

IN THE SUPREME COURT OF NEVADA

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

Petitioners,

vs.

The Eighth Judicial District Court of
the State of Nevada, in and for the
County of Clark, and The Honorable,
District Judge Carli Kierny

Respondents,

and

A CAB TAXI SERVICE LLC, A CAB
SERIES LLC formerly known as A
CAB, LLC, and CREIGHTON J.
NADY,

Real Parties in Interest

Sup. Ct. No.

Dist. Ct No.: A-12-069926-C

Dept.: 2

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Elizabeth A. Brown
Clerk of Supreme Court

**APPENDIX TO
PETITION FOR WRIT OF MANDAMUS
VOLUME I OF VI**

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PROFESSIONAL CORPORATION
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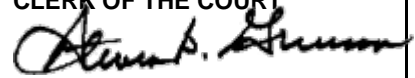
Doc. No.	Description	Vol.	Bates Nos.
1	Order Granting Summary Judgment, Severing Claims, and Directing Entry of Final Judgment filed August 21, 2018 with notice of entry	I	PA0001–PA0066
2	Order Denying Plaintiffs’ Motion to Allow Judgment Enforcement filed July 17, 2020 with notice of entry	I	PA0067–PA0073
3	Plaintiffs’ Motion for Appointment of a Receiver to Aid Judgment Enforcement or Alternative Relief filed December 30, 2020	I	PA0074–PA0200
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6	Opinion from The Supreme Court of Nevada in case number 77050 filed December 30, 2021	II	PA0332–PA0365
7	Remittitur issued by The Supreme Court of Nevada in case number 77050 filed February 4, 2022	II	PA0366–PA0367
8	Defendants’ Motion for Declaratory Order filed February 11, 2022	II-III	PA0368–PA0578
9	Plaintiffs’ Motion for Entry of a Modified Judgment as Provided by Remittitur filed February 14, 2022	III-IV	PA0579–PA0765
10	Plaintiffs’ Motion for Entry of Modified Award of Pre-Judgment Attorney’s Fees as Provided for by Remittitur filed February 16, 2022	IV	PA0736–PA0786
11	Plaintiffs’ Motion for an Award of Attorney’s Fees on Appeal filed February 17, 2022	IV	PA0787–PA0801
12	Order of Reversal from The Supreme Court of Nevada in case number 82539 filed February 17, 2022	IV	PA0802–PA0805

13	Opposition to Plaintiffs' Motion for Entry of a Modified Judgment as Provided for by Remittitur filed February 28, 2022	IV-V	PA0806–PA1079
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16	Reply in Support of Defendants' Motion to Stay on Order Shortening Time filed March 8, 2022	VI	PA1250–PA1264
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DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC, and A
CAB, LLC,

Defendants.

Case No.: A-12-669926-C

Dept.: I

NOTICE OF ENTRY OF ORDER

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

Dated: August 22, 2018

LEON GREENBERG PROFESSIONAL CORP.

/s/ Leon Greenberg

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

CERTIFICATE OF SERVICE

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

NOTICE OF ENTRY OF ORDER

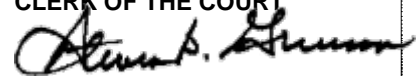
6 by court electronic service to:

7 TO:

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

/s/ Dana Sniegocki

Dana Sniegocki



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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

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

17 Defendants.
18
19
20
21

Case No.: A-12-669926-C

DEPT.: I

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

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

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

PA 0003

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

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

9 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

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

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

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ³ Nevada Constitution, Article 15, Section 16 (B).
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12. In assessing the character of A Cab's conduct, it is instructive to note that A Cab did not make, or offer to make, an *admissible* showing of its financial position in order to evidence that it was unable to make such payment. Rather, it relied solely on its strenuous protests and summary balance sheet buttressed only by the self-serving affidavit of Defendant Nady.
 13. The Court, in a minute Order issued on March 6, 2018, noted its awareness of A Cab's failure to pay the then overdue \$25,000 deposit to the Special Master and A Cab's communication with the Court advising it was experiencing financial difficulties and claiming it did not currently possess the funds to make that payment. For unrelated reasons the Court in that Order stayed this case, suspended the Special Master's work, and granted A Cab additional time to raise the funds needed to pay the Special Master during the pendency of that stay. Via a minute Order on May 22, 2018 the Court lifted that stay.
 14. On May 23, 2018, June 2, 2018, and June 5, 2018 the Court conducted hearings in connection with Plaintiffs' Motion and also received various written submissions from A Cab and plaintiffs' counsel regarding A Cab's failure to pay the Special Master. The result of those hearings and submissions, in respect to the status of the Special Master and A Cab's payment to him for the completion of his work, was that A Cab either will not or cannot make any payment to the Special Master. Except for urging this Court to stay this case, and await the conclusion of certain other proceedings that A Cab asserts will narrow the class claims in this

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

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

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

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

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

1 superseded by statute on other grounds, 29 U.S.C. § 254(a) ("When the
2 employer has kept proper and accurate records the employee may easily
3 discharge his burden by securing the production of those records. But
4 where the employer's records are inaccurate or inadequate and the
5 employee cannot offer convincing substitutes a more difficult problem
6 arises. The solution, however, is not to penalize the employee by denying
7 him any recovery on the ground that he is unable to prove the precise
8 extent of uncompensated work. Such a result would place a premium on
9 an employer's failure to keep proper records in conformity with his
10 statutory duty; it would allow the employer to keep the benefits of an
11 employee's labors without paying due compensation"). Doing so would
12 serve to reward A Cab for its violation of NRS 608.115(1)(d) by shifting
13 the now considerable burden and cost of ascertaining the class members'
14 hours of work onto the plaintiffs' themselves. It is A Cab that should
15 properly bear that burden and expense and it was directed to do so
16 through the offices of the Special Master that it has failed to pay.
17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 members alleged by A Cab to support such defense.¹¹ A Cab
2 referenced the consent judgment case in its interrogatory answer,
3 but provided no information on the amounts so paid under the same
4 to any particular class members. It also referred to its production
5 of documents that it implied may contain such information.
6 Plaintiffs' counsel asserts it has not been provided with
7 documentation from A Cab of the amounts so paid, in respect to
8 the exact amount paid to each individual involved class member
9 and not the entire \$139,988.80, though it does believe some such
10 amounts were paid.¹²
11

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

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

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

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

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

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

10 **DISCUSSION OF RELIEF GRANTED**

11 **Plaintiffs' Motion for Summary Judgment**

12
13
14 The Court notes we are dealing with important rights, important because the
15 people of Nevada have said so by virtue of inserting what would have otherwise been
16 a statutory provision into the Constitution of the State of Nevada. The Court has great
17 respect for the constitutions and constitutional law. The Court believes that they form
18 the basic backbone of the laws and government enumerated therein, both for the
19 United States of America and for the State of Nevada. If the people of this state have
20 said that there is a minimum wage act which entitles employees to be paid a certain
21 amount, in conformity therewith, it is incumbent upon the Court to assure that at the
22 end of the day justice is done, even though the justice that is done turns out to be of a
23 somewhat imprecise nature.
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
4 Accordingly, the following alternative basis is offered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

22 **IT IS SO ORDERED.**

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

Date 8-21-18

EXHIBIT "A"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PA 0057

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

PA 0058

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

PA 0059

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

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

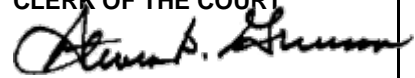
	A	B	C	D	E	F	G	H
753	112766	Sibre	Christopher	\$294.20	\$43.37	\$337.56	\$294.20	
754	3758	Siegel	Jeffrey	\$91.32	\$13.46	\$104.78	\$91.32	
755	105863	Siljkovic	Becir	\$1,854.68	\$273.39	\$2,128.06	\$2,017.09	\$162.41
756	23388	Simmons	John	\$1,545.83	\$227.86	\$1,773.70	\$2,558.25	\$1,012.42
757	3264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

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

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

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

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



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Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

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

**NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS' MOTION TO ALLOW
JUDGMENT ENFORCEMENT; PLAINTIFFS' MOTION TO DISTRIBUTE FUNDS
HELD BY CLASS COUNSEL; AND PLAINTIFFS' MOTION REQUIRING THE
TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT DEBTOR
PURSUANT TO NRS 21.320; AND ORDER GRANTING DEFENDANTS'
COUNTERMOTION FOR STAY OF COLLECTION ACTIVITIES**

PLEASE TAKE NOTICE that an Order Denying *Plaintiffs' Motion to Allow Judgment*

1 *Enforcement; Plaintiffs' Motion to Distribute Funds Held by Class Counsel; and Plaintiffs' Motion*
2 *Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to Nrs 21.320; and*
3 *Order Granting Defendants' Countermotion for Stay of Collection Activities* was entered by the
4 Court on July 17, 2020. A copy of the Order is attached hereto.

