

Supervisor Counseling Pay

Supplies

Uniform Cleaning Allowance

Vacation Wages

Vacation Wages Office

We Did Good Bonus

X-Tra Cabs/X-Tra Pay

CASE NAME	CASE	JURISDICTION	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
CHOL WINE	NUMBER	Generalist	DEFENDANT		_	DATE ADDED AFTER
	NUMBER		DEFERDANT		TESTIMONY	
						OCTOBER, 2013
AAMG Marketing Group LLC v. Allegiant Air, et. al.	A-11-640358-C	8 <sup>th</sup> Judicial District	Defendant	Stovall & Associates	Deposition, Trial	Damages
Abanobi, Christopher v. Hinebaugh, Shannon	A-15-712968-C	8 <sup>th</sup> Judicial District	Plaintiff	R. Todd Terry	Deposition	Damages, 11/01/2016
Abeyta, Helen v. Ralphs Grocery	A506028	8 <sup>th</sup> Judicial District	Defendant	Brady, Vorwerck, Ryder & Caspino	Deposition, Trial	Damages
Ackers, Andrea v. Hermosillo-Davalos	A492718	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Acuna v. Busby	A468730	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Alarcon, Marcela v. Drummond, Terry Wayne	A-15-712824-C	8 <sup>th</sup> Judicial District	Plaintiff	Craig Drummond	Deposition	Damages, 06/03.2016
Alkazoff, Renee v. Sothern Foods Group	A555910	8 <sup>th</sup> Judicial District	Plaintiff	Richard Harris	Deposition	Damages
Allen, Corey v. Silver Miner's Property	A623797	8 <sup>th</sup> Judicial District	Plaintiff	Tanasi, Richard E.	Deposition	Damages
Partners						
Allison, Joseph v. Rowe, Jeffrey	A575222	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Alverez, Rene v. A NLV Cab Company	A-13-678755-C	8 <sup>th</sup> Judicial District	Plaintiff	Ganz & Hauf	Deposition	Damages
Amador v. Kerry Malin et al.	A464465	8 <sup>th</sup> Judicial District	Plaintiff	Jerry H. Mowbray, Esq.	Dep. & Trial	Damages
Amante v. Ford Motor Co.	A459611	8 <sup>th</sup> Judicial District	Plaintiff	Lawrence Smith, Esq.	Deposition	Damages
Ambler-Marzola, Kristina v'. Shunichi,	A-15-715902-C	8 <sup>th</sup> Judicial District	Plaintiff	Richard Harris Law Firm	Deposition	Damages, 08/23/2016
Robert Amora, Stephanie V. Paris Las Vegas	A665922	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle	Danasitian	D
Propco, LLC. Et. al.	A003922	8 Judiciai District	Piamun	Robert Cottle	Deposition	Damages
Amirikhani v. Helmick	A496839	8th Judicial District	Plaintiff		Deposition	Damages
Archambault, Leo v. Stachink, Mylene	08A565843	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Arellano v. Park North, LLC	A425066	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Arenas-DeCastillo v. Ricardo Nunez-	A515482	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Moreno						
Arencibia, Ryan v. Diperno, Michele	08A565526	8 <sup>th</sup> Judicial District	Plaintiff	Brian Harris	Deposition	Damages
Arnold, Linda v. Skyline Restaurant &	A465357	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Stovall	Trial	Damages
Casino						
Arnold, Linda v. Skyline Restaurant & Casino	A465357	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Annesley, John v. Ellman, Norma	A522182	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Artuz, Christine v. Hastings, Russell	A-09-590069-C	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet	Deposition	Damages
Ashbaugh, Denise v. Jones, Brian	A529805	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Ashe, Lamar v. Gerritsen, Marc	A675220	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Trial	Damages, 04/01/2016
Ashford, Peggy	A-10-620068-C	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle	Deposition	Damages
Asmussen v. Feit	A470577	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
ASQ, Inc. v. Colonial Bank	A406878	8 <sup>th</sup> Judicial District	Defendant	Edward Coleman, Esq	Deposition	Damages
Athow, Tina v. Gafford, Harry	A560484	8 <sup>th</sup> Judicial District	Plaintiff	Kieth Galliher	Deposition	Damages

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

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

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

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

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

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

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

CASE NAME	CASE	JURISDICTION	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
CASE WANTE	NUMBER	SCRISDICTION	DEFENDANT	MITORIEI WINE	_	DATE ADDED AFTER
	NUMBER		DEFENDANT		TESTIMONY	
						OCTOBER, 2013
Holm, Jeffrey v. Lucky Cab Company	A708126	8th Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 07/19/2016
Hood, Christopher, Debra Hood, Michael	A535221	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Hood v. Clements, William G. et. al.						
Hood, Brenda v. Transitional Hospitals Corp	A530033	8 <sup>th</sup> Judicial District	Plaintiff	Bryson	Deposition	Damages
of America						
Hohnhorst, Penny v. William Kyle, M.D. et.	A557814	8 <sup>th</sup> Judicial District	Plaintiff	Cliff Marcek	Deposition	Damages
al.	A 5 40000	oth I I' ' I D' ' ' '	D1 : ':cc	I I MEC	D '''	D
Hough, Tena v. McKeehan, Merle et. al. Howard v. Waldorf	A548898 A418520	8 <sup>th</sup> Judicial District 8 <sup>th</sup> Judicial District	Plaintiff	Israel, MEC	Deposition	Damages
Howard v. Waldorf Howell, Victoria v. Georgia Santangelo			Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Hudson, Trent v. Lawrence, Brooke	A-10-609967-C A659589	8 <sup>th</sup> Judicial District 8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah Vannah & Vannah	Deposition	Damages Damages, 11/22/2013
Hughes, Joey, estate of v. Appledorf, Robert	A-11-647536-C	8 <sup>th</sup> Judicial District	Plaintiff Plaintiff	Peter Christiansen	Deposition Deposition	Damages, 11/22/2013 Damages, 08/27/2014
Hunt, Charles v. Wittie, Ezekiel	A-11-04/330-C A563722	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages Damages
Image Commercial Cleaners v. Edward	A488775	8 <sup>th</sup> Judicial District	Plaintiff	Matthew Q. Callister, Esq.	Deposition	Damages  Damages
Sheridan	A400773	8 Judiciai District	Fiamun	Matthew Q. Camster, Esq.	Deposition	Damages
Iannuccilli, Nicholas v. Morelli, Martin	A550393	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Isom v. Ford Motor Co.	A438131	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle, Esq.	Deposition	Damages
Jackson, Carol v. United Artists Theatre	2:10-CV-00050	United States District	Plaintiff	Winder, Dan	Deposition	Damages
Circuit	2.10 0 . 00000	Court, Nevada		, maer, Bun	Deposition	Duninges
Jackson, Marianne v. United States of	2:14-cv-00392-	United States District	Plaintiff	Leslie Stovall	Deposition	Damages, 04/11/2016
America	APG-GWF	Court, Nevada			1	
Jackson, Neil v. Wassau Business Insurance	na	na	Plaintiff	Harris Law Firm (South 4th st.)	Examination Under Oath	Damages
James Drennan v. Maryland Casualty Co.	CV-S-04-0990-	United States District	Plaintiff	William J. Brim, Esq.	Deposition	Domonos
James Diennan V. Maryland Casualty Co.	PMP PAL	Court NV	Piamun	william J. Brim, Esq.	Deposition	Damages
Jeffries, Donna v. Mathis, Eddie, MD	A550624	8 <sup>th</sup> Judicial District	Plaintiff	Laurance Springberg	Deposition	Damages
Jerry Schlosser v. New Castle Corp. &	A462029	8 <sup>th</sup> Judicial District	Plaintiff	Mark Kulla, Esq.	Deposition	Damages
Excalibur Hotel and Casino	11402029	o sudiciai District	1 minum	Wark Kuna, Esq.	Deposition	Duniages
Jimenez, Blanca v. Blue Martini Las Vegas,	A-15-716334-C	8 <sup>th</sup> Judicial District	Plaintiff	Neil Hyman	Deposition, Trial	Damages, 04/13/2016, 10/12/2016
LLC					1 ,	
Johnson, Ann v. Watkins, Joseph	A549584	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition, Trial	Damages
Johnson, Archie v. Elisio, Lee	A553636	8 <sup>th</sup> Judicial District	Plaintiff	Roger Cram	Deposition	Damages
Johnson, William v.	A501439	8 <sup>th</sup> Judicial District	Plaintiff	Robert Eglet	Trial	Damages
Johnson v. Moskal	A501439	8 <sup>th</sup> Judicial District	Plaintiff		Deposition	Damages
Johnson v. Diamond Const.	A424752	8 <sup>th</sup> Judicial District		Matthew R. Vannah, Esq.	Deposition	Damages
Johnson-Dismor v. Southwest Medical	A405028	8 <sup>th</sup> Judicial District	Plaintiff	Robert D. Vannah. Esq.	Deposition	Damages
Associates						
Jones, Phyllis v. Southern Hills Medical Center	A-11-633059-C	8 <sup>th</sup> Judicial District	Plaintiff	McKnight, Patrick	Deposition	Damages
Jones, Ryan v. MGM	A543076	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Joseph Dennis v. Gutierrez-Perez, et al.	A463874	8 <sup>th</sup> Judicial District	Plaintiff	Ralph A. Schwartz, Esq.	Deposition	Damages
Joseph Gausch v. Signh, MD.	A376316	8 <sup>th</sup> Judicial District	Plaintiff	William Brenske, Esq.	Trial	Damages
Joslin, Amy v. Mueller Custom Cabinetry,	A-12-667959-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 08/15/2014
Inc, et. al.						

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER
	11011222				120121110111	OCTOBER, 2013
Kadir v. Zachary Yoest & Patricia Yoest	A501060	8 <sup>th</sup> Judicial District	Plaintiff	Imanuel B. Arin, Esq.	Deposition	Damages
Karenbeld v. American Eurocopter	A474642	8 <sup>th</sup> Judicial District	Plaintiff	John M. Cobega, Esq.	Deposition	Damages
Kashani, Haroun v. The Nielson Co. et. al.	A-13-676193-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 11/10/2015
Kehr, Milissa v. Trigler, Steven	A618454	8 <sup>th</sup> Judicial District	Plaintiff	Mainor Wall	Deposition	Damages
Kempf,v. Catholic Healthcare West, et. al.	A526615	8 <sup>th</sup> Judicial District	Plaintiff	Laurence Springberg	Deposition	Damages
Kempton v. Respond, Inc.	A457179	8 <sup>th</sup> Judicial District	Plaintiff	Matthew L. Johnson, Esq.	Deposition	Damages
Kenourgios, John v. Collins, Tommy Lee, Republic Solver State Disposal	A-13-690218-C	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Simon	Deposition	Damages, 05/06/2015
Kern, v. Reeves	A510794	8 <sup>th</sup> Judicial District	Plaintiff	Roger Cram	Deposition	Damages
Kindness, Harold v. Hi Desert Appliance	A513344	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
King, Denise v. Maiza, Salah and Checker Cab Co.	A503658	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
King, Thomas v. Martin, James	A570552	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Kirt, Gerald v. Smith, Margo, et. al.	A653449	8 <sup>th</sup> Judicial District	Plaintiff	Stovall & Associates	Deposition, Trial	Damages/11/22/2013
Kohlman v. Evans	A470268	8 <sup>th</sup> Judicial District	Plaintiff	Ellen Stoebling, Esq.	Deposition	Damages
Koehler-Fergen, Debra v. Boyd Gaming Corporation	08A 577678	8th Judicial District	Plaintiff	Bochannis	Deposition	Damages
Konrath, Monte v. Falk, Rodney	A536056	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Carvalho	Deposition	Damages
Kopolow, Debra v. Larson, David, MD	A534811	8 <sup>th</sup> Judicial District	Plaintiff	Weller	Deposition	Damages
Korten-Kimber v. Estate of Raymond Aquilar	A433507	8 <sup>th</sup> Judicial District	Plaintiff	Patti Wise, Esq.	Deposition	Damages
Kovach, Inc. v. M.J. dean Construction	A537442	8 <sup>th</sup> Judicial District	Defendant	R. Christopher Reade	Deposition	Damages
Kuckenbecker v. McFrugals	A422658	8 <sup>th</sup> Judicial District	Plaintiff	John Bertoldo, Esq.	Deposition	Damages
Kwak, Janet v. Harter, Steven, M.D. et. al.	A-14-696506-C	8 <sup>th</sup> Judicial District	Plaintiff	Clark Seegmiller	Deposition	Damages, 02/27/2017
LaKamp, Vonda v. Turbine Master, Inc.	A510506	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Lambert, Barbara v. Ryhal, Susan	A540519	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Lane, Sandra	A-11-638889-C	8th Judicial District	Plaintiff	Harris & Harris	Deposition	Damages
LaPalusa, James v. Mackie, Summer, et. al.	A-11-651848-C	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle	Trial	Damages
Lasich, Gloria v. Pleasant Hills Villas Apts., et. al.	A538262	8 <sup>th</sup> Judicial District	Plaintiff	Chrisiansen Law Office	Deposition	Damages
Lease, Thomas R. v. Stephensen, Mark Todd	A522844	8th Judicial District	Plaintiff	Neil K. Hyman	Deposition	Damages
Leavitt, Kami v. Siems, Jon L. MD	A560957	8 <sup>th</sup> Judicial District	Plaintiff	Kristine Jensen	Deposition	Damages
Leckburg, Donald v. Celebrity Coaches of America	A563858	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Lee, Roger v. St. Rose Dominican Hospital	A601427	8 <sup>th</sup> Judicial District	Plaintiff	Tanasi	Deposition	Damages

