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Elizabeth A. Brown  
Clerk of Supreme Court

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13 Attorneys for Plaintiffs

15 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
16 IN AND FOR THE COUNTY OF WASHOE

17 JEFF MYERS, Individually and on  
18 behalf of others similarly situated,

19 Plaintiffs,

20 vs.

21 RENO CAB COMPANY, INC.,

22 Defendant.

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Supreme Court No. 80448

Case No.: CV 15-01359

Dept.: 10

CASE APPEAL STATEMENT

24 1. Name of appellants filing this case appeal statement:

25 Plaintiff Jeff Myers.

26 2. Identify the judge issuing the decision, judgment, or order appealed from:

27 Honorable Elliott A. Sattler, Division D10  
28

1           3.     Identify each appellant and the name and address of counsel for each  
2                 appellant:

3           Jeff Myers. Represented by Leon Greenberg, 2965 South Jones Blvd- Suite E3,  
4 Las Vegas, Nevada 89146, (702) 383-6085

5           4.     Identify each respondent and the name and address of appellate counsel, if  
6                 known, for each respondent:

7           Respondent: Reno Cab Company, represented by Mark G. Simons, Esq.,  
8 Ricardo N. Cordova, Esq., Anthony Hall, Esq., Simons Hall Johnston PC, 6490 S.  
9 McCarran Blvd., Ste. F-46, Reno, NV 89509.

10          5.     Indicate whether any attorney identified above in response to question 3  
11 or 4 is not licensed to practice law in Nevada and, if so, whether the district court  
12 granted that attorney permission to appear under SCR 42 (attach a copy of any district  
13 court order granting such permission):

14          All are admitted to practice law in Nevada.

15          6.     Indicate whether appellant was represented by appointed or retained  
16                 counsel in the district court:

17          Appellants were represented by retained counsel.

18          7.     Indicate whether appellant is represented by appointed or retained counsel  
19                 on appeal:

20          Appellants are represented by retained counsel.

21          8.     Indicate whether appellant was granted leave to proceed in forma  
22                 pauperis, and the date of entry of the district court order granting such  
23                 leave:

24          Not applicable.

25          No. 9. Indicate the date the proceedings commenced in the district court (e.g.,  
26                 date complaint, indictment, information, or petition was filed):

27          *Myers v. Reno Cab* was commenced on January 21, 2015 in the District Court  
28 for the First Judicial District; The case subsequently transferred to the District Court

1 for the Second Judicial District and via an Order entered by that Court on January 3,  
2 2017 consolidated with *Shatz and Fratis v. Street* , Case No.: CV 15-01385 for all  
3 purposes except trial.

4 10. Provide a brief description of the nature of the action and result in the  
5 district court, including the type of judgment or order being appealed and the relief  
6 granted by the district court:

7 Both *Meyers* and *Shatz and Fratis v. Street* allege putative class claims under  
8 NRCP Rule 23 seeking unpaid minimum wages alleged to be owed to taxi cab driver  
9 employees of the defendants pursuant to Article 15, Section 16, of the Nevada  
10 Constitution (the Minimum Wage Amendment or “MWA”) and penalties pursuant to  
11 NRS 608.040 arising from the failure to pay such minimum wages. The district  
12 court’s Order of December 16, 2019 granted summary judgment to all defendants  
13 constituting a final judgment in the defendants’ favor by finding that none of the  
14 plaintiffs could make the claims asserted because, as a matter of law, they were not  
15 employees of any defendant. It arrived at that conclusion based upon the undisputed  
16 fact that each plaintiff entered into a lease agreement with the defendant to operate the  
17 taxicab that they drove, such lease agreement having been approved pursuant to NRS  
18 706.473 by the Nevada Transportation Authority. The district court found that such  
19 approval of that lease agreement rendered all of the plaintiffs, as a matter of law,  
20 independent contractors and not employees for the purposes of the MWA and NRS  
21 608.040.

22 11. Indicate whether the case has previously been the subject of an appeal to or  
23 original writ proceeding in the Supreme Court and, if so, the caption and Supreme  
24 Court docket number of the prior proceeding:

25 No prior appeal or writ proceeding has been taken in this case.

26 12. Indicate whether this appeal involves child custody or visitation:

27 The complaint does not involve child custody or visitation.  
28

1           13.    If this is a civil case, indicate whether this appeal involves the possibility  
2                   of settlement:

3           Based on the parties' prior communications, and their unsuccessful private  
4 mediation held in December of 2018 with Retired Judge Brent Adams, appellants do  
5 not believe settlement of the appeal is possible.

6  
7           **AFFIRMATION:** The undersigned does hereby affirm that the preceding  
8 document, Notice of Appeal, does not contain the personal information of any person.

9 Dated:       January 22, 2020

10 Submitted by

11                                   Leon Greenberg Professional Corporation

12                                   */s/ Leon Greenberg*

13                                   \_\_\_\_\_  
14                                   Leon Greenberg, Esq.  
15                                   LEON GREENBERG PROFESSIONAL  
16                                   CORPORATION  
17                                   Attorney for the Plaintiffs  
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Leon Greenberg Professional Corporation and that on this date I caused to be served a true copy of

CASE APPEAL STATEMENT

in this action by electronically filing the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

MARK G. SIMONS, ESQ.  
RICARDO N. CORDOVA, ESQ.  
SIMONS HALL JOHNSTON PC  
6490 S. McCarran Blvd., Ste. F-46  
Reno, NV 89509

Attorneys for Reno Cab Company, Inc. and  
Roy L. Street, dba Capital Cab

Dated: January 22, 2020

*/s/ Sydney Saucier*  
\_\_\_\_\_  
Sydney Saucier