5 DATED this 17th day of July, 2020.

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

7
8 /s/ Esther C. Rodriguez, Esq.
9 Esther C. Rodriguez, Esq.
10 Nevada State Bar No. 006473
11 10161 Park Run Drive, Suite 150
12 Las Vegas, Nevada 89145
13 *Attorneys for Defendants*

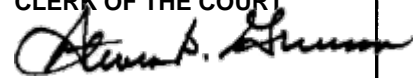
14 **CERTIFICATE OF SERVICE**

15 I HEREBY CERTIFY on this 17th day of July, 2020, I electronically filed the foregoing
16 with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will
17 send a notice of electronic service to the following:

18 Leon Greenberg, Esq.
19 Leon Greenberg Professional Corporation
20 2965 South Jones Boulevard, Suite E4
21 Las Vegas, Nevada 89146
22 *Co-Counsel for Plaintiffs*

23 Christian Gabroy, Esq.
24 Gabroy Law Offices
25 170 South Green Valley Parkway # 280
26 Henderson, Nevada 89012
27 *Co-Counsel for Plaintiffs*

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



ORDR

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Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

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

**ORDER DENYING PLAINTIFFS' MOTION TO ALLOW JUDGMENT ENFORCEMENT;
PLAINTIFFS' MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL; AND
PLAINTIFFS' MOTION REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF
THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320; AND ORDER GRANTING
DEFENDANTS' COUNTERMOTION FOR STAY OF COLLECTION ACTIVITIES**

Plaintiffs' Motion to Allow Judgment Enforcement; Motion to Distribute Funds Held by

1 *Class Counsel; and Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment*
2 *Debtor Pursuant to NRS 21.320* were filed on October 3, 2019. Defendants' *Oppositions* to said
3 motions and *Countermotion for Stay of Collection Activities* were filed on October 23, 2019. The
4 hearings on these motions and the countermotion were held on November 12, 2019 and December 3,
5 2019. Plaintiffs were represented at the hearings by their attorneys, Leon Greenberg and Dana
6 Sniegocki of Leon Greenberg Professional Corporation. Defendants were represented at the hearings
7 by their attorneys, Esther C. Rodriguez of Rodriguez Law Offices, P.C., Michael K. Wall, of
8 Hutchison Steffen, and Jay A. Shafer of Cory Reade Dows & Shafer. Also present at the hearing of
9 December 3, 2019, was Steven J. Parsons, Esq. on behalf of Special Master George C. Swarts.

10 Plaintiffs' *Motion to Allow Judgment Enforcement* requested an Order from the Court
11 granting them leave to handle in their sole discretion without any further order from the Court nor
12 challenge by Defendants on procedural grounds, collection of the judgment for \$614,599.07; as well
13 as an order to receive Defendants' information from Special Master Swarts, previously deemed
14 confidential by the Court, in order to utilize such information to execute upon assets to satisfy their
15 judgment.

16 In response and in opposition, Defendants argued that Plaintiffs' request is in contravention
17 to the NRCP and NRS which provide for due process and rights to object to seizures and collection
18 activities. Defendants also asserted that Plaintiffs are not entitled to confidential materials ordered
19 by the Court for other purposes, not for purposes of facilitating Plaintiffs' collection activities.

20 Defendants' *Countermotion for Stay of Collection Activities Pending Appeal* moved the
21 Court for a stay of Plaintiffs' collection activities. In support of said request, Defendants offered
22 additional security consisting of another \$100,000 to be deposited to Plaintiffs' counsels' trust
23 account (increasing the deposit to \$303,494.54), as well as a proposal to maintain corporate
24 transparency with the Special Master to insure no improper transfers were made which would
25 jeopardize Plaintiffs' judgment.

26 Plaintiffs' *Motion Requiring the Turnover of Certain Property* requested the seizure of
27 certain motor vehicles alleged to be owned by the taxicab company. Defendants opposed this motion
28 as the same requested relief had previously been denied; and EDCR 7.12 bars multiple application.

1 Defendants also opposed the seizure of income-generating assets.

2 Plaintiffs' *Motion to Distribute Funds Held by Class Counsel* requested authority to
3 distribute the funds held in the trust account of Plaintiffs' counsel. Defendants opposed this motion
4 arguing that said funds were improperly taken and declaratory relief pertaining to these funds is
5 pending in another court; the Court does not have subject matter jurisdiction over these claims; and
6 the Plaintiffs' proposed plan for distribution does not further the stated goals of the Court.

7 The Court reviewed the briefing; entertained argument from both Plaintiffs and Defendants;
8 as well as heard from counsel for Special Master Swarts (Mr. Swarts was unavailable due to personal
9 family issues). Mr. Parsons indicated to the Court that Mr. Swarts was definitely of the opinion that
10 any significant shifting of capital or assets away from the business, threatened the existence of the
11 business. Further, Mr. Parsons indicated to the Court that at the time of the Special Master's analysis
12 and reporting, the posting of a supersedeas bond was not within the capacity of A Cab, but no
13 information was available to confirm the current financial ability to do so.

14 The Court, having read all the pleadings and papers on file herein, hearing the arguments of
15 the parties, and good cause appearing, finds that a limited stay is warranted and appropriate.
16 Accordingly, Plaintiffs will be permitted to conducted discovery that would be appropriate in a post-
17 judgment scenario, but actual collection activity will be stayed. The Court recognizes that the taking
18 of assets or monies in a collection sense could cripple the business and put it out of business, which
19 is not the desired outcome.

20 Accordingly, the Court **DENIES** Plaintiffs' *Motion Requiring the Turnover of Certain*
21 *Property of the Judgment Debtor Pursuant to NRS 21.320.*

22 The Court finds that at this stage there are two main objectives: those being to keep the
23 company going and to secure the judgment should Defendants lose their appeal to the Nevada
24 Supreme Court. As such, the Court finds that it is appropriate to reactivate the role of Special Master
25 Swarts to further analyze the corporate records of Defendant in order to report to the Court what, if
26 any, percentage of profits could be segregated as a further security while the appeal proceeds. It is
27 apparent to the Court that Defendants cannot post a supersedeas bond for the approximately \$1.4
28 million; and therefore the Court cannot grant a stay for all purposes on everything, because

1 Defendants are without means to post the entirety of the bond at this point. However, the Court finds
2 that Defendants have posted a partial security which will soon exceed \$300,000, and that a limited
3 stay is appropriate.

4 The Plaintiffs will maintain this security deposit as well as any future security deposits in the
5 trust account of Plaintiffs' counsel. The Court recognizes that disbursement of these funds offered as
6 security was not appropriate as it would be impossible to recover said funds distributed to hundreds
7 of class members in small amounts, in the event that Defendants prevail in their appeals.

8 Accordingly, the Court **DENIES** Plaintiffs' *Motion to Distribute Funds Held By Class*
9 *Counsel*.

10 **IT IS HEREBY ORDERED** that:

- 11 1. *Plaintiffs' Motion To Allow Judgment Enforcement* is **DENIED**;
- 12 2. *Plaintiffs' Motion To Distribute Funds Held By Class Counsel* is **DENIED**;
- 13 3. *Plaintiffs' Motion Requiring The Turnover of Certain Property of The Judgment*
14 *Debtor Pursuant to NRS 21.320* is **DENIED**; and
- 15 4. *Defendants' Countermotion For Stay of Collection Activities* is **GRANTED**.

16 **FURTHER THE COURT ORDERS:**

17 The Court-appointed Special Master, George Swarts, will be re-activated to provide
18 additional information to the Court to address what, if any, percentage of Defendant's profits could
19 be segregated as a further security while the appeal proceeds.

20 The Court will set a status check in light of the present circumstances created by the COVID-
21 19 pandemic including the closure of non-essential businesses including the Defendants' business, to
22 determine a realistic date to accomplish a report by the Special Master.

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

The Court further instructs the parties to provide additional briefing as to whether the additional fees incurred by the Special Master should be borne equally between the parties. Plaintiffs' response on this issue is due December 17, 2019; and Defendants' response is due December 31, 2019. After reviewing the briefs, the Court ORDERS that Special Master's fees shall be equally borne by the parties.

DATED this 17th day of July, 2020.