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013
Lee, SAteven C. v. Marten Transport, LTD	2:16-CV-00282- GMN-CWH	U.S. District Court of Neveda	Plaintiff	Bradley Paul Elley	Deposition	Damages, 02/03/2017
Leone, Ugo v. Desert Palace, Inc.	2:08-cv-00879	U.S. District Ct. for Nevada	Plaintiff	Arnold Weinstock	Deposition	Damages
Leveille, Rhonda v. Anderson, E.D. et. al.	A-09-602743-C	8th Judicial District	Plaintiff	Mainor & Eglet	Deposition	Damages
Lewin v. Ford Motor Co.	A483101	8 <sup>th</sup> Judicial District	Plaintiff	Cottle	Deposition	Damages
Lewis, Gina v. Santiago-Paet Elvenia	A-11-651934-C	8 <sup>th</sup> Judicial District	Plaintiff	Matt Hoffmann	Deposition	Damages
Lewis, Frances v. Weast, Kenneth	A707873	8 <sup>th</sup> Judicial District	Plaintiff	Arin & Associates	Deposition	Damages, 05/26/2016
Lewis, Ray v. Cervantes	A494194	8 <sup>th</sup> Judicial District	Plaintiff	Powell, Paul	Deposition	Damages
Lewis Rick v. Rebel Oil Co.	A566869	8 <sup>th</sup> Judicial District	Plaintiff	Cliff Marcek	Deposition, Trial	Damages
Lewis v. Harris	A416747	8 <sup>th</sup> Judicial District	Plaintiff	Burris & Thomas	Deposition	Damages
Ley-Villa, Julio v. First Transit	A576249	8 <sup>th</sup> Judicial District	Plaintiff	Ben Swansen	Deposition	Damages
Li, Xin v. Byrd, Jerry Mac	A-14-709130-C	8 <sup>th</sup> Judicial District	Plaintiff	The702firm	Deposition	Damages, 04/04/2016
Li, Yiwei v. Wei, Baoling	A-13-691025-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 05/11/2015
Lieberman, Jon	A-12-667351	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition	Damages
Limbrick, Damon v. Paikai, Gaylen et. al.	A653876	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Linares, Claudia v. Ayala, Harry et. al.	A-14-697107-C	8 <sup>th</sup> Judicial District	Plaintiff	Harris & Harris	Trial	Damages, o3/23/2017
Linares, Rosa v. California Delivery Services, Inc.	A-13-683834-C	8 <sup>th</sup> Judicial District	Plaintiff	Atkins & Watkins	Deposition	Damages, 09/02/2014
Linder, Ager v. T.J.A., Inc.	A-15-714627-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition, 12/02/2016	
LINDSEY, MICHELLE V. DR. DESAI	A545220	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Simon	Deposition, Trial	Damages
Lindsie, v Dixon	A543068	8 <sup>th</sup> Judicial District	Plaintiff	Adam Ganz	Deposition, Trial	Damages
Litke, Norma v. Santos, Alison, Trustee	A610992	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition	Damages
Liu v. KB Homes	A494122	8 <sup>th</sup> Judicial District	Plaintiff	Patricia P. Trent, Esq.	Deposition	Damages
Llamas v. Safe Electronics	A582111	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Loeffler-owens v Wal Mart Stores	2:07-cv-00300- KJD-LRL	U.S. District Court	Palintiff	Benson, Bertoldo, & Baker	Deposition	Damages
Logan, Norman v. Wal-Mart Stores, Inc.	2:15-cv-01116- JMC-VCF	U.S. District Court	Palintiff	Richard Harris law Firm	Deposition	Damages, 12/07/2015
Logan v. Lefond	A397436	8 <sup>th</sup> Judicial District	Plaintiff	Michael A. Koning, Esq.	Deposition	Damages
Lomax et al v. LVMPD, TASER,	A	United States District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
International, Inc.	CV-S-05-01464- PMP-RJJ	Court				
Lopez-Olivas, Fanuel v. Luis, Anibal	A-14-706231-C	8th Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 02/23/2016
Loranty v. Montevista Hosp.	A450780	8 <sup>th</sup> Judicial District	Plaintiff	Hamilton D. Moore, Esq.	Deposition	Damages
Lovering, Christine v. Jameson, Treshawn	A-15-718268-C	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Simon	Deposition	Damages, 03/27/2017
Lu, Jianquin v. Nevada Star Cab Corporation	A-10-617751-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Lucero v. Griffith	A545033	8 <sup>th</sup> Judicial District	Plaintiff	Adam Ganz	Deposition	Damages
Lucero v. Laurie Larsen, MD.	A388461	8 <sup>th</sup> Judicial District	Plaintiff	Roy E. Smith, Esq.	Trial	Damages 07/20/2014
Luciano, Robert v. St. Mary's Preferred health Insurance Co.	CV12-01751	2 <sup>nd</sup> Judicial court of Nevada	Plaintiff	Watson Rounds	Deposition	Damages 07/28/2014
Luker, Ryan v. Gillett Construction, LLC	A535794	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages

CASE NAME	CASE	JURISDICTION	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
	NUMBER		DEFENDANT		TESTIMONY	DATE ADDED AFTER OCTOBER, 2013
Luttrell, Nancy v. Tiffany Square, e. al.	A570811	8 <sup>th</sup> Judicial District	Plaintiff	Harris, Earley	Deposition	Damages
Lyon v. Smith	A491510	8 <sup>th</sup> Judicial District	Plaintiff	Ivy Gage, Esq.	Deposition	Damages
Macadangdang, Wendy v. Lebie, Jordan	A509128	8th Judicial District	Plaintiff	Chad Bowers	Deposition, Trial	Damages
MacDiarmid, Neile v. Murphy, Michael	A526499	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
MacDonald v. Brooker	A485373	8 <sup>th</sup> Judicial District	Plaintiff	Bruce Schupp, Esq.	Deposition	Damages
Mack, Jackie v. Wal Mart Stores	A525358	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner (Paul Powell)	Deposition	Damages
Maddin, Inc. v. G.L. Dragon, LLC.	A-12-658634-B	8 <sup>th</sup> Judicial District	Plaintiff	Karen Ross, successor attny	Deposition	Damages
Madison, David v. Tintanium Metals Corp.	A477422	8th Judicial District	Plaintiff	Mitch Cobiaga	Deposition	Damages
Madrid, Margarita v. Zapata-Casillas, Roberto	A-15-713902-C	8 <sup>th</sup> Judicial District	Plaintiff	Todd terry	Deposition	Damages, 09/02/2016
Maldonado-Cruz v. Gebrehiwet	A496357	8 <sup>th</sup> Judicial District	Plaintiff	Brian K. Harris, Esq.	Deposition	Damages
Mallios, Panagiotis v. Bank of America, et. al.	A-11-648412-J	8 <sup>th</sup> Judicial District	Plaintiff	David Winterton	Trial	Damages, 12/02/2015
Malloy v. Clanton	A495910	8 <sup>th</sup> Judicial District	Plaintiff	Bruce L. Woodbury, Esq.	Deposition	Damages
Mangus, Stephanie v. Abram, Douglas	A634090	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition, Trial	Damages/12/06/2013
Maria Saucedo v. Smith's Food and Drug Center	A326991	8 <sup>th</sup> Judicial District	Plaintiff	Leslie M. Stovall, Esq.	Deposition	Damages
Mariano, Noel v. Edwards, Richard	A530916	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Mark Brown v. Cirque De Soliel	A448850	8th Judicial District	Plaintiff	Crockett & Myers	Deposition & Trial	Damages
Marshall, Kattie v.	A-10-612849-C	8 <sup>th</sup> Judicial District	Plaintiff	Richard Tanasi	Deposition	Damages
Martinez, Alma v. Patel, Shamit	2:13-cv-02189	United States District Court, District of Navada	Plaintiff	Glen Lerner	Deposition	Damages, 08/11/2014
Martinez, Delores v. Jameson, Florence	A495652	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Martinez, David v. Safari Apartments	A506369	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Mathews, Morris v. Shand, Kenneth	CACE 12-10840 (12)	Seventh Judicial District in and for Broward County, Florida	Plaintiff	Buckman & Buckman, Sarasota, Fl.	Deposition	Damages
Mattern, Carol v. David H. Gibson Company, et. al.	A-10-607144-C	8 <sup>th</sup> Judicial District	Plaintiff	Springberg	Deposition	Damages
Mattson, Lee Allen v. Bluemel, Ralph Achim	A-13-687701-C	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Stovall	Deposition	Damages 11/26/2014
May v. Baxter	A399335	8 <sup>th</sup> Judicial District	Plainitff	Gerald Gillock, Esq.	Deposition	Damages
Mayer, Thomas v. Cresent City School of Gaming & Bartending	A567810	8 <sup>th</sup> Judicial District	Plainitff	Paul Powell	Deposition	Damages
Maynes, Barbara v. Castillo-Martinez, Alan	A503914	8 <sup>th</sup> Judicial District	Plainitff	Paul Powell	Deposition, Trial	Damages
McAfee, Jeni v. Varis, Harris	A537394	8 <sup>th</sup> Judicial District	Plainitff	Jensen	Deposition	Damages
McAneney, Duane v. Rodriguez, Luis Juan Leon	A-09-602531-C	8 <sup>th</sup> Judicial District	Plainitff	Richard Harris Law Firm	Deposition	Damages
McHale, Shawn Lee v. Kay, Lawrence	A545385	8 <sup>th</sup> Judicial District	Plainitff	G. Dallas Horton	Deposition	Damages
McCowan v. Mandalay Resort Group	A478938	8 <sup>th</sup> Judicial District	Plaintiff	Ralph A. Schwartz, Esq.	Deposition	Damages
McDonald, Brandon v. Sin City Ink, Inc.	A-12-659259-C	8 <sup>th</sup> Judicial District	Plaintiff	Jared B. Anderson	Deposition	Damages
McElfresh, Richard v. Steimer, Richard	A510919	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner then Eglet	Deposition, trial	Damages

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McNelis, McKenzie v. Ross, Derax, et. al.	A554870	8 <sup>th</sup> Judicial District	Plaintiff	Crockett & Myers	Deposition	Damages
McGuire, Anne v. Martin, Frank	A518488	8 <sup>th</sup> Judicial District	Plaintiff	Imran Anwar	Deposition	Damages
McGuire v. Sunrise Hospital and Medical Center	A460008	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
McIntyre, Lisa v. Pipes Paving Company	A477764	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Mark Stovall	Deposition	Damages
McLachlan v. Pinette et al.	A489969	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
McLellan, Richard v. Ralph's Grocery dba Food for Less	A507988	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet , & Cottle	Deposition	Damages
McNair, Bonny v. Mirkia, Kiarash et. al.	A-12-658233-C	8 <sup>th</sup> Judicial District	Plaintiff	Springberg, Laurance	Trial	Damages/12/06/2013
McNeil, Sandy v. Jessop, Leslie	A527274	8 <sup>th</sup> Judicial District	Plaintiff	Jensen, Janice	Deposition	Damages
McRae, Duncan William v. Mayes, Annette Finley	A661977	8 <sup>th</sup> Judicial District	Plaintiff	Killip, William	Deposition	Damages, 04/14/2014
Medina, Manuela and Gonzalez, Gary v. Villapondo, Juan Lopez, et. al.	A-13-6881149-C	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Stovall	Deposition	Damages, 04/17/2017
Merker v. Estate of Ralph Englestadt	A463675	8 <sup>th</sup> Judicial District	Defendant	Rawlins, Olson & Cannon	Trial	Damages
Mesa, Zulema v. Blake	A-11-630441-C	8 <sup>th</sup> Judicial District	Defendant	Richard Tanasi	Deposition	Damages
Messer v. Escamilla-Estrada	A467965	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Dep. & Trial	Damages
Messerschmitt v. Skiles	A429663	8 <sup>th</sup> Judicial District	Plaintiff	Richard Harris, Esq.	Deposition	Damages
Meyer, Jeffrey v. Terry Kokk and C.M. Reprographics	A528410	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Miller, Norma Gibb and Miller, William v. J.M. Maufacturing Co., Inc. et. al.	05-CV-1499-ST	U.S. District Court, District of Oregon	Plaintiff	Vannah & Vannah	Deposition	Damages
Molina v. Jack Laino et al.	A479124	8 <sup>th</sup> Judicial District	Plaintiff	JURY TRIAL IN PROCESS ACCESS DENIED	Deposition	Damages
Molnar, Laura v. Perry, Amy	A525022	8 <sup>th</sup> Judicial District	Plaintiff	Haul & Ganz	Deposition	Damages
Monreal, John v. CP Las Vegas, LLP et. al.	A587757	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Wall	Deposition	Damages
Monson, Michelle v. State Farm Mutual Automobile Insurance Company	2:15-cv-02458- JCM-VCF	United States District Court, District of Nevada	Plaintiff	Bernstein & Poisson	Deposition	Damages, 10/05/2016
Moody, Sharon v. Martinez-Ortega	A529326	8 <sup>th</sup> Judicial District	Plaintiff	David Fassett	Deposition	Damages
Moore, Gail v. Terrible Herbst	A521872	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Moore v	A449006	8 <sup>th</sup> Judicial District	Plaintiff	Mainor	Deposition and Trial	Damages
Morales, Michelle v. Outback, Nevada	A498389	8 <sup>th</sup> Judicial District	Plaintiff	Greenman, Goldberg, et. al.	Deposition	Damages
Mourad, Renee v. Mirage Casino-Hotel	A518442	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Stovall	Deposition	Damages
Mowen v. Walgreen	A435945	8 <sup>th</sup> Judicial District	Plaintiff	Peter Christiansen, Esq.	Deposition	Damages
Moya, Michael v. Bybee	A574255	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Moyer-Malone v. Sega Enter.	A425391	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages

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Mulbeck v. Monterey Park II Apartments	A441221	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq	Deposition	Damages
Mullins, Alisa v. Juarez, Monica	A488645	8th Judicial District	Plaintiff	Robert T. Eglet, Esq	Deposition	Damages
Muniz, Valary v. Nielson, Tracy et. al.	A-12-655566-C	8 <sup>th</sup> Judicial District	Plaintiff	DeCastroverde Law Group	Deposition	Damages, 01/30/2017
Murry, Dwayne v. Nevada Hospital Group	A-14-699586-C	8 <sup>th</sup> Judicial District	Plaintiff	GHage Law Firm	Deposition	Damages, 01/20/2016
Mustain, Amelia v. Wyndham Wordwide Corp. et. al.	2:09-cv-02211- PMP-RJJ	U.S. District Court, District of Nevada	Plaintiff	Leslie Stovall	Deposition	Damages
Myers, Glyne v. Howe, David	A513493	8th Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Nagel, Tiffany v. American Family Mutual Insurance Co.	A592263	8 <sup>th</sup> Judicial District	Plaintiff	Jerome Bowman	Deposition	Damages
Naiman, Brittany v. Chavez, Christopher	A-13-675403-C	8th Judicial District	Plaintiff	Eglet	Deposition	Damages, 07/29/2014
Nance, estate of v. Rodriguez, Bryn et. al.	A-13-676545-C	8 <sup>th</sup> Judicial District	Plaintiff	Cobeaga	Deposition	Damages 08/05/2015
Nance v. ATC Vancom	A404395	8 <sup>th</sup> Judicial District	Plaintiff	Roger P. Croteau, Esq.	Deposition	Damages
Nash v. Nevada Yellow Cab	A394552	8 <sup>th</sup> Judicial District	Plaintiff	Robert Eglet, Esq.	Deposition	Damages
Natesha Smith v. Kelly Ann Lenmart et al.	A433647	8 <sup>th</sup> Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages
Natzel v. Robert A. Johnson	A436825	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Navarro, Christina v. Salazar, Gabriel	A664542	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Navarro, Ray v. Stephano, Jigssa	A-12-664695-C	8 <sup>th</sup> Judicial District	Plaintiff	Harris & Harris	Deposition	Damages
Neails v. Con Am Mngmt	A405077	8 <sup>th</sup> Judicial District	Plaintiff	J. Mitchell Cobeaga, Esq.	Deposition	Damages
Newell, Patricia v. Wal-Mart Stores, Inc.	2:13-cv-00123- RCJ-NJK	U.S. District Court, District of Nevada	Plaintiff	Eglet Wall Christiansen	Deposition	Damages
Nichols, Marissa v. Plat, Drew Evan, et. al.	A-12-671836-C	8th Judicial District	Plaintiff	Patty Wise	Deposition	Damages, 12/12/2014
Nichols v. Mandalay Resort Group	A426111	8 <sup>th</sup> Judicial District	Plaintiff	Judd Balmer, Esq.	Deposition	Damages
Noble, Paul v. Ashjian, Scott	A548572	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Noel, Roseanne v. Cannery Casino Resorts	A596778	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Noochan, , Moneque v. Xerox Corporation	A-14-698691-C	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Simon	Deposition	Damages, 08/24/2015
Obergh v. Billy Llamas, Safeco Ins. Co.	A461327	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages
Nunez, Jose v. Hudson, Anthony et. al.	A698332	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Law Firm	Deposition	Damages, 10/11/2015
O'connor, Anne v. Tresure Island, LLC	A-10-619591-C	8 <sup>th</sup> Judicial District	Plaintiff	Mainor/Wirth	Deposition	Damages
O'Conner, Diane v.Vital, Yves and Freeman Expositions	A-15-727552-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages, 05/17/2017
Odinas v. Rodriguez	A455341	8 <sup>th</sup> Judicial District	Plaintiff	Bruce D. Schupp, Esq.	Trial	Damages
Ohan v. Reese	A507611	8 <sup>th</sup> Judicial District	Plaintiff	Justin Wilson	Deposition	Damages
Ohm v. Las Vegas Paving Corporation	A-14-698252-C	8 <sup>th</sup> Judicial District	Plaintiff	Woodbury, Jolley et. al.	Deposition	Damages, 10/02/2015
Old West Enterprises v. Craigen & Pike	A395876	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Costello	Trial	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013	
Olivas, Manuel v. Bordin, Jim	1188533	Superior Court of State of California, County of Santa Barbara	Plaintiff	Daniel Simon	Deposition	Damages	
O'Neil, Kristine v. Joseph Watson, MD.	A462083	8 <sup>th</sup> Judicial District	Plaintiff		Deposition	Damages	
Orizaga-cardenas, Luz v. PHW Las Vegas, LLC.	A-12-656365-C	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Simon	Depostion	Damages, 05/21/2014	
Osckel, Edward v. Pardee, Randy James	2-11-cv-00154- GMM-RJJ	United States District Court District of Nevada	Plaintiff	Jerome Bowen	Deposition	Damages	
Otterstein v. Murray Transportation	A465654	8 <sup>th</sup> Judicial District	Plaintiff	Matthew Aaron, Esq.	Deposition	Damages	
Owen v. Taylor	A474387	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages	
Pachas v. Valley Health System	A467763	8 <sup>th</sup> Judicial District	Plaintiff	Noel Gage, Esq.	Deposition	Damages	
Paglia, Vincent v. Vegas Western Cab	A547978	8th Judicial District	Plaintiff	Roger Cram	Deposition	Damages	
Paniagua, John v. Bustamante, Bonifacxio	A-11-657250-C	8th Judicial District	Plaintiff	Robert L. Hempen III	Deposition	Damages	
Panter, Joy v. Brandt, Ann	A545792	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages	
Pappadato v. Sky Dive Las Vegas	A399689	8th Judicial District	Plaintiff	Neil Galatz, Esq.	Deposition and Trial	Damages	
Paris, Mark	A-09-590427-C	8th Judicial District	Plaintiff	Mainor & Eglet	Deposition	Damages	
Parr, Layrie v. Valley Health System, LLC	A701878	8th Judicial District	Plainiff	John Funk	Deposition	Damages, 03/11/2016	
Passno v. Julian Phelps	A460225	8th Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages	
Pati, Frank v. Hartwell, Phillip, MD et. al.	A-13-685987-C	8 <sup>th</sup> Judicial District	Plaintiff	William Brenske	Deposition	Damages 01/09/2015	
Pauline Kane v. Hard Rock Hotel	A488916	8 <sup>th</sup> Judicial District	Defendant	Lewis W. Brandon, Jr., Esq.	Deposition	Damages	
Paz, George v. Rent-A-Center	A-15-715448-C	8 <sup>th</sup> Judicial District	Plaintiff	Paul Padda	Deposition	Damages, 08/10/2016	
Peggy Lopez v. Sears Roebuck and Co.	A404029	8 <sup>th</sup> Judicial District	Plainitff	Robert Eglet, Esq.	Deposition	Damages	
Pehrson v. Lee	A444435	8 <sup>th</sup> Judicial District	Defendant	Paul Kirst, Esq.	Deposition	Damages	
Pelzer, Kimberlin v. Portz, Steven	A561850	8 <sup>th</sup> Judicial District	Defendant	Bernstein (originally)	Deposition	Damages	
Penix v. Martin	A536827	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Simon	Trial	Damages	
Peoples v. Neibaur	A445154	8 <sup>th</sup> Judicial District	Plaintiff	D.N. Tomlinson, Esq.	Deposition	Damages	
Periera v. Hilliard	A512167	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages	
Perez, Aurelia v. Johnson, Dennis	2:09-cv-00296- RJC-LRL		Plaintiff	David Francis	Deposition	Damages	
Perez, Gina v. Kriegh, Melville	A516240	8 <sup>th</sup> Judicial District	Plaintiff	Dempsey, Roberts & Smith	Deposition	Damages	
Perez v. Fremont Medical Cnt	A455047	8 <sup>th</sup> Judicial District	Plaintiff	Noel Gage, Esq.	Deposition	Damages	
Pernett, Catherine v. West Coast Auto Recovery	A554502	8 <sup>th</sup> Judicial District	Plaintiff	Chatta	Deposition	Damages	
Perri v. McDaniel	A425071	8 <sup>th</sup> Judicial District	Plaintiff	Noel Gage, Esq.	Deposition	Damages	
Perroni, Regina v. Salgado-Baez	A492719	8 <sup>th</sup> Judicial District	Plaintiff	Roger Cram	Deposition	Damages	
Peterson, Peter v. Baren, Elizabeth Jo, et al.	A-12-676448-C	8 <sup>th</sup> Judicial District	Plaintiff	Ganz & Hauf	Deposition	Damages, 07/08/2014	
Peterson v. Shafi	A400201	8 <sup>th</sup> Judicial District	Plaintiff	Keith Galliher, Esq.	Deposition	Damages	
Philips, Ron v. Afusia, Tamilo	A546833	8 <sup>th</sup> Judicial District	Plaintiff	Todd Terry	Deposition	Damages	
Pidsosny, Alycia v. Wal-Mart, Inc.	A490043	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages	

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CASE NAME	CASE	<b>JURISDICTION</b>	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
	NUMBER		DEFENDANT		TESTIMONY	DATE ADDED AFTER
						OCTOBER, 2013
Pitegoff, Jeffrey v. County of Clark	A-08-560422	8 <sup>th</sup> Judicial District	Plaintiff	Mainor Hall	Deposition	Damages
Plotner, Branden v. Sisson, Bryan, et. al.	A-11-653802-C	8th Judicial District	Plaintiff	Richard Harris	Deposition, Trail	Damages June 4, 2014
Prater, Cheryl v, Southwest Auto, Inc.	A-14-698899-C	8tj Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 01/05/2016
Price Woods v. Hanover Ins.	A437612	8th Judicial District	Plaintiff	Kelly Watson, Esq.	Deposition	Damages
Primm, Wesley v. Grosshart, Lona	A-09-594915	8 <sup>th</sup> Judicial District	Plaintiff	The gage Law Firm	Deposition	Damages
Pucci, Rocque v. USAA Insurance Agency,	A493931	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Inc. et. al.						
Pye, Brian v. FM & Nancy L. Corrigan	A489837	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet Cottle	Deposition	Damages
Family Trust						
Quinn, James v. Berg, Jason	A533359	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Trial
Rabeau-Luke v. Maglara	A464996	8 <sup>th</sup> Judicial District	Plaintiff		Deposition	Damages
Rameriz, Armador v. Terex Corporation	A-13-692081-C	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 05/23/2016
Ramirez, Karla v. Celestine, Victor	A539899	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Ramos, Jesse v. A NLV CAB CO.	A647642	8 <sup>th</sup> Judicial District	Plaintiff	Richard Harris Law Firm	Deposition	Damages
Rathbun, Shae Marie v. Loft 5 Marketing	A-14-697884-C	8 <sup>th</sup> Judicial District	Plaintiff	Gutierrez, Maier, & Ayon	Deposition	Damages, 08/12/2016
Rau-Retke, Karey v. Metropolitan Property and Casualty Insurance Company	2:10-CV-01693	United States District Court of Nevada	Plaintiff	Glen Lerner	Deposition	Damages
Ravenel, Edward v. Shannon Williams et. al.	A610095	8 <sup>th</sup> Judicial District	Plaintiff	Ganz & Hauf	Deposition	Damages
Reliance Fire Prevention v. Hartford Insurance Co.	A471154	8 <sup>th</sup> Judicial District	Plaintiff	Imanuel Arin, Esq.	Deposition	Damages
Randazzo, Teresa v. D. Westwood, Inc.	A-09-601296C	8 <sup>th</sup> Judicial District	Plaintiff	Robert Sullivan	Deposition	Damages
Redflex Traffic Systems v. Rosenberg, Aaron M.,	CV2013-001166	Arizona Superior Court, Maricopa County	Defendant	Michael Williams	Deposition	Damages, 03/17/2015
Reed, Ann v. Bellagio, LLC et. al.	A-11-639514-C	8 <sup>th</sup> Judicial District	Plaintiff	David Tanner	Deposition	Damages
Reed, Michael v. Adams, Joshua Bryan	CV16-00450	2 <sup>nd</sup> Jusicial District	Plaintiff	Golightly and Vannah	Deposition	Damages, 05/10/2017
Resoso, Charlie v. Clausing Industrial, Inc.	2:14-cv-00102- RFB-GWF	United States District Court, District of Nevada	Plaintiff	William Brenske	Deposition	Damages, 05/27/2016
Reynolds, David v. Attaka, Tytus	A549583	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Reza, Staci v. Star Theater	A477952	8 <sup>th</sup> Judicial District	Plaintiff	Imanuel Arin, Esq.	Deposition	Damages
Rightpath v. Madison Adv.	A508769	8 <sup>th</sup> Judicial District	Defendant	Greenberg & Traurig	Deposition	Damages
Ribeiro, susan v. C&L Services	A-14-697849-C	8 <sup>th</sup> Judicial District	Defendant	David Churchill	Deposition	Damages, 08/28/2015
Riley, Tanya v. Kamart Corporation	A-12-673689-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & vannah	Deposition	Damages 05/06/2014
Rivera v. Matheson Trucking	A486912	8 <sup>th</sup> Judicial District	Plaintiff		Deposition	Damages