DISTRICT COURT JUDGE
ROB BARE


HGL


Submitted by:

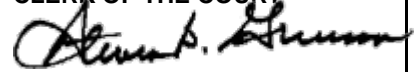
RODRIGUEZ LAW OFFICES, P.C.

Approved as to form and content:

LEON GREENBERG PROFESSIONAL
CORPORATION


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8 leongreenberg@overtimelaw.com
9 Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

13 Plaintiffs,

14 vs.

15 A CAB TAXI SERVICE LLC, A CAB
16 SERIES LLC formerly known as A
17 CAB, LLC, and CREIGHTON J.
18 NADY,

19 Defendants.

Case No.: A-12-669926-C

Dept.: 32

**PLAINTIFFS' MOTION FOR
APPOINTMENT OF A
RECEIVER TO AID
JUDGMENT ENFORCEMENT
OR ALTERNATIVE RELIEF**

HEARING REQUESTED

20 Plaintiffs, through their attorneys, Leon Greenberg Professional Corporation,
21 hereby submit this motion for the appointment of a Receiver of the judgment debtor, A
22 Cab Series LLC, formerly known as A Cab LLC, to aid in judgment enforcement, or
23 for alternative relief. This motion is brought pursuant to NRS 32.010 and is based
24 upon the memorandum of points and authorities below, the attached exhibits hereto, the
25 accompanying declaration of counsel, and all other papers and pleadings on file in this
26 action.

MEMORANDUM OF POINTS AND AUTHORITIES

RELEVANT HISTORY AND FACTUAL BACKGROUND

**Defendant judgment debtor A Cab has failed to pay the over
\$1,000,000 judgment entered in this case for unpaid minimum wages.**

27 This is a class action lawsuit for unpaid minimum wages owed by defendant A
28 Cab to its taxi cab drivers under Nevada's Constitution, Article 15, Section 16, the
Nevada Minimum Wage Amendment (the "MWA"). Class action certification was

PA 0074

1 granted for damages and equitable relief pursuant to NRCP Rule 23(b)(2) and (b)(3).
2 Ex. “A” Order of June 7, 2016. On August 21, 2018 a judgment was entered for a
3 total of \$1,033,027 awarded in varying amounts to 890 current and former taxi driver
4 employee class members of defendant A Cab for unpaid minimum wages. Ex. “B”
5 judgment. On February 6, 2019, the Court entered a post judgment Order awarding
6 plaintiffs’ counsel \$614,599 in fees and costs against A Cab.

7 A Cab has appealed the judgment and certain post judgment orders in this case
8 but has not filed a *supercedes* bond or satisfied the judgment.

9 **The district court previously stayed judgment enforcement in violation**
10 **NRCP Rule 62 and refused to distribute collected funds to the class members.**

11 As detailed in the declaration of class counsel, Leon Greenberg, such counsel is
12 holding \$303,695 in their attorney IOLTA account in connection with this case. Ex.
13 “C” ¶ 2. Those funds are the result of a successful judgment execution in 2018 that
14 collected \$223,695 (of which \$19,800 was paid to Special Master George Swartz and
15 his counsel in 2019) and the district court’s order of July 17, 2020 staying judgment
16 collection upon the condition that \$100,000 be deposited in class counsel’s IOLTA
17 account. Ex. “D” Order, p. 3, l. 16 - p. 4, l. 9 (setting forth conditions A Cab must meet
18 to have stay granted and denying distribution of any funds to class members) and Ex.
19 “C” *Id.* (confirming A Cab has complied with the stay conditions and judgment
20 enforcement and distribution of funds collected on the judgment is currently barred).

21 The Judge Bare’s order staying judgment collection without the posting of a
22 *supercedes* bond violates NRCP Rule 62(d). *See, Nelson v. Heer*, 122 P.3d 1252, 1254
23 (Nev. Sup. Ct. 2005). Under *Nelson*, the district court does not have unfettered
24 discretion under NRCP Rule 62(d) to stay a judgment pending appeal without a
25 *supercedes* bond for the full judgment amount. It can only grant such a stay if an
26 examination of the five factors discussed in *Nelson* demonstrate such a stay is
27 appropriate. *Id.* The Judge Bare considered none of those factors and there is no
28 evidence in the record supporting his conclusions such a stay was proper. Those

1 conclusions were drafted by A Cab's counsel and recite facts that are not established
2 and that were erroneously accepted as true by Judge Bare.

3 **The district court erroneously directed the class members to pay for**
4 **one-half of the costs of a reactivated Special Master; George Swarts, CPA,**
5 **the person to be "reactivated" to that position by a further**
6 **never submitted proposed order, is recently deceased.**

7 On December 18, 2018 Judge Cory issued an Order appointing George Swarts,
8 CPA, as a Special Master to propose a plan of management for A Cab to have the class
9 judgment paid and authorized a payment to him of \$20,000 from the funds held by
10 class counsel and collected on the judgment. Ex. "E" Order. That \$20,000 payment
11 was agreed to by class counsel as part of an effort by the parties, overseen by Judge
12 Cory, to reach an agreement on resolving the judgment or at least on how A Cab would
13 be operated while the judgment and appeal were pending. Ex. "C" ¶ 3. On
14 March 1, 2019, Judge Cory recused himself from this case in response to A Cab's
15 retention of the law firm of Judge Cory's brother as its counsel. From April of 2019
16 through September of 2019 this case was stayed as a result of a filed, and then
17 dismissed, involuntary bankruptcy proceeding.

18 In October and November of 2019 motions were filed by class counsel seeking
19 permission to distribute funds collected on the judgment to the class members and for
20 judgment enforcement related relief, with A Cab filing a counter-motion to stay
21 judgment enforcement. Those motions resulted in the July 17, 2020 Exhibit "D" Order
22 "reactivating" George Swarts as Special Master and requiring *the class member*
23 *judgment creditors* to pay one-half of the Special Master's compensation. That branch
24 of Judge Bare's July 17, 2020 Order was issued without explanation (Ex. "D" p. 5, l. 5)
25 and, for reasons detailed *infra*, is contrary to law.

26 It was understood that George Swarts would be appointed to his position as
27 "reactivated" Special Master via another Order that would detail his powers and duties
28 in that position, such Order to be submitted to Judge Bare separate and apart from the
Order of July 17, 2020. Ex. "C" ¶ 4. That Order, while drafted and worked on by

1 Steven Parsons, the attorney for George Swarts, was never submitted to Judge Bare,
2 owing to Covid 19 infections and hospitalizations involving Messrs. Swarts and
3 Parsons. *Id.* ¶ 5. George Swarts may have also been reluctant to accept that
4 appointment in response to the objections by the class judgment creditor plaintiffs to
5 paying him one-half of his fees. *Id.* ¶ 6. On December 25, 2020 George Swarts died.
6 *Id.* ¶ 7.

7 ARGUMENT

8 I. THE COURT SHOULD APPOINT A RECEIVER WITH BROAD 9 POWERS OVER THE JUDGMENT DEBTOR AND THAT RECEIVER SHOULD BE PAID SOLELY BY THE DEBTOR

10 A. No basis exists to deny the appointment of a Receiver and 11 this case, involving a debt for unpaid minimum wages, is one that indisputably warrants the appointment of a Receiver.

12 A Cab refuses to pay the judgment at issue or post a *supercedes* bond while it
13 appeals that judgment. It has but one item of significant monetary value: its privileged
14 license to operate a fleet of taxi cabs along with its associated taxi medallions, as issued
15 by the Nevada Taxicab Authority. Ex. “C” ¶¶ 8-9. While all Las Vegas taxi
16 companies are negatively impacted by the COVID 19 epidemic, A Cab is currently
17 conducting business at a level that exceeds 50% of its same month 2019 business and
18 in September of 2020 earned over \$452,000 in revenue. Ex. “C” ¶ 10. There is every
19 reason to believe A Cab’s ongoing operations, both currently and in the future, will
20 generate profits sufficient to pay the class creditors’ judgment in full over a period of
21 five years or less. *Id.* It is unknown whether a liquidation of A Cab’s assets via a
22 judicially directed seizure and sale of its property (the alternative relief the class
23 judgment creditors request if a Receiver is not appointed) would fully satisfy the
24 judgment. *Id.* ¶ 9. Accordingly, the best, and perhaps only, means to fully satisfy the
25 judgment is through the appointment of a Receiver who will appropriate the profits
26 from A Cab’s operations over a number of years.

1 The appointment of a Receiver is clearly authorized in this case under NRS
2 32.010(1) and (3) (authorizing a Receiver “to subject any property or fund to the
3 creditor’s claim” or “to carry the judgment into effect”). It is also authorized by the
4 sweeping language of Nevada’s Constitution, the Article 15, Section 16, paragraph (B),
5 specifying an employee who is not paid the minimum wage required by the MWA has
6 the right “to all remedies available under the law or in equity appropriate to remedy
7 any violation” of their minimum wage rights. Whether to appoint a Receiver is a
8 matter confined to the Court’s “...sound judicial discretion in view of all the
9 circumstances of the case, to be exercised for the promotion of justice where no other
10 adequate remedy exists.” *Bowler v. Leonard*, 260 P.2d 833, 839 (Nev. Sup. Ct. 1954).

11 Only the appointment of a Receiver will promote justice in this case and provide
12 an assured, and adequate, remedy that will secure for the 890 class judgment creditors
13 the full payment of their unpaid minimum wages. The Court should also be mindful of
14 the nature of the judgment at issue: it is for unpaid minimum wages. It does not arise
15 from a run of the mill commercial dispute between well heeled litigants but concerns
16 the claims of 890 economically disadvantaged and low paid workers who were denied
17 even a modest minimum wage of \$7.25 an hour. As such, the equities
18 overwhelmingly support vigorous action by the Court to assist the class judgment
19 creditors in the collection of their judgment. Accordingly, a Receiver should be
20 appointed with complete power over the business and property of the judgment debtor
21 A Cab until the class judgment creditors, and their counsel, are paid in full. A
22 proposed Order is at Ex. “H.”

23 **B. The judgment debtor A Cab must pay 100% of the**
24 **Receiver’s costs and expenses; the prior Order imposing**
25 **50% of a “Special Master’s” costs on the class judgment**
creditors should not be extended to the Receiver appointment.

26 Judge Bare’s Order of July 17, 2020, without explanation, imposed upon the
27 class judgment creditors, the very persons owed unpaid minimum wages by A Cab, the
28 responsibility of pay 50% of the costs of a “Special Master.” Presumably A Cab will

1 argue that any Receiver appointment should follow the same approach and require the
2 class judgment creditors to pay 50% of the Receiver's compensation. It should not.

3 The July 17, 2020 Order's requirement that a Special Master be paid equally by
4 the class judgment creditors, and judgment debtor A Cab, was not only senseless and
5 unexplained, it was clearly contrary to law. The Judgment was rendered pursuant to
6 Article 15, Section 16, subparagraph "B," of the Nevada Constitution, the MWA, that
7 expressly makes a *defendant employer* who fails to pay minimum wages liable for all
8 of a plaintiff employee's litigation costs and attorney's fees. Any costs incurred by a
9 Special Master or Receiver to secure the collection of a plaintiff's MWA judgment
10 must also be paid by the MWA employer defendant. Even setting aside this express
11 requirement of the MWA, it would be manifestly unjust and unfair to require a plaintiff
12 denied minimum wages (and presumptively bereft of any economic means) to *pay a*
13 *third party receiver* to collect their judgment for unpaid minimum wages! The class
14 judgment creditors have no means to pay such a Receiver and such a requirement
15 renders the MWA, and any judgment rendered under its terms, meaningless and
16 unenforceable.

17 Even if this case did not involve an MWA judgment, and the Court was only
18 guided by the precedents concerning the payment of a Receiver's compensation, it
19 would be plainly erroneous as a matter of law to require the class action judgment
20 creditors to pay the Receiver. As *Baughman v. Commonwealth*, 572 S.W.3d 473, 482
21 (Kentucky Sup. Ct. 2019), observed "[o]rdinarily, a receiver is entitled to
22 compensation for his services and expenses from the funds in his possession"¹ and that,
23
24
25

26 ¹ The principle that a Receiver's costs are generally paid out of the property he
27 or she administers is repeatedly recited. See, *Sobin v. Lim*, 21 N.E.2d 344, 353 (Ohio
28 Ct. App. 2014) ("The costs of the receivership generally are satisfied from the assets
under receivership.") and other cases.

1 as a matter of law² a “...Receiver’s compensation and expenses are payable from the
2 funds in his hands, *no part thereof being taxable against the party at whose instance*
3 *the receiver was appointed.*” *Baughman, id.*, supplying emphasis and citing *Crump &*
4 *Field v. First National Bank*, 17 S.W. 2d 436, 437-38 (Kentucky Ct. App. 1929). This
5 rule, as explained by *Baughman*, encompasses all cases “where there is no question as
6 to the legality or propriety of the appointment of the receiver.” *Id.* Only when the
7 Receiver’s appointment was “improperly made” (for example the court appointing the
8 Receiver lacked authority), or the party seeking the Receiver’s appointment has agreed
9 (“given a contract to pay [the receiver’s fees and expenses] as a condition of the
10 appointment”) to pay the Receiver’s costs, can the party requesting the Receiver be
11 required to pay the Receiver. 572 S.W.3d at 482-83.

12 *Baughman* substantially relied upon and quoted Justice Harlan in *Atlantic Trust*
13 *Co. v. Chapman*, 208 U.S. 360, 375 (1908), who stated:

14 We do not think that the mere insufficiency of the property or fund
15 to meet the expenses of a receivership entitled the receiver to hol[d]
16 the plaintiff in the suit personally liable, if all that could be said was
17 that he instituted the suit and moved for the appointment of the
receiver to take charge of the property and maintain and operate it
pending the suit. 572 S.W. 3d at 483.

18 The rule discussed in *Baughman* was also articulated, in more detail, by the
19 Wisconsin Supreme Court in *First National Bank of Neenah v. Clark and Lund Boat*
20 *Co.*, 229 N.W. 2d 221, 223 (Wisconsin Sup. Ct. 1975), citing its earlier decision in
21 *Cullen v. Landwehr*, 229 N.W. 68, 70 (Wisconsin Sup. Ct. 1930) that “if a receivership
22 is ordered in conformity with legal requirements, there is no liability on the petitioner

23 ² While *Baughman* dealt with Kentucky law there is no reason to believe
24 Nevada law would vary on this issue. A germane related, and submitted by class
25 counsel to be completely controlling, concept discussed in the jurisprudence is that
26 equity requires the party who is the wrongdoer to pay the Receiver’s fees. *See, Barredo*
27 *v. Skyfreight*, 430 So.2d 513, 514 (Florida Ct. App. 1983) (Florida Law) and *Theaters*
28 *of America Inc. v. State*, 577 S.W.2d 542, 548-49 (Tex. Ct. App. 1979) (Texas Law).
In this case the judgment debtor, A Cab, is the wrongdoer who has been adjudicated as
owing the plaintiffs over \$1,000,000 in unpaid minimum wages.

1 unless there are special circumstances which dictate that, in equity, the expenses of the
2 receivership ought to be charged against the petitioner.” There are five such “special
3 circumstances” as set forth in *Cullen*, two requiring the *agreement* of the party seeking
4 the Receiver (which may be as a condition of the Receiver’s appointment) and the
5 other three involving situations where the party had no legal right to secure the
6 Receiver in the first instance.³

7 In accordance with the requirements of the MWA, and the dictates of equity in
8 respect to the appointment of Receivers, the appointed Receiver must be paid solely by
9 A Cab (though the Receiver may receive a priority for such payment from the profits
10 and property of A Cab above that of the class action judgment creditors and their
11 counsel).

12 **II. THIS MOTION IS NOT ONE FOR “REHEARING” AND THE**
13 **COURT’S ABILITY TO GRANT THE RELIEF REQUESTED IS**
14 **NOT LIMITED BY EDCR RULE 2.24 OR THE PRINCIPLES**
GOVERNING RECONSIDERATION OF PRIOR ORDERS

15 **A. This motion does not seek “rehearing” of the July 17, 2020**
16 **Order; the Nevada Supreme Court has held that Order**
did not concern the appointment of Receiver and it has no
bearing on this motion.

17 This motion does not seek “rehearing” or modification of the July 17, 2020
18 Order. That Order is discussed only to explain to the Court the relevant history of
19

21 ³ *First Nat. Bank* citing and quoting *Cullen, id.*: “ ‘To create such liability (that
22 is, to hold the party requesting the receiver liable for the expenses of the receivership)
23 there must be some special circumstance in addition to the insufficiency of funds
24 which make it equitable that such parties should meet the expenses of the receivership.
25 In the cases cited by the receiver these special circumstances may be roughly classified
26 as (a) agreements to pay the compensation of the receiver, if one is appointed; (b)
27 obligations incurred when appointments are made on condition that the applicant
28 agrees to pay such compensation; (c) appointments which were made without
authority, irregularly or illegally made; (d) appointments made where there was no
right to maintain the action; or (e) cases in which the party procuring the appointment
had no interest in or claim upon the property in question.’ ”

1 these proceedings and because A Cab will undoubtedly argue it bars the appointment
2 of the requested Receiver or requiring A Cab, alone, to pay that Receiver.