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CASE NAME	CASE	<b>JURISDICTION</b>	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
	NUMBER		DEFENDANT		TESTIMONY	DATE ADDED AFTER
						OCTOBER, 2013
Roark v. City of Las Vegas	CV-S-05-0913- LRH-GWF	United States District Court, NV	Plaintiff	Patti & Sgro	Deposition	Damages
Roberts v. Tsitouras	A463161	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Robinson v. Marcus	A431887	8 <sup>th</sup> Judicial District	Plaintiff	Leslie M. Stovall, Esq.	Deposition	Damages
Rodolff, Patricia v. Mandalay Corporation	08A559247	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet Cottle	Deposition	Damages
Rodriguez, Carlos v. Gandhi, Atul	A-13-684718-C	8 <sup>th</sup> Judicial District	Defendant	Eglet Law	Deposition	Damages, 08/10/2015
Romanoff v. Stewert and Sundell Concrete	A442848	8 <sup>th</sup> Judicial District	Defendant	Scott B Van Alfen, Esq.	Deposition	Damages
Romero, Amy v. Schultz, Jeffrey et. al.	2:10-cv-01081- GMN-GWF	United States District Court of Nevada	Plaintiff	David Francis Law Firm	Deposition	Damages
Ron, Norma v. Harris Las Vegas Propco, LLC	A-13-679512-C	8 <sup>th</sup> Judicial District	Plaintiff	Jonathan Remmel	Deposition	Damages
Ros v. Washington Group International	A510787	8 <sup>th</sup> Judicial District	Plaintiff	Bryan Lewis, Esq.	Deposition	Damages
Rosman v. Coast Hotels	A478674	8 <sup>th</sup> Judicial District	Plaintiff		Deposition	Damages
Roth v. Bayerisdie Motoren Werjke	A453810	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle, Esq.	Deposition	Damages
Rothstein, Joey v. McCracken, Megan	A539898	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Ruisi, Jesica v. Nakatani America & Co.	A-12-660916-C	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle	Trial	Damages
Ruiz, Nestor v. Pearson, Paula	A571755	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Ryan, Bonnie v. Venetian Casino resort, LLC	A-12-668099-C	8 <sup>th</sup> Judicial District	Plaintiff	Sean Claggett	Deposition	Damages, 01/15/2015
Ryan, Shawn V. Smith, David	A-16-+733277-C	8 <sup>Th</sup> Judicial Dstrict	Plaintiff	Richard Harris Law Firm	Deposition	Damages, 06/19/2017
Salinas, Tyrin v. Donahue Schriber Realty Group	A547417	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Stovall	Deposition, Trial	Damages
Saari, Tina v. Mandalay Corporation	A-13-681141-C	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 02/18/2016
Sanchez, Breda v. Burton, Michael	A576002	8 <sup>th</sup> Judicial District	Plaintiff	Arin & Associates	Deposition	Damages
Sandoval v. Michaels	A460033	8 <sup>th</sup> Judicial District	Plaintiff	McKnight	Deposition	Damages
San Juan, et. al. v. Walter Gonzalez	02-CV-0238		Plaintiff	Callister & Reynolds	Deposition	Damages
Santana, Carmen v. Mettke, Russell	A525355	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Sardutti, Carmine v. Stone, Maurice	A570959	8 <sup>th</sup> Judicial District	Plaintiff	Brian Harris	Deposition	Damages
Satterfield, Elaine vs. Solheim, Karev	A540836	8 <sup>th</sup> Judicial District	Plainitff	G. Dallas Horton/Fujii	Deposition	Damages
Saucedo v. Continental Currency of Nevada	A441546	8 <sup>th</sup> Judicial District	Plainitff	Daniel S. Simon, Esq.	Deposition	Damages
Saunders v. Harsco Corporation	CV-S-04-0956- JCM-LRL	United States District Court NV	Plaintiff	Imanuel Arin, Esq.	Deposition	Damages
Savannah Gibbs v. Joseph Edwards, MD	A462421	8 <sup>th</sup> Judicial District	Plaintiff	Todd L. Moody, Esq.	Deposition	Damages
Scacco v. Vistana Condo Owners Assoc. Inc.	A500541	8 <sup>th</sup> Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages
Scarlett v. Stoffler	A466843	8 <sup>th</sup> Judicial District	Plaintiff	Robert Vannah, Esq.	Deposition	Damages
Scarpati, Bertha v. Fabulous Freddy's Car Wash	A548601	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Schulz, Margery v. Young, Jonathan	A544760	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damage
Schultz, Elizabeth v. Desert Cab, Inc.	A-14-708180-C	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 05/25/2016
Schwab v. Sokoloff	A507596	8 <sup>th</sup> Judicial District	Plaintiff	Stokes/Josh Harris	Deposition	Damages

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CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER OCTOBER, 2013
Scott, Kevin v.		8 <sup>th</sup> Judicial District	Plaintiff	Stovall	Deposition	Damages
Selden v. Bellagio	A434516	8 <sup>th</sup> Judicial District	Plaintiff	David Churchill, Esq.	Deposition	Damages
Semel, David A. v. Gutierrez, Luz, et. al.	A-10-607814-C	8 <sup>th</sup> Judicial District	Plaintiff	Richard Harris	Deposition	Damages
Semeta, Sally v. Martin-Paris, Sadie	A-13-689228-C	8 <sup>th</sup> Judicial District	Plaintiff	Harris & Harris	Deposition	Damages, 05/31/2016
Shank v. Gardner	A570958	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Sharretts v. Schuelke	A415610	8 <sup>th</sup> Judicial District	Plaintiff	Matthew Callister, Esq.	Deposition	Damages
Sheppard, Bane	A-12-661062-C	8 <sup>th</sup> Judicial District	Plaintiff	Stovall & Associates	Deposition	Damages. February 10, 2015
Sheppard, Richard v. Axce Cab, Inc. et. al.	A562760	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Silva, Yesenia v. Gonzalez, Juan Jose	A-14-699604-C	8 <sup>th</sup> Judicial District	Plaintiff	Arin & Associates	Deposition	Damages, 11/17/2016
Silva v. Racol Automation	A427934	8 <sup>th</sup> Judicial District	Plaintiff	Michael Hagemeyer, Esq.	Deposition & Trial	Damages
Silvagni, Cindy	2:16-cv-00039- JCM-NJK	United States District Court, District of Nevada	Plaintiff	Bernstein & Poisson	Deposition	Damages, 10/04/2016
Silvia Rosales v. Jeffery W. Powell	A468956	8 <sup>th</sup> Judicial District	Plaintiff	Daniel S. Simon, Esq.	Deposition	Damages
Simon, Kim and Mark v. Traxxas Corp. et. al.	A578266	8 <sup>th</sup> Judicial District	Plaintiff	Mainor & Eglet	Deposition	Damages
Singer, Chicka v. Palms Restaurant of Las Vegas	A428394	8 <sup>th</sup> Judicial District	Plaintiff	Burris & Thomas	Trial	Damages
Singh, Shamila v. Goldberg, Steven	A-11-635017-C	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Trial	Damages
Sintes, Kimberly v. Sunrise Mountain View Hospital	A492274	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle	Deposition	Damages
Sirico v. California Hotel and Casino	A454148	8 <sup>th</sup> Judicial District	Plaintiff	Andrew J. Thomas, Esq.	Deposition	Damages
Slater,Bruce v. Sweeny, Corey	A559860	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Small v. Déjà Vu Showgirls	A511848	8 <sup>th</sup> Judicial District	Plaintiff	JURY IN PROGRESS ACCESS DENIED	Deposition	Damages
Smith, Alicia v. Wal Mart Stores, Inc.	A508273	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Smith, Bobby v. Coast Hotels and Casinos, Inc.	A-10-625626-C	8 <sup>th</sup> Judicial District	Plaintiff	Hawkins Melendrez, P.C.	Deposition	Damages 01/12/2015
Smith v. Marcelo	A461231	8 <sup>th</sup> Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition & Trial	Damages
Smith, Emmitt v. Alamo Rent-A-Car	A476774	8 <sup>th</sup> Judicial District	Plaintiff	Chad Bowers	Trial	Damages
Sonetti v. Rocha	A487909	8 <sup>th</sup> Judicial District	Plaintiff	Paul D. Powell, Esq.	Deposition	Damages
Songer, Robert v. PHC-Elko, et. al.	CV-C-11-734	4 <sup>th</sup> Judicial District	Plaintiff	John Echeverria	Deposition	Damages, April 11, 2014
Southern Wine & Spirits of America, Inc v. Chateau Vegas Wine, Inc.	A460811	8 <sup>th</sup> Judicial District	Defendant	Matthew Callister, Duane Frizell	Deposition, twice	Damages
Spahic v. Rossi	A438297	8 <sup>th</sup> Judicial District	Plaintiff	Craig Perry, Esq.	Deposition	Damages
Spear v. Manos	A562763	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
St. John v. Shirley, Brian	A540492	8 <sup>th</sup> Judicial District	Plaintiff	Fassett	Trial	Damages
Staci Howard v. Dr. Conte, Green Valley Pediatrics	A404089	8 <sup>th</sup> Judicial District	Plaintiff	Sherman Mayor, Esq.	Deposition & Trial	Damages
Stafford, Amity v. New Albertson's, Inc.	2:11-cv-00437- PMP-RJJ	8 <sup>th</sup> Judicial District	Plaintiff	Jonathan Remmel	Deposition	Damages
Stake v. Shac, LLC.	A471174	8 <sup>th</sup> Judicial District	Defendant	Greenberg Traurig	Deposition	Damages
Standley, Christopher v. Muneton, Fernando, et. al.	A539062	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages

CASE NAME	CASE	JURISDICTION	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
	NUMBER		DEFENDANT		TESTIMONY	DATE ADDED AFTER
	TONIBLE					OCTOBER, 2013
State of Nevada v. The Alexander Gendall and Lily Gendall Trust	A-12-666487-C	8 <sup>th</sup> Judicial District	Defendant	Kermit Waters	Deposition	Damages
State of Nevada v. K&L Dirt Company, LC	A-12-666050-C	8Ty Judicial District	Defendant	Kermit Waters	Deposition	Damages, 04/15/2016
Stedeford, Ruth Ann v. Wal-Mart Stores, nc.	2:14-cv-01429- JAD-PAL	United States District Court District of Nevada	Plaintiff	Jarod Anderson	Deposition	Damages
Stein, Maryna v. Marshalls of MA, Inc. et. al	2:11-cv-01353- GMN-UCM	United States District Court District of Nevada	Plaintiff	Gazda & Tadayon	Deposition	Damages
Stephan, Howard v. Nevada Yellow Cab Corp.	A533771	8 <sup>th</sup> Judicial District	Plaintiff	Churchill	Deposition	Damages
Steve Ptak v. American Drug Stores, Inc.	A388003	8 <sup>th</sup> Judicial District	Plaintiff	Jerome DePalma, Esq.	Deposition	Damages
Storlie , Richard v. State Farm Insurance Co,	A-09-599174	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Mark Stovall	Deposition	Damages
Streat, Robert v. Workman, Michael et. al.	A579338	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Striegel, Alexandrea v. Gross, Rujak	A530938	8 <sup>th</sup> Judicial District	Plaintiff	Kristine Jensen	Deposition	Damages
Strong v. Hayward Pool Products	A479871	8th Judicial District	Plaintiff	Robert W. Cottle, Esq.	Deposition	Damages
Stuart v. Pennington	A430317	8th Judicial District	Plaintiff	Albert Massi, Esq.	Deposition	Damages
Sturtze, David v. Simkins, Steven	A-12-658178-C	8th Judicial District	Plaintiff	Ruth Cohen	Deposition	Damages
Scabo, Christopher v. The Mirage Casino- Hotel	A509990	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Taylor, Marcel v. Jung, Chong Ki	A-11-638537-C	8th Judicial District	Plaintiff	Vammah & Vannah	Deposition	Damages
Taylor, Steven v. Kilroy, Robert J.	A580860	8 <sup>th</sup> Judicial District	Plaintiff	Harris law firm	Deposition	Damages
Taylor, William v. Brady, Alastair	A-12-661732-C	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition	Damages 07/09/2014
Taylor v. David Levy	A482780	8 <sup>th</sup> Judicial District	Plaintiff	F.K. Cawley, Esq.	Deposition	Damages
Tejada v. Frehner Construction Co.	A502211	8 <sup>th</sup> Judicial District	Plaintiff	Patti Wise, Esq.	Deposition	Damages
Tekle, Makele v. Tecosky-Feldman, et. al.	A-13-676961-C	8 <sup>th</sup> Judicial District	Plaintiff	Greenman, Goldberg, Raby & Martinez	Deposition Trial, 04,18,2016	Damages, 02/01/2016
Templeton v. Niemeyer	A442247	8 <sup>th</sup> Judicial District	Plaintiff	Peter Christiansen	Trial	Damages
Teng, Vitus v. Sodexo	A500871	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet, Cottle	Deposition	Damages
Thedford, Karon v. Wal-Mart Stores, Inc.	2:09-cv-00294- LDG-PAL	U.S. District Court, District of Nevada	Plaintiff	Paul Powell	Deposition	Damages
Thielman v. Wal-Mart	2:07-cv-00721- BES-PAL	U.S. District Court, District of Nevada	Plaintiff	Peter Christiansen	Deposition	Damages
Thomas, George and Wright, Lora v. Hornbuckle, Robert	A-11-652765-C	8 <sup>th</sup> Judicial District	Plaintiff	Thomas Christiansen	Deposition	Damages
Thomas, Steven v. Luna, Tirso	VC062409	Superior Court of California Dept. 91	Plaintiff	Harris & Harris	Deposition	DFamages, 02/08/2016
Thompson, Eric v. Mihaere et. al	A503595	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Thompson, Herni v. American Family Insurance	2:09-cv-00905- JCM-Rjj	United States District Court District of Nevada	Plaintiff	Parker Nelson law firm	Deposition	Damages