3 Class counsel had, previously and erroneously, believed the July 17, 2020, Order
4 was one “appointing or refusing to appoint a receiver or vacating or refusing to vacate
5 an order appointing a receiver” and thus appealable pursuant to NRAP 3A(b)(4).
6 Accordingly, they so appealed that Order. In response, A Cab moved in the Supreme
7 Court to dismiss that appeal, arguing it was *not* such an appealable order. The Supreme
8 Court agreed with A Cab and dismissed that appeal, finding as a matter of law that the
9 July 17, 2020 Order did not concern the appointment of a Receiver:

10 Here, the district court’s postjudgment order neither granted nor
11 denied a request to appoint a receiver. Rather, the order reactivated
12 a special master to provide additional information to the court
13 regarding the possibility of further security deposits during the
pendency of the appeal from the underlying judgment.
Ex. “F” Nevada Supreme Court Order of November 9, 2020, p. 4.

14 It is conclusively established that the July 17, 2020 Order does not address the
15 matters raised in this motion: the appointment of a Receiver. Accordingly, this motion
16 presents a request for relief not yet ruled upon and that does not involve the rehearing
17 of any prior motion or order.

18 **B. Even if this was a motion for rehearing or reconsideration**
19 **(which it is not) it is properly heard and granted.**

20 EDCR Rule 2.24(b) directs that any party seeking “reconsideration of a ruling of
21 the court, other than an order that may be addressed by motion pursuant to NRCP
22 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of
23 written notice of entry of the order...” This rule does *not* bar the Court from re-
24 examining, and modifying, its prior orders after the 14 day time period referenced in
25 EDCR Rule 2.24(b). That is confirmed by EDCR 2.24(b)’s exclusion from its
26 requirements motions under NRCP Rule 60 which allows the Court to “relieve a party”
27 from any “order” for certain specified reasons and “any other reason that justifies
28

1 relief” as long as the motion is made within “a reasonable time.” *See*, NRC Rule
2 60(b)(6) and (c)(1).

3 The Nevada Supreme Court in *Masonry and Tile Contractors Ass’n of S. Nevada*
4 *v. Jolley, Urga & Wirth, Ltd.*, 941 P.2d 486, 489 (Nev. Sup. Ct. 1997) confirmed that
5 the district court may reconsider any prior decision that is “clearly erroneous” as matter
6 of law. While that power may be rarely invoked, its existence is confirmed by
7 *Masonry and Tile* and it is not subject to any strict time limit. *Id.*, 941 P.2d at 488-89
8 (discussing how conflicting decisions and rehearing of issue stretched between three
9 judges over a period of months) and 941 P.2d at 492 (dissent by Justice Springer
10 urging adoption of an opposite rule holding reconsideration was barred by such
11 passage of time).

12 For the reasons discussed, the July 17, 2020 Order was clearly erroneous as a
13 matter of law and, if germane to this motion (which it is not), its findings are properly
14 reconsidered and modified.

15 **III. ALTERNATIVE RELIEF CAN BE GRANTED** 16 **IF THE COURT DEEMS THAT ADVISABLE**

17 Class counsel believes the requested appointment of a Receiver is the best, and
18 most appropriate, relief the Court should grant to the class action judgment creditors.
19 If the Court disagrees, class counsel requests the only other conceivably proper
20 alternative relief: an order directing a complete transfer of all property and legal rights,
21 without limitation, possessed by the judgment debtor, A Cab, to the Sheriff. That
22 property, to the extent it consists of physical goods such as vehicles or equipment,
23 would be sold through the normal judgment debtor auction process.

24 A Cab’s major asset is its “Certificate of Convenience and Public Necessity” or
25 “CPCN” granted to it by the Nevada Taxicab Authority (the “NTA”) and the taxi
26 medallions issued to it as part of the same. Ex. “G” copy of CPCN. That asset, which
27 is subject to seizure, is not freely utilized by any purchaser, in that only a “carrier”
28 approved the NTA can exercise the rights granted by that CPCN and operate those taxi

1 medallions and authorized taxicabs. The Court can order the transfer of those physical
2 taxi medallions that would otherwise be affixed to operating taxi cabs to the Sheriff (or
3 class counsel) for safekeeping and prohibit A Cab from continuing to exercise its rights
4 under its CPCN. A process would then be undertaken to locate a suitable buyer
5 (transferee) of that CPCN and those taxi medallions who would pay to secure
6 possession of the same once they were approved to do so by the NTA. Good reason
7 exists to believe such a suitable buyer, who would pay a substantial sum to acquire that
8 CPCN, can be located, though that may be a difficult and time consuming process. Ex.
9 “C” ¶ 9.

10 **IV. A PROPOSED ORDER IS PROVIDED**

11 A suitable proposed Order for a Receiver’s appointment is provided at Ex. “H.”
12 That Order only requires the naming of the Receiver and the specification of his or her
13 approved hourly rate of compensation. The Court is urged to approve that form of
14 Order so as to not further delay the long delayed progress of this case with a “post
15 motion hearing” haggling by counsel over the form of such Order. Class counsel will
16 submit a list of qualified Receivers and their proposed hourly rates if the Court desires.

17 **CONCLUSION**

18 For all the foregoing reasons, plaintiffs’ motion should be granted.

19
20 Dated: December 30, 2020

21 **LEON GREENBERG PROFESSIONAL CORP.**

22
23 /s/ Leon Greenberg
24 Leon Greenberg, Esq.
25 Nevada Bar No. 8094
26 2965 S. Jones Boulevard - Ste. E-3
27 Las Vegas, NV 89146
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Attorney for the Class

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PROOF OF SERVICE

The undersigned certifies that on December 30, 2020 he served the within:

**PLAINTIFFS’ MOTION FOR APPOINTMENT OF A RECEIVER TO AID
JUDGMENT ENFORCEMENT OR ALTERNATIVE RELIEF**

by court electronic service to:

TO:

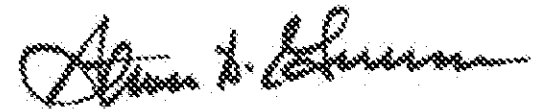
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/s/ Leon Greenberg

Leon Greenberg

EXHIBIT "A"



CLERK OF THE COURT

ORDR
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DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

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

Defendants.

Case No.: A-12-669926-C

DEPT.: I

Order Granting Plaintiffs' Motion to Certify Class Action Pursuant to NRCP
Rule 23(b)(2) and NRCP Rule 23(b)(3) and Denying Without Prejudice
Plaintiffs' Motion to Appoint a Special Master Under NCRP Rule 53
as Amended by this Court in Response to Defendants' Motion for
Reconsideration heard in Chambers on March 28, 2016

Plaintiffs filed their Motion to Certify this Case as a Class Action Pursuant to
NRCP 23(b)(3) and NRCP 23(b)(2), and appoint a Special Master, on May 19, 2015.
Defendants' Response in Opposition to plaintiffs' motion was filed on June 8, 2015.
Plaintiffs thereafter filed their Reply to defendants' Response in Opposition to
plaintiffs' motion on July 13, 2015. This matter, having come before the Court for

1 hearing on November 3, 2015, with appearances by Leon Greenberg, Esq. and Dana
2 Sniegocki, Esq. on behalf of all plaintiffs, and Esther Rodriguez, Esq., on behalf of all
3 defendants, and the Court, having heard in Chambers on March 28, 2016 the
4 defendants' motion for reconsideration of the Order entered by this Court on February
5 10, 2016, granting in part and denying in part such motion by the plaintiffs, following
6 the arguments of such counsel, and after due consideration of the parties' respective
7 briefs, and all pleadings and papers on file herein, and good cause appearing, therefore
8

9
10 **THE COURT FINDS:**
11

12 That it had previously issued an Order on the aforesaid motion made by
13 plaintiffs, which Order was entered on February 10, 2016 and which Order is
14 now superseded and replaced by this Order as a result of the Court granting in
15 part Defendants' Motion for Reconsideration of the February 10, 2016 Order
16 which Motion for Reconsideration was heard in Chambers on March 28, 2016
17 and an Order on the same entered on April 28, 2016.
18