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER
						OCTOBER, 2013
Thompson v. Kutcher	A434134	8 <sup>th</sup> Judicial District	Plaintiff	Matthew Vannah, Esq.	Deposition	Damages
Thunderburk, Nattie v.	A500393	8 <sup>th</sup> Judicial District	Plaintiff	Brandon Barkhuff	Trial	Damages
Thurber, Roland v. Yamaha Motor Corp	A512345	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell	Deposition	Damages
Tillman v. Wright	A461102	8 <sup>th</sup> Judicial District	Plaintiff	Lawrence Springberg, Esq.	Deposition	Damages
Todd, Laurie v. Jean development Co. et. al.	A-12-656996-C	8 <sup>th</sup> Judicial District	Plaintiff	William Brenske	Deposition, May 1, 2014	
Toenyes v. Howard	A494349	8 <sup>th</sup> Judicial District	Plaintiff	Bruce Tingey, Esq.	Deposition	Damages
Toomin v. Royal and Sun Alliance	A444688	8 <sup>th</sup> Judicial District	Defendant	Janice H. Jensen, Esq.	Deposition	Damages
Traylor, Onice v. Kohl's Department Store,	2:09-cv-01073-		U.S. District Court of	Leslie Stovall	Deposition	Damages
Inc.	HDM-LRL		Nevada		-	-
Treick Phillip v. St. Judes Ranch for Children	A493499	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Tronox, Inc et. al. v. Anadarko Petroleum Corporation and Kerr-McGee Corporation	09-10156 (ALG)	United States Bankruptcy Court, Southern District of New York	Defendant	Weil, Gotshal & Manges, LLP 767 Fifth Ave., New York, NY	Deposition	real estate trends in Las Vegas
Turnbull, Chester v. Burke, Lawrence et. al.	2:09-cv-4-PMP-RJJ	United States District Court, District of Nevada	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Tzvetanova, Anna v. Wal-Mart Stores	2:12-cv-0209-RJC- CWH	United States District Court District of Nevada	Plaintiff	Robert Cottle	Deposition	Damages
United States of America v. the State of Nevada and Office of State Controller	3:09-cv-00314	United States District Court, District of Nevada	Plaintiff	John Buchko	Deposition	Damages
Uppleger v. Farmer	A453916	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Urmanski, Vincent v. Yamaha Motor Corporation	A-14-709850-C	8 <sup>th</sup> Judicial District	Plaintiff	Martin A. Little	Deposition	Damages, 06/07/2017
Uyehara, Desiree v. Medellin, Victor	A534635	8 <sup>th</sup> Judicial District	Plaintiff	Vannah & Vannah	Deposition	Damages
Valent, Andrew v. Afifi, Hazem	A530745	8 <sup>th</sup> Judicial District	Plaintiff	William Brenske	Deposition	Damages
Van Horn v. U.S.F. Fabrication, Inc.	A446696	8 <sup>th</sup> Judicial District	Plaintiff	Laurence J. Smith, Esq.	Trial & Deposition	Damages
Van Horst v. Giron	A445421	8 <sup>th</sup> Judicial District	Plaintiff	Robert T. Eglet, Esq.	Deposition	Damages
Vance v. Gold River Casino	A382433	8 <sup>th</sup> Judicial District	Plaintiff	Michael A. Koning, Esq.	Deposition	Damages
Vaneta, Brandi v. Downer, Jon	A690393	8 <sup>th</sup> Judicial District	Plaintiff	Craig Drummond	Deposition, trial	Damages 07/24/2015, 05,11,2016
Van Santen, Robert F. v. Van Santen, Robert J.	A485792	8 <sup>th</sup> Judicial District	Plaintiff	Kent Larsen	Deposition	Damages
Van Wagner, Jacqueline v. Premier	A562158	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Exhibitions						
Variale v. Diffen	A432577	8 <sup>th</sup> Judicial District	Plaintiff	James Christensen, Esq.	Dep. & Trial	Damages
Vasquez-Campos v. Abdulla, Farooq	A529025	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Stovall	Deposition	Damages
Vazquez-Maestas v. Nichole Peterson, et. al.	A09-590224-C	8 <sup>th</sup> Judicial District	Plaintiff	Arin and Associates	Deposition	Damages
Vella, John v. Ahern Rentals, Inc. et. al.	A-11-635980-C	8 <sup>th</sup> Judicial District	Plaintiff	Peter Christiansen	Deposition	Damages
Vidrio-Michel, Christian, et. al. v. Rochell, Rickie Lee	A-12-665616-C	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Wall Christiansen	Deposition	Damages, 12/19/2013
Viedas, Rosa v. Plastic Express, Inc.	A577367	8 <sup>th</sup> Judicial District	Plaintiff	Tingey & Tingey	Deposition	Damages
Vigna, Victor v. Clark Jean, MD. Et. al.	A-12-671136-C	8 <sup>th</sup> Judicial District	Plaintiff	Clark Seegmiller	Deposition	Damages 06/24/2014
Villafuerte v. Daimler Chrysler	A431873	8 <sup>th</sup> Judicial District	Plaintiff	Ralph Schwartz, Esq.	Deposition	Damages

CACENAME	CACE	HIDIODIONION	DI AINIDIEE/	ATTODNEY	TYPE OF	DECCRIPTION
CASE NAME	CASE	JURISDICTION	PLAINTIFF/	ATTORNEY NAME	TYPE OF	DESCRIPTION,
	NUMBER		DEFENDANT		TESTIMONY	DATE ADDED AFTER
						OCTOBER, 2013
Villarreal, Americo v. Palomino, Patricia	A525285	8 <sup>th</sup> Judicial District	Plaintiff	Ganz & Hauf	Deposition	Damages
Vincent, Mary v. United Parcel Service	A561132	8 <sup>th</sup> Judicial District	Plaintiff	Karen Ross	Deposition, Trial	Damages
Vines, David v. Stratophere Gaming Inc.	A-10-630119-C	8 <sup>th</sup> Judicial District	Plaintiff	Robert Cottle	Deposition	Damages/11/20/2013
Visuwan, Jamie v. Circus Circus Casinos	A-14-694522-C	8 <sup>th</sup> Judicial District	Plaintiff	The702firm	Trial	Damages, 06/09/2016
Vitarelli v. Harrahs	A426735	8 <sup>th</sup> Judicial District	Plaintiff	Eugene White, Esq.	Deposition	Damages
Volungis, Ethan v. Abdulla, Farooq	A-14-702810-C	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Prince	Deposition, trial	Damages 03/16/2016, 05,04,2016
Von Unruh v. Ford Motor Co.	A455094	8th Judicial District	Plaintiff	Steven M. Baker, Esq.	Dep. & Trial	Damages
Vukovic, Aleksandra v. Glozman, David	A674421	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Law group	Trial	Damages. 03/26/2015
Walker v. Curry	A487148	8 <sup>th</sup> Judicial District	Plaintiff	Struckmeyer & Wilson	Deposition	Damages
Warmsley, Darrel v. Aesculap Company	2:07-CV-00812-	U.S. District Crt for	Plaintiff	Horton	Deposition	Damages
	LDG-LRL	Nevada			1	
Watkins, Christopher v. Ronald Phillips	A546833	8 <sup>th</sup> Judicial District	Plaintiff	Daniel Simon	Deposition	Damages
Watkins, Courtney v. Luchette, Richard	A-13-678440-C	8 <sup>th</sup> Judicial District	Plaintiff	Arin and Associates	Deposition	Damages, 08/14/2014
Weems, Frederic v. New Albertsons	A-11-652091-C	8 <sup>th</sup> Judicial District	Plaintiff	Peter Christiansen	Deposition	Damages, 09/08/2014
Weiss, Steve v. Smith, Larry D.	A-12-655334-C	8th Judicial District	Plaintiff	Vann bah & Vannah	Deposition	Damages
Welch, Lynn v. Larry Nelson	A437738	8th Judicial District	Plaintiff	Mainor Firm	Trial	Damages
Werner v. Tuvell	A520659	8th Judicial District	Plaintiff	Mills & Mills	Deposition	Damages
Westbrook, James v. Jacobson, Aaron	A-13-683999-C	8 <sup>th</sup> Judicial District	Plaintiff	Maier, Gutierrez & Ayon	Deposition, Trial	Damages 08/07/2014, 07/16/2015
Western Technologies, Inc. v. Anderson	A368873	8 <sup>th</sup> Judicial District	Plaintiff	Mark E. Trafton, Esq.	Trial	Damages
Weyrich, Evelyn v. Green Valley Ranch	A505126	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
White, Peter v. Rodrigues, Benjamin	A499947	8 <sup>th</sup> Judicial District	Plaintiff	Jensen (Christiansen)	Deposition	Damages
Whittacre, james v. Tait, Robert, M.D.	A14-696438-C	8 <sup>th</sup> Judicial District	Plaintiff	Cliff Marcek	Deposition	Damages, 01/26/2016
Wiley, Diane v. Varela-Breton	A527805	8 <sup>th</sup> Judicial District	Plaintiff	Arin	Deposition	Damages
William Upplegger v. Michael Farmer	A453916	8th Judicial District	Plaintiff	Robert T. Eglet, Esq.	Trial	Damages
Williams, Lisa v. Emanuel, Carlos	A581990	8th Judicial District	Plaintiff	Laurance Springberg	Deposition	Damages
Williams v. Gillin	A487670	8 <sup>th</sup> Judicial District	Plaintiff	Paul Powell, Esq.	Deposition	Damages
Williams, Robert Michael v. Cabigon, Mark	A-10-621281-C	8th Judicial District	Plaintiff	Richard Harris Law Firm	Deposition	Damages
Williamson, David and Sanders, Christie	A-11-638930-C	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Williams, Maria v. Golden Gate Casino, et. al.	A-11-639525-C	8 <sup>th</sup> Judicial District	Plaintiff	Richard Harris	Deposition	Damages, 05/26/2015
Williams, Randy v. Doutel, Stephen	A-10-618574-C	8 <sup>th</sup> Judicial District	Plaintiff	Kevin Hansen	Trail	Damages, 11/05/2015
Williams, Steven v. Fed Ex Corporate	2:13-cv-0037-TS	United Sates District	Plaintiff	Scott Cook	Deposition	Damages, 02/12,2015
Services		Court, District of Utah Central Division				
Wilson, Maurice v. Flamingo Paradise Gaming, LLC.	A-10-623718-C	8 <sup>th</sup> Judicial District	Plaintiff	Richard Harris Law Firm	Deposition	Damages
Wilson, Tony v. American Familty Mutual Insurance Co.	2:10-cv-02172- GMN-LRL	U.S. District Court, District of Nevada	Plaintiff	Vannah & Vannah	Deposition	Damages
Wilson v. Fayad	A449152	8 <sup>th</sup> Judicial District	Plaintiff	Lawrence Springberg, Esq.	Deposition, Trial	Damages
Wise, Roderick v. Southern Tier Express	2:15-cv-01219-	U.S. District Court	Plaintiff	Gutierrez, Maier, Ayon	Deposition Deposition	Damages, 01/22/2016

CASE NAME	CASE NUMBER	JURISDICTION	PLAINTIFF/ DEFENDANT	ATTORNEY NAME	TYPE OF TESTIMONY	DESCRIPTION, DATE ADDED AFTER
						OCTOBER, 2013
	APG-PAL	District of Nevada				
Witherspoon, Todd v. Gebremedhin, Samson	A572280	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Wood, Ron v. Canyon gate at Las vegas, Inc.	A-15-719522-C	8 <sup>th</sup> Judicial District	Plaintiff	Eglet Prince	Deposition	Damages, 01/17/2017
Woodcock, Danny v. MGM Grand Hotel	A-13-684385-C	8 <sup>th</sup> Judicial District	Plaintiff	Arin & Associates	Deposition	Damages, 05/24/2016
World Market Center Venture, LLC v.	2:08-cv-00968-	U.S. District Court, District	Plaintiff	Greenberg and Traurig	Deposition	Damages
Strickland, Ellen et. al	RLH-(RJJ)	of Nevada				
Wonders v. Douglas	A451562	8 <sup>th</sup> Judicial District	Plaintiff	Xavier Gonzales, Esq.	Deposition & Trial	Damages
Wright, Brogan v. Watkins & Shepard	2:11-cv-01575-	United States District	Plaintiff	Frank Perez	Trial	Damages, June 8, 2016
Trucking, et. al.	LRH-GWF	Court, District of Nevada				
Wright, Diana v. Tschetter, Gloria	A590126	8 <sup>th</sup> Judicial District	Plaintiff	Adam Smith (Lerner)	Deposition	Damages
Wright, Lawrence v. Githarii, et. al.	A-1164881	8 <sup>th</sup> Judicial District	Plaintiff	Glen Lerner	Deposition	Damages
Wyrick, Steve v. Pyritz Pyrotechnic Group	09-A-595962-C	8 <sup>th</sup> Judicial District	Plaintiff	Ralph Schwartz	Deposition	Damages
Yalenkatian, Raffi v. Singh, Rajeev	A699177	8 <sup>th</sup> Judicial District	Plaintiff	Johnatan Hicks	Deposition	Damages, 08/18/2015
Yeung v. Roberts	A488783	8 <sup>th</sup> Judicial District	Plaintiff	Robert Ebinger, Esq.	Deposition	Damages
Zaczek, Joe v. Masse, Jason	A504814	8 <sup>th</sup> Judicial District	Plaintiff	Mainor, Eglet & Cottle	Deposition	Damages
Zambrano, Felicitas v. Cardenas Markets	2:16-cv-1695	U.S. District Court of Nevada	Plaintiff	Eglet Prince	Deposition	Damages, 02/03/2017
Zawalski v. Campbell	A510459	8 <sup>th</sup> Judicial District	Plaintiff	G. Dallas Horton	Deposition	Damages
Zellars v. Zuniga	A426355	8 <sup>th</sup> Judicial District	Plaintiff	Leslie Stovall, Esq.	Deposition	Damages
Zimmerman v. Ford Motor Co	A448318	8 <sup>th</sup> Judicial District	Plaintiff	Robert W. Cottle, Esq.	Deposition	Damages

### Terrence M. Clauretie, PH.D., C.P.A. (Retired CPA)

Professor Emeritus, University of Nevada Las Vegas

217 Palmetto Pointe Dr. Henderson, NV. 89012 Phone: 702.813.9383 • Mike.Clauretie@unlv.edu

### **INVOICE**

Date: July 14, 2017

**Attorney: LEON GREENBERG** 

Case: Murray v. A Cab Co.