19
20 In Respect to the Request for Class Certification

21 Upon review of the papers and pleadings on file in this matter, and the
22 evidentiary record currently before the Court, the Court holds that plaintiffs have
23 adequately established that the prerequisites of Nev. R. Civ. P. 23(b)(3) and 23(b)(2)
24 are met to certify the requested classes seeking damages and suitable injunctive relief
25 under Article 15, Section 16 of the Nevada Constitution (the "Minimum Wage
26 Amendment") and NRS 608.040 (those are the First and Second Claims for Relief in
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1 the Second Amended and Supplemental Complaint) and grants the motion in respect
2 to those claims. The Court makes no determinations of the merits of the claims
3 asserted nor whether any minimum wages are actually owed to any class members, or
4 whether any injunctive relief should actually be granted, as such issues are not
5 properly considered on a motion for class certification. In compliance with what the
6 Court believes is required, or at least directed by the Nevada Supreme Court as
7 desirable, the Court also makes certain findings supporting its decision to grant class
8 certification under NRCF Rule 23. *See, Beazer Homes Holding Corp. v. Eighth*
9 *Judicial Dist. Court.*, 291 P.3d 128, 136 (2012) (En Banc) (Granting writ petition,
10 finding district court erred in failing to conduct an NRCF Rule 23 analysis, and
11 holding that “[u]ltimately, upon a motion to proceed as a class action, the district
12 court must “thoroughly analyze NRCF 23’s requirements and document its findings.””
13 Citing *D.R. Horton v. Eighth Judicial Dist. Court (“First Light II”)*, 215 P.3d 697,
14 704 (Nev. Sup. Ct. 2009).

15
16 As an initial matter, the nature of the claims made in this case are of the sort for
17 which class action treatment would, at least presumptively, likely be available if not
18 sensible. A determination of whether an employee is owed unpaid minimum hourly
19 wages requires that three things be determined: the hours worked, the wages paid, and
20 the applicable hourly minimum wage. Once those three things are known the
21 minimum wages owed, if any, are not subject to diminution by the employee’s
22 contributory negligence, any state of mind of the parties, or anything else of an

1 individual nature that has been identified to the Court. Making those same three
2 determinations, involving what is essentially a common formula, for a large group of
3 persons, is very likely to involve an efficient process and common questions. The
4 minimum hourly wage rate is set at a very modest level, meaning the amounts of
5 unpaid minimum wages likely to be owed to any putative class member are going to
6 presumptively be fairly small, an additional circumstance that would tend to weigh in
7 favor of class certification.
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9
10 In respect to granting the motion and the record presented in this case, the
11 Court finds it persuasive that a prior United States Department of Labor ("USDOL")
12 litigation initiated against the defendants resulted in a consent judgment obligating the
13 defendants to pay \$139,834.80 in unpaid minimum wages to the USDOL for
14 distribution to 430 taxi drivers under the federal Fair Labor Standards Act (the
15 "FLSA") for the two year period from October 1, 2010 through October 2, 2012. The
16 parties dispute the *collateral estoppel* significance of that consent judgment in this
17 litigation. The Court does not determine that issue at this time, inasmuch as whether
18 the plaintiffs are actually owed minimum wages (the "merits" of their claims) is not a
19 finding that this Court need make, nor presumably one it should make, in the context
20 of granting or denying a motion for class certification. The USDOL, as a public law
21 enforcement agency has a duty, much like a prosecuting attorney in the criminal law
22 context, to only institute civil litigation against employers when credible evidence
23 exists that such employers have committed violations of the FLSA. Accordingly,
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1 whether or not the consent judgment is deemed as a binding admission by defendants
2 that they owe \$139,834.80 in unpaid minimum wages under the FLSA for distribution
3 to 430 taxi drivers, it is appropriate for the Court to find that the Consent judgment
4 constitutes substantial evidence that, at least at this stage in these proceedings,
5 common questions exist that warrant the granting of class certification. The Court
6 concludes that the record presented persuasively establishes that there are at least two
7 common questions warranting class certification in this case for the purposes of
8 NRCP Rule 23(b)(3) ("damages class" certification) that are coextensive with the
9 period covered by the USDOL consent judgment and for the period prior to June of
10 2014.
11

12 The first such question would be whether the class members are owed
13 additional minimum wages, beyond that agreed to be paid in the USDOL consent
14 judgment, and for the period covered by the consent judgment, by virtue of the
15 Minimum Wage Amendment imposing an hourly minimum wage rate that is \$1.00 an
16 hour higher than the hourly minimum wage required by the FLSA for employees who
17 do not receive "qualifying health insurance." The second such question would be
18 whether the class members are owed additional minimum wages, beyond that alleged
19 by USDOL for the period covered by the consent judgment, by virtue of the Minimum
20 Wage Amendment not allowing an employer a "tip credit" towards its minimum wage
21 requirements, something that the FLSA does grant to employers in respect to its
22 minimum wage requirements. It is unknown whether the USDOL consent judgment
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1 calculations include or exclude the application of any "tip credit" towards the FLSA
2 minimum wage deficiency alleged by the USDOL against the defendants.

3
4 In respect to the "tip credit" issue plaintiffs have also demonstrated a violation
5 of Nevada's Constitution existing prior to June of 2014. Plaintiff has provided to the
6 Court payroll records from 2014 for taxi driver employee and class member Michael
7 Sargeant indicating that he was paid \$7.25 an hour but only when his tip earnings are
8 included. Defendant has not produced any evidence (or even asserted) that the
9 experience of Michael Sargeant in respect to the same was isolated and not common
10 to many of its taxi driver employees. The Nevada Constitution's minimum wage
11 requirements, unlike the FLSA, prohibits an employer from using a "tip credit" and
12 applying an employee's tips towards any portion of its minimum wage obligation.
13 The Sargeant payroll records, on their face, establish a violation of Nevada's
14 minimum wage standards for a certain time period and strongly support the granting
15 of the requested class certification.

16 The Court makes no finding that the foregoing two identified common
17 questions are the only common questions present in this case that warrant class
18 certification. Such two identified issues are sufficient for class certification as the
19 commonality prerequisite of NRCP Rule 23(a) is satisfied when a "single common
20 question of law or fact" is identified. *Shuette v. Beazer Homes Holdings Corp.*, 121
21 Nev. 837, 848 (2005). In addition, there also appear to be common factual and legal
22 issues presented by the claims made under NRS 608.040 for statutory "waiting time"
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1 penalties for former taxi driver employees of defendants.. Such common questions
2 are readily apparent as NRS 608.040 is a strict liability statute..
3

4 The Court also finds that the other requirements for class certification under
5 NRCPL Rule 23(b)(3) are adequately satisfied upon the record presented. Numerosity
6 is established as the United States Department of Labor investigation identified over
7 430 potential class members in the consent judgment who may have claims for
8 minimum wages under the Minimum Wage Amendment. “[A] putative class of forty
9 or more generally will be found numerous.” *Skutumpah*, 122 Nev. at 847. Similarly,
10 adequacy of representation and typicality seem appropriately satisfied upon the record
11 presented. It is undisputed that the two named plaintiffs, who were found in the
12 USDOL consent judgment to be owed unpaid minimum wages under the FLSA, and
13 additional class representative Michael Sargeant, whose payroll records show, on their
14 face, a violation of Nevada’s minimum wage requirements, are or have been taxi
15 drivers employed by the defendants. Counsel for the plaintiffs have also
16 demonstrated their significant experience in the handling of class actions. The Court
17 also believes the superiority of a class resolution of these claims is established by their
18 presumptively small individual amounts, the practical difficulties that the class
19 members would encounter in attempting to litigate such claims individually and obtain
20 individual counsel, the status of many class members as current employees of
21 defendants who may be loath to pursue such claims out of fear of retaliation, and the
22 desirability of centralizing the resolution of the common questions presented by the
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1 over 430 class members in a single proceeding.