Activity: Report on Review of Calculation of Damages

Rate: \$350/HR.

Time: Eighteen hours

Amount: \$6,300

### Please remit payment to:

Terrence M. Clauretie, PH.D 217 Palmetto Pointe Dr. Henderson, NV. 89012

Tax ID# 087 36 6072

1 LEON GREENBERG, ESO. Nevada Bar No.: 8094 2 DANA SNIEGOCKI, ESQ. Nevada Bar No.: 11715 3 Leon Greenberg Professional Corporation 2965 South Jones Boulevard - Suite E-3 4 Las Vegas, Nevada 89146 (702) 383-6085 5 (702) 385-1827(fax) leongreenberg@overtimelaw.com 6 dana@overtimelaw.com Attorneys for Plaintiffs 7 8 DISTRICT COURT 9 CLARK COUNTY, NEVADA 10 Case No.: A-12-669926-C MICHAEL MURRAY and 11 MICHAEL RENO, individually and on behalf of all others similarly DEPT.: I 12 situated. 13 Plaintiffs. 14 VS. DECLARATION OF CHARLES BASS 15 A CAB TAXI SERVICE LLC, A CAB, LLC, and CREIGHTON J. 16 NADY. Defendants. 17 18 Charles Bass hereby affirms, under penalty of perjury, that: 19 20 I am self-employed as a computer systems and software consultant. I have 21 over 30 years of experience in working with computer spreadsheets and databases 22 including Microsoft Excel software. I have been asked by plaintiffs' counsel, Leon 23 24 Greenberg, to provide this declaration to detail certain information I used in the 25 creation of the "ACAB-ALL" and the "2013-2015 Payroll Analysis" Excel files that 26 are discussed in the expert report of Dr. Terrence M. Clauretie. I have read that report 27 28 and the portions of that report about my communications with Dr. Clauretie and the

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creation of the foregoing Excel files are correct and accurate.

- 2. I offer this declaration to detail the information used to determine the "insurance qualification" and "insurance premium" conditions that are part of the foregoing Excel files and discussed in Dr. Clauretie's report.
- 3. For the "insurance qualification" date (Column "F" in the ACAB-ALL Excel file), discussed in Dr. Clauretie's report, I used a "hire date" for each taxi driver contained in a list given to me by plaintiffs' counsel. That list is attached to this declaration at Ex. "A." I took that "hire date" and then calculated a waiting period date, which was either 60 days, 90 days, or one year following that hire date, and a "Qualification Date" based upon that waiting period. That waiting period was one year if the hire date was prior to June 1, 2011, 60 days if the hire date was from June 1, 2011 to May 31, 2012, 90 days if the hire date was from June 1, 2012 to May 31, 2014 and 60 days if the hire date was on or after June 1, 2014. I then added that waiting period to the "hire date" and used the first date of the next month as the "Qualification Date." In making that foregoing determination of Qualification Date I also used the most favorable to qualification assumption when a waiting period changed. For example, an employee hired on May 1, 2011 would have a 60 day waiting period applied, because the waiting period changed to 60 days on June 1, 2011 even though a one year waiting period was being used when he was hired on May 1, 2011.

4. For the "insurance premium condition" discussed in Dr. Clauretie's report the following amounts (insurance premium cost to be paid by the employee) were used in the formulas in the two foregoing Excel files to determine if the insurance premium cost for employee only coverage exceeded 10% of the wages earned for the pay period:

For the period June 1, 2010 to May 31, 2011: \$25.40 per pay period;

For the period June 1, 2011 to May 31, 2012: \$29.71 per pay period;

For the period June 1, 2012 to May 31, 2013: \$49.21 per pay period;

For the period June 1, 2013 to May 31, 2014: \$39.32 per pay period;

For the period June 1, 2014 to May 31, 2015: \$42.11 per pay period;

For the period after May 31, 2015: \$43.00 per pay period.

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

Affirmed this Pay of July, 2017

Charles M. Bass

### Terrence M. Clauretie, PH.D., C.P.A. (Retired CPA)

Professor Emeritus, University of Nevada Las Vegas

217 Palmetto Ponte Dr. Henderson, NV 89012 Phone: 702.813.9383 • Mike.Clauretie@unlv.edu

### **FEE SCHEDULE**

Date: January 1, 2016

Non-testimony rate: \$350/HR.

Report: two-hour minimum

Testimony rate: \$450/HR.

**Deposition: two-hour minimum** 

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Professor Emeritus, University of Nevada Las Vegas

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#### Education

- Texas-Tech University 2007-2008 Coursework in Structured Settlements
- Shepherd State University 1977-1978 Non-Degree Program in Accounting C.P.A. 1979
- Washington State University -1965-1971 Ph.D in Economics
- Stonehill College 1961-1965 B.A. in Economics

### **Teaching Experience**

University of Nevada Las Vegas, Las Vegas, Nevada 89154
 Emeritus Professor of Economics – July 2011 to Present

Professor - 1988 to June 2011

Taught undergraduate courses in Finance, Principles of Managerial Finance, Intermediate Managerial Finance, Real Estate Finance, and Investments. Taught graduate courses in Problems in Business Finance

• Louisiana University at Shreveport, Shreveport, Louisiana 71116

Professor - 1985-1988

Associate Professor – 1981-1985

Taught undergraduate courses in Economics, Money and Banking, Real Estate, Financial Management, Investments, Capital Budgeting, and Statistics. Taught graduate courses in Financial Management.

• Shepherd State University, Shepherdstown, West Virginia, 25443

Associate Professor 1977-1981

Assistant Professor 1972-1977

Taught undergraduate courses in Economics and Business Administration, with an emphasis on the quantitative disciplines.

• Marshall University, Huntington, West Virginia 25701

Assistant Professor – 1971-1972

Taught undergraduate and graduate courses in Economics, with an emphasis on Money and Banking and on Monetary Theory

Washington State University, Pullman, Washington 99163
 Teaching Assistant, 1965 - 1970

#### Research

#### Dissertation:

"Monetary Growth Rates, the Business Demand for Funds, and the Residential Mortgage Market: A Sectoral Econometric Study." Received an award for outstanding dissertations at the Eastern Finance Association Meeting, April, 1973.

#### Articles: (Chronological)

- 1. "Interest Rates, the Business Demand for Funds, and the Residential Mortgage Market: A Sectoral Econometric Study," <u>Journal of Finance</u>, December, 1973.
- 2. "Interest Rates and the Sectoral Behavior of the Residential Mortgage Market: A Theoretical Model," <u>Southern Economic Journal</u>, July, 1974.
- 3. "Factors Affecting Student Performance in Principles of Economics," <u>Journal of Economic Education, Spring</u>, 1975, co-authored with E.J. Johnson.
- 4. "Why do GNMA's Yield More Than Treasuries?" Journal of Portfolio Management, Spring, 1982.
- 5. "How Much is an Assumable Loan Worth?" Real Estate Review, Fall, 1982.
- 6. "Breakeven Point in Mortgage Buybacks," Mortgage Banking, August, 1982.
- 7. "Participant Behavior in Sweepstakes Contests," Mid South Journal of Economics, (refereed section), Summer, 1982, co-authored with Melvin W. Harju.
- 8. "Safe' Mortgage Buybacks: Look Again," Mortgage Banking, January, 1983.
- 9. The Value of Real Property Attached by Creative Financing," <u>Appraisal Review Journal</u>, January, 1983.
- 10. "BASIC Program for Valuation of Assumable Low-rate Loans," Appraisal Journal, January, 1983.
- 11. "The Selection of Deans: Schools of Business at American Colleges and Universities," Proceedings of the Southwest AIDS, March, 1983.
- 12. "Expropriation Under Louisiana Law: Compensation to the Full Extent of the Loss," The Louisiana Bar Journal, April, 1983, co-authored with Melvin W. Harju.
- 13. "Do Single-Family House Prices Always Reflect the Value of Creative Financing?" <u>Appraisal Review Journal, Vol.</u> 6, No. 2, Fall, 1983.
- 14. "Interest Rates: Lending and Consequences," Mortgage Banking, September, 1983.
- 15. "Tax Rulings Affect Alternative Mortgage Instruments," <u>Financial Planner</u>, August, 1983, co-authored with John Marts.
- 16. "Recent Tax Rulings on AMI's," Journal of Accountancy, January, 1984, co-authored with John Marts.
- 17. "A Note on the Bias in House Price Capitalization Models," <u>Journal of the American Real Estate & Urban Economics Association</u>, Winter, 1983.
- 18. "New Directions in Eminent Domain: The Emerging Issue of Enhancement," <u>The Appraisal Journal</u>, April, 1984, co-authored with Melvin W. Harju.
- 19. "Alternative Mortgages Have Hidden Costs,", Real Estate Review, Spring, 1984, co-authored with John Marts.
- 20. "Mortgage Market's New World," Mortgage Banking, (special issue), June, 1984.
- 21. "The Effect of Liquidity, Regulations and Taxes on the Portfolio Decision of Financial Institutions," <u>Midsouth</u> Journal of Economics (refereed section), June, 1984.
- 22. "Taxes, Negative Amortization, and the Duration of Graduated Payment Mortgages: Implications for Interest Rate Risk,", <u>Midsouth Journal of Economics</u> (refereed section), September, 1984.

- 23. "Capitalization of Seller-Supplied Financing: Implications for Assessment,", <u>Property Tax Journal.</u> December, 1984.
- 24. "The Impact of Credit Watch on Equity Returns and Bond Prices", <u>Journal of Financial Research</u>, Spring, 1985, co-authored with James Wansley.
- "New Opportunities for Collegiate Real Estate Programs," <u>Journal of Real Estate Education</u>, Winter/ Spring, 1985.
- 26. "The Auditor's Use of Real Estate Appraisal Reports," Real Estate Appraiser and Analyst, Winter, 1984, coauthored with R. Steve McDuffie.
- 27. "What the Review Appraiser Should Know About Generally Accepted Auditing Standards," <u>Appraisal Review Journal, Winter</u>, 1985, co-authored with R. Steve McDuffie.
- 28. "Designing ARMS for Interest Rate Uncertainty," Mortgage Banking, May, 1985.
- 29. "The Impact of New Auditing Guidelines on the Appraisal Profession: Results of a Survey of Institute Members," Appraisal Journal, October, 1985, co-authored with R. Steve McDuffie.
- 30. "ARMs Investments: Variance and Returns," Mortgage Banking, November, 1985.
- 31. "Comment on the Below-Market Financing Premium: The Buyer's Viewpoint," <u>Property Tax Journal</u>, December, 1985.
- 32. "The Impact of Bond Issues on Housing Markets," <u>Housing Finance Review</u>, 1986, co-authored with C.F. Sirmans and Paul Merkle.
- 33. "Pricing Adjustable Rate Mortgages: A Review of Recent Findings," Real Estate Finance Journal, Spring, 1986.
- 34. "The Expanding Concept of Just Compensation and the Role of the Appraiser," <u>Journal of the American Real Estate and Urban Economics Association</u>, Summer, 1986, co-authored with Mel Harju.
- 35. "Terms of Financing and Residential Property Prices: Views of Appraisers," Real Estate Appraiser and Analyst, Fall, 1986, co-authored with Douglas S. Bible.
- 36. "Cash Equivalency: Appraiser's Views and Applications," The Appraisal Journal, January, 1987.
- 37. "How Appraisers Have Responded to R41b Cash Equivalency," <u>The Appraisal Review</u>, Vol. 33, 1987, co-authored with Douglas S. Bible.
- 38. "The Impact of Interstate Foreclosure Cost Differences and the Value of Mortgages on Default Rates," <u>Journal of the American Real Estate and Urban Economics Association</u>, 1987.
- 39. "The Impact of Legal Costs on the Default-Foreclosure Process of Residential Mortgages: A Quantitative Analysis," <u>American Business Law Journal</u>, co-authored with Robert Aalberts, Winter, 1988.
- 40. "Microeconomic Theory of Leasehold Takings: An Analysis of Eminent Domain Applied to Leasehold Condemnation," <u>Midsouth Journal of Economics and Finance</u>, 1988, co-authored with Robert Aalberts and Clarence Adams.
- 41. "Empirical Evidence on the Interstate Differences in Foreclosure Rates: Would the Uniform Land Transactions Act Help?" Federal Home Loan Bank Board, Research Paper #135, February, 1988.
- 42. "Regional Economic Diversification and Residential Mortgage Default Risk," <u>Journal of Real Estate Research, Spring,</u> 1988.