2 In respect to class certification under NRCP Rule 23(b)(2) for appropriate class
3 wide injunctive relief the Court makes no finding that any such relief shall be granted,
4 only that it will grant such class certification and consider at an appropriate time the
5 form and manner, if any, of such injunction. The existence of common policies by
6 defendants that either directly violate the rights of the class members to receive the
7 minimum wages required by Nevada's Constitution, or that impair the enforcement of
8 those rights and are otherwise illegal, are substantially supported by the evidence
9 proffered by the plaintiffs. That evidence includes a written policy of defendants
10 reserving the right to unilaterally deem certain time during a taxi driver's shift as non-
11 compensable and non-working "personal time." Defendants have also failed to keep
12 records of the hours worked by their taxi drivers for each pay period for a number
13 years, despite having an obligation to maintain such records under NRS 608.215 and
14 being advised by the USDOL in 2009 to keep such records. And as documented by
15 the Michael Sargeant payroll records, the defendants, for a period of time after this
16 Court's Order entered on February 11, 2013 finding that the Nevada Constitution's
17 minimum wage provisions apply to defendants' taxicab drivers, failed to pay such
18 minimum wages, such failure continuing through at least June of 2014. Plaintiffs
19 have also alleged in sworn declarations that defendants have a policy of forcing their
20 taxi drivers to falsify their working time records, allegations, which if true, may also
21 warrant the granting of injunctive relief.

1 The Court notes that Nevada's Constitution commands this Court to grant the
2 plaintiffs "all remedies available under the law or in equity" that are "appropriate" to
3 "remedy any violation" of the Nevada Constitution's minimum wage requirements. In
4 taking note of that command the Court does not, at this time, articulate what form, if
5 any, an injunction may take, only that it is not precluding any of the forms of
6 injunctive relief proposed by plaintiffs, including Ordering defendants to pay
7 minimum wages to its taxi drivers in the future; Ordering defendants to maintain
8 proper records of their taxi drivers' hours of work; Ordering notification to the
9 defendants' taxi drivers of their rights to minimum wages under Nevada's
10 Constitution; and Ordering the appointment of a Special Master to monitor
11 defendants' compliance with such an injunction.

12 Defendants have not proffered evidence or arguments convincing the Court that
13 it should doubt the accuracy of the foregoing findings. The Court is also mindful that
14 *Shuette* supports the premise that it is better for the Court to initially grant class
15 certification, if appropriate, and "reevaluate the certification in light of any problems
16 that appear post-discovery or later in the proceedings." *Shuette* 124 P.3d at 544.

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23 In Respect to the Request for the Appointment of a Special Master

24 Plaintiffs have also requested the appointment of a Special Master under NRCP
25 Rule 53, to be paid by defendants, to compile information on the hours of work of the
26 class members as set forth in their daily trip sheets. The Court is not persuaded that
27 the underlying reasons advanced by plaintiffs provide a sufficient basis to place the
28

1 entirety of the financial burden of such a process upon the defendants. Accordingly,
2 the Court denies that request without prejudice at this time.

3
4 Therefore

5 **IT IS HEREBY ORDERED:**

6 Plaintiffs' Motion to Certify Class Action Pursuant to NRCP 23(b)(3) is
7
8 **GRANTED.** The class shall consist of the class claims as alleged in the First and
9 Second Claims for Relief in the Second Amended and Supplemental Complaint of all
10 persons employed by any of the defendants as taxi drivers in the State of Nevada at
11 anytime from July 1, 2007 through December 31, 2015, except such persons who file
12 with the Court a written statement of their election to exclude themselves from the
13 class as provided below. Also excluded from the class is Jasminka Dubric who has
14 filed an individual lawsuit against the defendant A CAB LLC seeking unpaid
15 minimum wages and alleging conversion by such defendant, such case pending before
16 this Court under Case No. A-15-721063-C. The class claims are all claims for
17 damages that the class members possess against the defendants under the Minimum
18 Wage Amendment arising from unpaid minimum wages that are owed to the class
19 members for work they performed for the defendants from July 1, 2007 through
20 December 31, 2015 and all claims they may possess under NRS 608.040 if they are a
21 former taxi driver employee of the defendants and are owed unpaid minimum wages
22 that were not paid to them upon their employment termination as provided for by such
23 statute Leon Greenberg and Dana Sniegocki of Leon Greenberg Professional
24
25
26
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28

1 Corporation are appointed as class counsel and the named plaintiffs Michael Murray
2 and Michael Reno, and class member Michael Sargeant, are appointed as class
3 representatives. The Court will allow discovery pertaining to the class members and
4 the class claims.
5

6 **IT IS FURTHER ORDERED:**
7

8 Plaintiffs' Motion to Certify Class Action Pursuant to NRCP 23(b)(2) for
9 appropriate equitable and injunctive relief as authorized by Article 15, Section 16 of
10 Nevada's Constitution is **GRANTED** and the named plaintiffs Michael Murray and
11 Michael Reno, and class member Michael Sargeant, are also appointed as class
12 representatives for that purpose. The class shall consist of all persons employed by
13 defendants as taxi drivers in the State of Nevada at any time from July 1, 2007
14 through the present and continuing into the future until a further Order of this Court
15 issues.
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20 **IT IS FURTHER ORDERED:**
21

22 (1) Defendants' counsel is to produce to plaintiffs' counsel, within 10 days
23 of the service of Notice of Entry of this Order, the names and last known addresses of
24 all persons employed as taxicab drivers by any of the defendants in the State of
25 Nevada from July 1, 2007 through December 31, 2015, such information to be
26 provided in an Excel or CSV or other agreed upon computer data file, as agreed upon
27
28

1 by counsel for the parties, containing separate fields for name, street address, city,
2 state and zip code and suitable for use to mail the Notice of Class Action ;
3
4

5 (2) Plaintiffs' counsel, upon receipt of the names and addresses described in
6 (1) above, shall have 40 days thereafter (and if such 40th day is a Saturday, Sunday or
7 holiday the first following business day) to mail a Notice of Class Action in
8 substantially the form annexed hereto as Exhibit "A" to such persons to notify them of
9 the certification of this case as a class action pursuant to Nev. R. Civ. P. 23(b)(3) and
10 shall promptly file with the Court a suitable declaration confirming that such mailing
11 has been performed;
12
13
14

15
16 (3) The class members are enjoined from the date of entry of this Order, until
17 or unless a further Order is issued by this Court, from prosecuting or compromising
18 any of the class claims except as part of this action and only as pursuant to such
19 Order; and
20
21

22
23 (4) Class members seeking exclusion from the class must file a written
24 statement with the Court setting forth their name, address, and election to be excluded
25 from the class, no later than 55 days after the mailing of the Notice of Class Action as
26 provided for in (2), above.
27

28 **IT IS FURTHER ORDERED:**

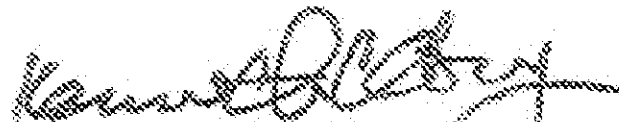
1 Plaintiffs' motion to appoint a Special Master under NRCP Rule 53 is denied
2 without prejudice at this time.
3
4

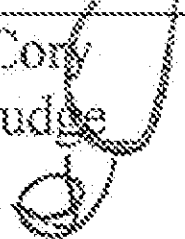
5 **IT IS FURTHER ORDERED:**

6 That the stay issued by this Court pending the Court's Reconsideration of Prior
7 Order, such stay entered via the Court's Order of April 6, 2016, is dissolved.
8
9

10 **IT IS SO ORDERED.**

11 Dated this 3rd day of June, 2016.
12
13



Hon. Kenneth Cory
District Court Judge


14 Submitted.

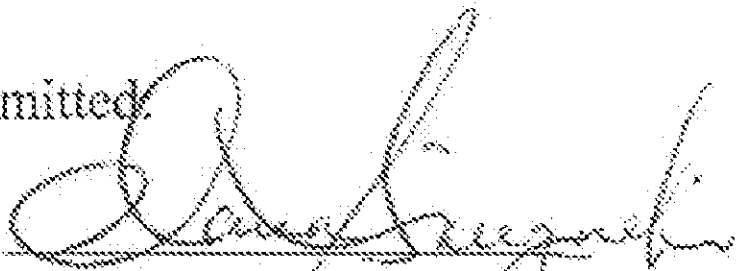
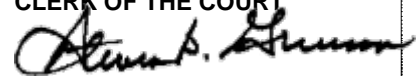
15 By: 
16 Leon Greenberg, Esq.
17 Dana Sniegocki, Esq.
18 LEON GREENBERG PROF. CORP.
19 2965 S. Jones Blvd., Ste. E-3
20 Las Vegas, NV 89146
21 Attorneys for Plaintiffs
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EXHIBIT “B”



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

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

13 Plaintiffs,

14 vs.