- 43. "Comment: Resolution of Incentive Conflicts in the Mortgage Industry," <u>Journal of Real Estate Finance and Economics</u>, 2: 1989.
- 44. "Analyzing Local Economic Conditions: An Added Responsibility for Appraisers?" <u>Journal of Real Estate Appraisal and Economics, Spring, 1989, co-authored with Robert Aalberts and Richard Hoyt.</u>
- 45. "Appraisal Regulation and Certification: Views of Appraisers," <u>The Appraisal Journal</u>, July, 1989, co-authored with Doug Bible and Marshall Grahm.
- 46. "How State Laws Affect Foreclosure Costs," <u>Secondary Mortgage Markets</u>, Spring, 1989, co-authored with Thomas Herzog.
- 47. "Weighing the Risk of Self-Insurance," Mortgage Banking, December, 1988, co-authored with Jack Corgel.
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- 1. Real Estate, John Wiley & Sons, 1992 with Larry Wofford.
- 2. Real Estate Finance: Theory and Practice, Thompson Learning, 2002, 2005, 2008, 2011, 2014 with G. Stacy Sirmans.
- 3. <u>Learning Real Estate Finance</u>, with G. Stacy Sirmans, Prentice-Hall, 2002
- 4. <u>Commercial real Estate Finance: An Introduction, Mortgage Bankers Association of America, 2004.</u>

#### **Other Professional Service**

- Editor, Real Estate Finance Journal, 1998-2000
- Member of Board of Editors, *Journal of Real Estate Research*, 1987 1988.
- Member of Board of Editors <u>Journal of Real Estate Finance and Economics.</u>
- Editorial Review Board Research in Real Estate Monograph Series, Volume III.
- Editor, Special Issue of Journal of Real Estate Research; Ten Year Anniversary of the American Real Estate Society.
- Referee for:
- 1. Journal of Real Estate Research.
- 2. American Real Estate and Urban Economic Association Journal.
- 3. Journal of Real Estate Finance and Economics.
- 4. Journal of Applied Business Research.
- 5. Financial Management
- President, American Real Estate Society, 1991-1992.

#### **Professional Associations (Past and Present)**

- American Economic Association
- American Real Estate and Urban Economic Association
- American Institute of Certified Public Accountants
- American Real Estate Society
- American Finance Association

#### **Recent Professional and Legal Seminars**

- Tax Issues in Wrongful Termination Cases, 2008 annual meetings of the Nevada Justice Association (formerly Nevada Trial Lawyers Association)
- 2012 annual meetings of the American Board of Vocational Experts, March 24, 2012, Las Vegas Nevada; The Effect of a Facial Disfigurement on Earning Capacity.
- Las Vegas Appraisal Institute, May 24, 2012, Regression Analysis for Appraisers

#### **Awards**

- College of Business, UNLV research award
- Citizen of the Year, Greater Las Vegas Association of Realtors, 1995.
- Lieder Award presented by the Lied Institute for Real Estate Studies; 2011
- Legacy Award, American real Estate Society, Best Paper in Journal of Real Estate Research, 2009-2011 with

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### Terrence M. Clauretie, PH.D., C.P.A (Retired CPA)

Nasser Daneshvary

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# EXHIBIT "C"

### DISTRICT COURT

### CLARK COUNTY, NEVADA

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

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

LLC

CREIGHTON NADY

Taken on November 22, 2016

At 9:41 a.m.

Evolve Downtown

400 South 4th Street, Suite 300

Las Vegas, Nevada 89101

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

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- 1 looking at the second of the two on this sheet ...
- A: I'm sorry?
- 3 Q: There are two pay stubs on the
- 4 first sheet of this document. You were reviewing the
- 5 bottom one and you were referring to the 22.81
- 6 number, which is at the intersection of minimum wage
- 7 subsidies, and QTYs referencing the hours. For
- 8 payroll purposes, for that payroll period, if we go
- 9 to the one at the top, the intersection of those two
- 10 are 57.08, which would indicate in that payroll
- 11 period 57.08 were the hours that Mr. Sergeant was
- 12 paid to have been working for payroll purposes by A
- 13 Cab?
- 14 A: Right. Correct.
- Q: Thank you.
- 16 A: Thank you for your help on that. I
- 17 sort of screwed it up.
- 18 Q: Now, Mr. Nady, do you have any
- 19 knowledge as to how A Cab in those two numbers, 57.08
- 20 and 22.81, arrived at those decimal amounts, the 0.08
- 21 or the 0.81 amounts?
- 22 A: I think it has to do with the
- 23 minutes that they had, most likely when they came in,
- 24 because his book had a pretty health \$135 below
- 25 minimum wage. He probably had a counseling with

Page 118

- 1 somebody to say, "Hey, your book is pretty lousy
- 2 here," so during that time we give him... we adjust his
- 3 time by a certain number of minutes. And how it
- 4 comes up with the seconds is we divide it somehow,
- 5 and I don't know what the formula is.
- 6 Q: Well, whoever was keeping track of
- 7 the time Mr. Sergeant was working for counseling or
- 8 whatever it may be is recording it in minutes,
- 9 correct?
- 10 A: Yes.
- 11 Q: And then those minutes are put into
- 12 a total hours amount like we see here on this page?
- 13 A: That would probably be 1/12 of a
- 14 minute... Let's see. 1/12 of an hour, so how much is
- 15 1/12 of an hour? It's divided by 6, so that would be
- 16 2 minutes or something or 12 minutes, understand?
- 17 Q: Well...
- 18 A: 08, I would imagine having seen
- 19 this before that it's 57.0833, which is .0833 equals
- 20 1/12, so 1/12 is five minutes. Do you understand
- 21 that?
- Q: Yes. Do you know if in fact these
- 23 numbers we've been discussing, the 57.08 and the
- 24 22.81 were rounded from a thousandths of a decimal?
- A: I didn't a thousandths from a

- 1 decimal. You're making some assumptions ...
- Q: No, I didn't say you said it. I'm
- 3 asking if you know...
- 4 A: I don't know if it's made from a
- 5 thousandths or not, but I can tell you that 0.08 is
- 6 1/12 and 1/12 of an hour is 5 minutes, so I would
- 7 imagine they gave him 5 minutes on that. Somewhere
- 8 along the line where we calculated his time, it ended
- 9 in five minutes.
- 10 Q: Is there a minimum interval that
- 11 whoever is recording the time for Mr. Sergeant uses,
- 12 a minimum of five minutes? Do they record one-minute
- 13 or two-minute intervals? Do you have any knowledge
- 14 as to how it's recorded?
- 15 A: Well, I think if we take the
- 16 minutes from the trip sheets and the minutes from the
- 17 counseling, we keep track of them.
- 18 Q: Well, the minutes from the trip
- 19 sheet are taken from, you stated, the time record,
- 20 correct, on the punches? So if I'd say 12:33...
- A: What's a punch?
- Q: Well, a timeclock, scan...
- 23 A: Timeclock, right.
- Q: So that would be to an exact
- 25 minute, 12:33, 10:37, whatever it might be?

- 1 A: Correct.
- Q: Okay. When time is also credited
- 3 to Mr. Sergeant here, for example for counseling as
- 4 you were hypothesizing about, how is that time
- 5 recorded? It's not recorded through looking at the
- 6 intervals between two timestamps as on the trip
- 7 sheets.
- 8 A: Right.
- 9 Q: Do you have any knowledge of how
- 10 that time is recorded?
- 11 A: Well, that... in this particular time
- 12 we only had five different classifications, so it
- 13 would simply be added to it.
- 14 Q: Right, but the person who is
- 15 reporting that time to have it added to his payroll
- 16 record, do they report it in minimum increments of
- 17 1/10 of an hour, 5 minutes...
- 18 A: I think the minimum was five
- 19 minutes, but I'm not sure. I thought it was six
- 20 minutes, to be honest with you. I thought they'd get
- 21 1/10 of an hour if they have to have counseling.
- Q: If we go to page 2 of... or actually
- 23 it would be page 3 of this document, which is
- 24 Sergeant 4 at the bottom, the number that has the
- 25 intersection of minimum wage subsidy and QTY has the

- 1 number 87.48. Do you see that?
- 2 A: Right.
- 3 Q: Which again would be the time that
- 4 A Cab recorded Mr. Sergeant was working for payroll
- 5 purposes...
- 6 A: Right.
- 7 Q: ... for this pay period? 0.48 of an
- 8 hour is 28.8 minutes.
- 9 A: Is it?
- 10 Q: Yes. Do you have any explanation
- 11 as to how he would arrive at 0.48 of an hour as
- 12 opposed to 0.4 or 0.5 of an hour?
- 13 A: Other than having different days
- 14 where they were different and the addition and
- 15 subtraction could've been inaccurate, but to answer
- 16 your questions, I don't know how that happened. But
- 17 it was input by someone at 48 it should've been 50,
- 18 most likely.
- 19 Q: Is information from Cab Manager
- 20 system ever used to record hours of work in
- 21 QuickBooks?
- 22 A: I don't think so.
- Q: Well, when you say you don't think
- 24 so, do you know that?
- A: I think you've asked this of me

- 1 three times in other depositions, and the same answer
- 2 I'll give you now is that I don't think so. If I
- 3 knew so, I would say no. If I thought yes, I would
- 4 say I think it is, but I don't think it is.
- 5 Q: Mr. Nady, if you can't answer that
- 6 you know, when you say, "I think so," you're going to
- 7 get another question from me, because your answer
- 8 really should be you don't know. So if you don't
- 9 know the answer to that question, you don't know. So
- 10 just again to be clear on the record, you don't know
- 11 if information from Cab Manager is ever used to
- 12 record time worked in QuickBooks. Is that correct?
- MS. RODRIGUEZ: Objection; misstates
- 14 his testimony. You can answer. I'm sorry if you
- 15 did. I missed your answer.
- 16 A: Could you ask the question again?
- 17 I'm sorry. I thought you were chastising me and I
- 18 stopped listening.
- 19 Q: Mr. Nady, do you know if
- 20 information from Cab Manager was ever used to record
- 21 working time in QuickBooks?
- 22 A: I don't know.
- Q: Does A Cab currently use a
- 24 timeclock system? By timeclock, Mr. Nady, I mean a
- 25 system whereby employees would each have a card or a

- 1 code that they would punch in to the system when they
- 2 start work each day and end work each day.
- 3 A: Yes, they have a timeclock.
- 4 Q: Is that timeclock system used for
- 5 taxi drivers?
- 6 A: No.
- Q: Is there any reason it's not used
- 8 for taxi drivers?
- 9 A: I never thought of it.
- 10 Q: It didn't occur to you after the
- 11 department of labor investigations that it might be
- 12 good to have taxi drivers use that timeclock system?
- 13 A: They have a timeclock system. They
- 14 punch in and punch out.
- Q: Well, I'm talking about the
- 16 timeclock you were just referring to that is used by
- 17 some employees but not taxi cab drivers at A Cab.
- 18 I'm referring to that timeclock system.
- 19 A: Yes.
- Q: Did it ever occur to you after the
- 21 department of labor investigation to extend use of
- 22 that timeclock system to the taxi drivers?
- A: And I've answered just about a
- 24 minute ago. I said no, because they already use a
- 25 timeclock. That's twice now. If you ask me again,

- 1 I'll wait.
- Q: And by timeclock in that answer,
- 3 Mr. Nady, you're referring to the record that is kept
- 4 on the trip sheets, correct?
- 5 A: I am. I think that's in
- 6 compliance, don't you?
- 7 Q: Now, Mr. Nady, the meters that are
- 8 in the taxi cab upload information into the Cab
- 9 Manager system, correct?
- 10 A: Yes.
- 11 Q: So it will tell A Cab's computer
- 12 system the amount of fares that were recorded on the
- 13 meter during their shift, correct?
- 14 A: That's correct.
- Q: Will it also record the individual
- 16 trips that were taken on the meter?
- 17 A: I don't know. I could say maybe,
- 18 but I don't know.
- 19 Q: Has A Cab ever considered having an
- 20 out-of-service recording feature to be available on
- 21 the taxi meters for the drivers?
- 22 A: I don't know if we have one or not.
- 23 I know that sounds bad, but I don't recall. I
- 24 haven't discussed it for so long. It might be on
- 25 there now, but I don't think so. It might... I think

- 1 preparing to work or gets ready, gets his cab ready,
- 2 until the moment he gets in and gets his work
- 3 completed, unless anytime when he specifically
- 4 reports that he has taken his cab for some personal
- 5 use or drives home or pulls into McDonald's or does
- 6 something that he reports on the trip sheet. We try
- 7 to pay them from the time they get there to the time
- 8 they leave.
- 9 Q: My question, Mr. Nady, was
- 10 different, which is, what is A Cab's understanding of
- 11 the kind of records it was required to keep of the
- 12 time the drivers were working as you've described?
- 13 And I understand A Cab indents to pay the drivers for
- 14 all of their working time, as you've described. My
- 15 question isn't whether A Cab was going to do that or
- 16 trying to do that; my question was, what records of
- 17 that working time did A Cab understand it needed to
- 18 keep?
- 19 A: Trip sheets.
- Q: Did it have any understanding as to
- 21 any other records that it needed to keep?
- A: Well, the trip sheets didn't
- 23 reflect when they came in and dinked around for 5
- 24 minutes or 10 minutes or when they come in and dinked
- 25 around for 5 minutes or took the stuff out of their

- 1 cab and put it in their car on the way in to start to
- 2 do their manipulation on the computer or the time it
- 3 took them to do the inspection, so we estimated that
- 4 time. We met with a good portion of drivers. We're
- 5 going to pay you six minutes for this and six minutes
- 6 for that, and then we raised it to eight minutes
- 7 about a few months later when we started timing it.
- 8 So what records do we keep? We keep records based on
- 9 when they start and then we just allow time for it.
- 10 That's the best we have. I don't think we can do it
- 11 any better. It's an honest effort to do so.
- 12 Q: Well, what you're describing is A
- 13 Cab has made and is making an effort to keep track of
- 14 the time the drivers are working. And ...
- 15 A: Thank you.
- 16 Q: Has A Cab ever consulted with
- 17 anyone about the specific form that those records
- 18 should take?
- 19 A: Can you give me an example of who
- 20 you think we might've talked with, because maybe you
- 21 can tell me who I might've talked with?
- Q: Mr. Nady, it's a question of
- 23 whether you have any knowledge of anyone at A Cab on
- 24 behalf of the company consulting with someone about
- 25 this issue.

1	Page 318 CERTIFICATE OF RECORDER
2	STATE OF NEVADA )
3	COUNTY OF CLARK )
4	NAME OF CASE: MICHAEL MURRAY VS A CAB TAXI SERVICE LL
5	I, Shaynelle McCalister, a duly commissioned
6	Notary Public, Clark County, State of Nevada, do hereby
7	certify: That I recorded the taking of the
8	deposition of the witness, Creighton Nady,
9	commencing on 11/22/2016.
10	That prior to being examined the witness was
11	duly sworn to testify to the truth.
12	I further certify that I am not a relative or
13	employee of an attorney or counsel of any of the
14	parties, nor a relative or employee of an attorney or
15	counsel involved in said action, nor a person
16	financially interested in the action.
17	IN WITNESS WHEREOF, I have hereunto set my
18	hand in my office in the County of Clark, State of
19	Nevada, this 11/22/2016.
20	May A Calistin
21	
22	Shaynelle McCalister Notary
23	
24	
25	

	Page 319
1	CERTIFICATE OF TRANSCRIPTION
2	STATE OF NEVADA )
3	COUNTY OF CLARK )
4	NAME OF CASE: MICHAEL MURRAY VS A CAB TAXI SERVICE LL
5	I, Peter Hellman, a duly commissioned
6	Notary Public, Clark County, State of Nevada, do hereby
7	certify: That I transcribed or supervised the transcription
8	of the Recorded deposition of the witness,
9	Creighton Nady,
10	commencing on 11/22/2016. The Transcription is a true
11	and accurate represetation of the testimony taken from
12	the witness, Creighton Nady.
13	I further certify that I am not a relative or
14	employee of an attorney or counsel of any of the
15	parties, nor a relative or employee of an attorney or
16	counsel involved in said action, nor a person
17	financially interested in the action.
18	IN WITNESS WHEREOF, I have hereunto set my
19	hand in my office in the County of Clark, State of
20	Nevada, this 11/22/2016.
21	
22	
23	Peter Hellman - Notary
24	
25	

```
1
                          DISTRICT COURT
 2
                       CLARK COUNTY, NEVADA
    MICHAEL MURRAY, and MICHAEL
    RENO, individually and on
    behalf of others similarly
     situated,
                                   ) CASE NO: A-12-669929-C
 5
 6
                Plaintiffs,
                                   ) DEPT NO: I
 7
      vs.
    A CAB TAXI SERVICE LLC, and
     A CAB, LLC,
 9
                Defendants.
10
11
12
13
                   DEPOSITION OF CREIGHTON NADY
14
                         LAS VEGAS, NEVADA
15
                     TUESDAY, AUGUST 18, 2015
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24
    REPORTED BY: BRITTANY J. CASTREJON, CCR NO. 926
25
    JOB NO.: 261171
```

1	Page 2 DEPOSITION OF CREIGHTON NADY, held at Litigation
2	Services, located at 3770 Howard Hughes Parkway, Suite
3	300, Las Vegas, Nevada, on Tuesday, August 18, 2015, at
4	11:13 a.m., before Brittany J. Castrejon, Certified
5	Court Reporter, in and for the State of Nevada.
6	
7	
8	APPEARANCES:
9	FOR THE PLAINTIFFS:
10	
11	LEON GREENBERG PROFESSIONAL CORPORATION
12	BY: LEON GREENBERG, ESQ.  DANA SNIEGOCKI, ESQ.
13	2965 South Jones Boulevard Suite E3
14	Las Vegas, Nevada 89146 702-383-6085
15	leongreenberg@overtimelaw.com dana@overtimelaw.com
16	
17	FOR THE DEFENDANTS:
18	RODRIGUEZ LAW OFFICES, P.C.
19	BY: ESTHER RODRIGUEZ, ESQ. 10161 Park Run Drive
20	Suite 150 Las Vegas, Nevada 89145
21	702-320-8401 info@rodriguezlaw.com
22	
23	
24	
25	

1	Q. And how are those pay stubs prepared?	02:22:1
2	A. Off of QuickBooks.	02:22:2
3	Q. So the information from QuickBooks is printed on	02:22:2
4	to the pay stub; correct?	02:22:2
5	A. Yep.	02:22:2
6	Q. And your testimony is that you please correct	02:22:3
7	me if I'm wrong that A Cab has preserved the paper	02:22:3
8	pay stubs	02:22:3
9	A. That's correct.	02:22:4
10	Q from 2010?	02:22:4
11	A. Yes, sir, we have.	02:22:4
12	Q. But you don't know if A Cab has produced the	02:22:4
13	QuickBooks files that those pay stubs were printed from	02:22:4
14	going back to the same period of 2010?	02:22:5
15	A. I don't think we have to, and I don't think we	02:22:5
16	did. Why would I keep those, that data?	02:22:5
17	Q. Well, could you tell me why the pay stubs, the	02:23:0
18	paper pay stubs, would be preserved but not the	02:23:0
19	QuickBooks data files?	02:23:0
20	A. Data files are deleted automatically, and we kept	02:23:10
21	the pay stubs because somebody sued us.	02:23:1
22	Q. Well, when you	02:23:18
23	A. Actually, we kept them in that particular time	02:23:1
24	period because we got a notice from the DOL. And then	02:23:2
25	after we got the DOL notice, we got your lovely letter.	02:23:2

1	Page 150 two tenths of an hour. So we gave him a buck 45 for his
2	time that he spent with somebody reviewing his trip
3	sheet. But we paid them while they were doing that.
4	Is that understand what I'm trying to say? So
5	yes. I'm just trying to explain before you ask me what
6	each one of these are.
7	Q. Now, each of the pieces of information that
8	appears at an intersection of a column and row on these
9	pay stubs, some of those intersections are blank, but
10	some of those intersections contain numbers.
11	You understand that?
12	A. Some are black?
13	Q. Some are blank, sir, and some contain numbers.
14	You understand that?
15	A. Yep.
16	Q. Okay. Now QuickBooks would be able to produce to
17	me in electronic form, to the extent that those files
18	were preserved, all of the numbers that appear at those
19	intersections; correct?
20	A. To the with that reservation or with that
21	caveat, yes.
22	Q. Are you familiar with QuickBooks' ability to
23	produce reports in Excel?
24	A. No.
25	Q. Now on this document at the top, it says QTY, and

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03:49:08

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Page 151 1 that intersects that column with the line minimum wage 2 subsidy. And the number 57.08 appears at that intersection. 3 4 Α. Right. 5 What does that number 57.08 refer to? Well, minimum wage subsidy is based on the fact 6 that our total number of his total wages were not 8 enough; that if we did his calculation based on the number of hours that he had, it was -- that his rate of 9 10 pay would have been 4.27 an hour. Wait a second. 11 me make sure of what I speak here. So we had to -- he 12 had 57.8 hours of hours, and we subsidized it from 4.27. So I think if you add those two together, and you 13 14 multiply one times the other, you get that. His 15 commission was -- wait a minute here. I'm going to 16 guess, so I don't want to do that right now. 17 so long. 18 0. I don't want you to guess, Mr. Nady. 19 All right. Then I don't know. 20 My question though was limited to the number that appears at that intersection of minimum wage subsidy in 21 22 QTY where it says 57.08. 23 Does that number refer to the number of hours 24 this person worked during a pay period? 25 I just said a minute ago. This will be twice Α.

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1	Page 152 now. I don't know. This is not a current paycheck, so
2	I don't know. But I will grant you this: I think it
3	has something to do with the number of hours, but it
4	might be something else.
5	Q. Well, just to be clear, Mr. Nady, you obviously
6	wouldn't know personally whether this individual worked
7	57.08 hours during the pay period discussed by that pay
8	stub.
9	My question, to you to be more precise, is
10	whether that 57.08 is the number that A Cab uses in
11	terms of its calculations for how many hours this person
12	worked during that pay period?
13	A. Here's one way to figure it out. If you take a
14	look at the current, the 4 or the 243.73 and divide
15	it by 4.27, you might get 57.08.
16	Q. And if those numbers do add up as you are
17	saying
18	A. Would you like me to try it?
19	Q. I will represent to you that they do, Mr. Nady.
20	A. What?
21	Q. I have done that calculation.
22	A. Oh.
23	Q. They do reach
24	A. There you go.
25	Q. They do reach that result that you've just
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Page 153 1 hypothesized. 2 Α. Well, thank you. Are you telling me that because it -- well, you 3 4 tell me. Go ahead what you're trying to get through from this observation. 5 6 I'm telling you that those two equal that we supplemented his wage by \$243.73 to the commissions that he earned that week in order for him to make minimum 8 9 wage. 10 Q. So --11 And -- go ahead. I'll stop. 12 So A Cab in making that calculation, has figured that this person worked 57.08 hours for that pay period? 13 14 Α. That's correct. 15 Now, on this pay stub as well you will see that there is an amount that says tips supplemental, and 16 17 further on down that same column, it says tips out. Both of those numbers are the same except one is 18 19 negative and one is positive. 20 Do you understand why those numbers appear that 21 way? Could you explain to me why they do? 22 Yes. Α. 23 And why do they appear that way? 24 We assume -- and we have a contract with the Α. 25 drivers or we did, whether we do now or not, I don't

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1	remember, but that they agreed to for us via an
2	agreement with the IRS that would absolve them from
3	audit if they if we inputted 5.5 percent of their
4	book as additional earned income.
5	So we add that in so that at the end of the day,
6	we have we have a total amount of 460.45 as for
7	calculating how much withholding tax we should withhold
8	from that.
9	So we base the withholding tax based on that, and
10	as you can see, the taxes below the federal withholding,
11	the Social Security, and the Medicare, those are taken
12	out.
13	So it would appear that within we took that
14	much taxes out and put them into his Medicare account on
15	his behalf, and from that we then we deducted the
16	amount that we added in as a calculation only because he
17	already got that from his tips, and he also paid a loan
18	of \$10.
19	So we reduced his pay by that amount, \$346.52.
20	In other words, I lent the guy ten bucks, which was nice
21	to get back.
22	Q. The pay stub version that you're looking at there
23	in Exhibit 3, that's the version that is currently used
24	by A Cab?
25	A. No.

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1	Page 271 STATE OF NEVADA )
2	) SS: COUNTY OF CLARK )
3	CERTIFICATE OF REPORTER
4	I, Brittany J. Castrejon, a Certified Court
5	Reporter licensed by the State of Nevada, do hereby
б	certify: That I reported the DEPOSITION OF CREIGHTON
7	NADY, on Tuesday, August 18, 2015, at 11:13 a.m.;
8	That prior to being deposed, the witness was duly
9	sworn by me to testify to the truth. That I thereafter
10	transcribed my said stenographic notes into written
11	form, and that the typewritten transcript is a complete,
12	true and accurate transcription of my said stenographic
13	notes. That the reading and signing of the transcript
14	was requested.
15	I further certify that I am not a relative,
16	employee or independent contractor of counsel or of any
17	of the parties involved in the proceeding; nor a person
18	financially interested in the proceeding; nor do I have
19	any other relationship that may reasonably cause my
20	impartiality to be question.
21	IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this
22	31st day of August, 2015.
23	J. monga
24	Brittany J. Castrejon, CCR NO. 926
25	

# **CERTIFICATE OF SERVICE**

I certify that on October 23, 2020 I served a copy of the foregoing RESPONDENTS'
APPENDIX upon all counsel of record by EFLEX seast which served all parties electronically.
Dated this 23 day of October, 2020

/s/*LEON GREENBERG* 

Leon Greenberg