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

17 Defendants.
18
19
20
21

Case No.: A-12-669926-C

DEPT.: I

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

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

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

PA 0101

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

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

9 **RELEVANT PRIOR HISTORY - CLASS CERTIFICATION**

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

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

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 superseded by statute on other grounds, 29 U.S.C. § 254(a) ("When the
2 employer has kept proper and accurate records the employee may easily
3 discharge his burden by securing the production of those records. But
4 where the employer's records are inaccurate or inadequate and the
5 employee cannot offer convincing substitutes a more difficult problem
6 arises. The solution, however, is not to penalize the employee by denying
7 him any recovery on the ground that he is unable to prove the precise
8 extent of uncompensated work. Such a result would place a premium on
9 an employer's failure to keep proper records in conformity with his
10 statutory duty; it would allow the employer to keep the benefits of an
11 employee's labors without paying due compensation"). Doing so would
12 serve to reward A Cab for its violation of NRS 608.115(1)(d) by shifting
13 the now considerable burden and cost of ascertaining the class members'
14 hours of work onto the plaintiffs' themselves. It is A Cab that should
15 properly bear that burden and expense and it was directed to do so
16 through the offices of the Special Master that it has failed to pay.
17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 members alleged by A Cab to support such defense.¹¹ A Cab
2 referenced the consent judgment case in its interrogatory answer,
3 but provided no information on the amounts so paid under the same
4 to any particular class members. It also referred to its production
5 of documents that it implied may contain such information.
6 Plaintiffs' counsel asserts it has not been provided with
7 documentation from A Cab of the amounts so paid, in respect to
8 the exact amount paid to each individual involved class member
9 and not the entire \$139,988.80, though it does believe some such
10 amounts were paid.¹²
11

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

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

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

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

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

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

10 **DISCUSSION OF RELIEF GRANTED**

11 **Plaintiffs' Motion for Summary Judgment**

12
13
14 The Court notes we are dealing with important rights, important because the
15 people of Nevada have said so by virtue of inserting what would have otherwise been
16 a statutory provision into the Constitution of the State of Nevada. The Court has great
17 respect for the constitutions and constitutional law. The Court believes that they form
18 the basic backbone of the laws and government enumerated therein, both for the
19 United States of America and for the State of Nevada. If the people of this state have
20 said that there is a minimum wage act which entitles employees to be paid a certain
21 amount, in conformity therewith, it is incumbent upon the Court to assure that at the
22 end of the day justice is done, even though the justice that is done turns out to be of a
23 somewhat imprecise nature.
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 would proceed by way of sanction, strike the answer, and award judgment to
2 Plaintiffs.¹⁶
3

4 Accordingly, the following alternative basis is offered.
5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

22 **IT IS SO ORDERED.**

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

Date 8-21-18

EXHIBIT "A"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT "C"

1 **DECL**
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Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

12 A CAB TAXI SERVICE LLC, A CAB
13 SERIES LLC formerly known as A
CAB, LLC, and CREIGHTON J.
14 NADY,

Defendants.

Case No.: A-12-669926-C

Dept.: 32

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

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

20 1. I offer this declaration in support of plaintiffs' motion for the appointment of
21 a Receiver or for alternative relief.

22 2. I am currently holding \$303,695 in my attorney IOLTA account in
23 connection with this case. Those funds include \$223,695 collected in 2018 as a result
24 of a judgment execution served on Wells Fargo bank of which \$19,800 was
25 subsequently paid in 2019 to George Swarts, court appointed Special Master, and his
26 counsel, Steven Parsons. Those funds also include an additional \$100,000 I received
27 from counsel for the judgment debtor A Cab on December 13, 2019. That money was
28 deposited as a condition of staying enforcement of the judgment in this matter pursuant

1 to the instructions of District Judge Rob Bare. As a result of such instructions, such
2 action by A Cab, and the other rulings made by Judge Bare, I cannot distribute any of
3 those funds in my IOLTA account or take any other action at this time to enforce my
4 clients' judgment.

5 3. On December 18, 2018 Judge Cory signed an Order appointing George
6 Swarts as a Special Master and directing a payment of up to \$20,000 from the
7 judgment collection funds held in my IOLTA account. That Order was the result of an
8 agreement between the parties, with Judge Cory's assistance, to try to find a way to
9 cooperatively keep A Cab's business running efficiently and also pay my clients'
10 judgment. It was expected that once George Swarts had time to perform his expected
11 work the parties would agree upon (or Judge Cory would impose) some further plan for
12 A Cab's continued operation and the payment of my clients' judgment. That
13 expectation did not come to fruition as the parties were unable to so agree and Judge
14 Cory recused himself from this case on March 1, 2019.

15 4. The Order entered on July 17, 2020 resulted from rulings made by Judge
16 Bare on various motions that he heard on December 3, 2019. As a result, the parties
17 were made aware on December 3, 2019 that George Swarts was being "reactivated" as
18 Special Master, though the issue of how he would be paid was not ruled upon by Judge
19 Bare until he issued the July 17, 2020 Order. It was understood that George Swarts
20 would only accept an appointment to serve as a "reactivated" Special Master pursuant
21 to an order setting forth his specific duties and powers, issues not addressed in any
22 detail at the December 3, 2019 hearing or in the July 17, 2020 Order.

23 5. Because a separate order would have to be issued concerning the
24 appointment of George Swarts as "reactivated" Special Master, I had a series of
25 communications with his counsel, Steven Parsons, in January and February of 2020
26 regarding a draft of such an order. I worked with Steven Parson to create such a draft
27 that I provided to him in February of 2020. On May 20, 2020 Steven Parson advised
28 me he had a form of proposed order agreeable to George Swarts and intended to
circulate it to the parties, and submit it to Judge Bare, within the next few days. That

1 did not occur, as Steven Parsons contacted me on May 28, 2020 and June 16, 2020 and
2 advised me he had been in the hospital and dealing with medical issues and might have
3 to stop working on this matter. He contacted me further on July 14, 2020 and advised
4 me he was hoping to proceed in this matter and submit the proposed “reactivated”
5 Special Master appointment order to Judge Bare. That proposed order was never
6 submitted to Judge Bare and that may have been because, as I was advised by Steven
7 Parsons on December 22, 2020, George Swarts had been hospitalized for a period of
8 time with COVID 19.

9 6. After the July 17, 2020 Order was issued and in August of 2020 I advised
10 Steven Parson that my clients did not agree with the requirement imposed by that Order
11 that they pay 50% of the fees and costs associated with the work of George Swarts as
12 “reactivated” Special Master. I told him I thought it was improper to so appoint
13 George Swarts and would be appealing that Order and/or seeking rehearing of the
14 same. It is possible that this position by me dissuaded Steven Parsons and George
15 Swarts from proceeding with the Special Master appointment.

16 7. On December 26, 2020 Steven Parsons advised all of the parties that
17 George Swarts had died on December 25, 2020.

18 8. My investigation indicates that A Cab possesses few material assets that
19 can be levied upon through a conventional judgment execution. It claims to not
20 actually own most of the taxicabs it operates and has recorded their vehicle titles in the
21 names of allegedly separate and independent “subseries” LLCs that it has created.
22 And even if that were not the case, I do not believe a seizure and sale of all of those
23 vehicles would yield enough money to satisfy the majority of the outstanding judgment
24 (that judgment, including the award of attorneys fees, costs, and post judgment interest
25 is in excess of \$1,500,000 more than what I am currently holding in my IOLTA
26 account to satisfy that judgment). Many or most of those vehicles have liens against
27 them from secured loan holders and a sale at auction of all of those vehicles may not
28 result in the recovery of even 30% of that outstanding amount. A Cab does not own
the real estate it operates from (it is purposely held by a separate corporate entity also

owned by A Cab's owner, Nady) or any other significant physical assets.

9. A Cab's most valuable asset is its privileged operating license, its "Certificate of Convenience and Public Necessity" or "CPCN" granted to it by the Nevada Taxicab Authority (the "NTA") and the taxi medallions issued to it as part of the same. That privileged license to operate a taxicab business very likely has (and historically has had) great value. *See e.g.*, "Frias sale of Las Vegas cab assets approved by Taxicab Authority" and "Frias to sell assets of 5 Southern Nevada Taxi cab companies" Las Vegas Review Journal, February 26 and 28, 2019 (Frias, the then largest Las Vegas taxi operator, sold 928 vehicles and medallions and associated CPCNs to other Las Vegas taxi operators; there was "plenty of interest" in purchasing those assets with Frias stating "out-of-state folks that really wanted to come into the market" also considered purchasing the assets). While it is unknown how much was paid to purchase the Frias medallions and CPCNs in 2019, based on the level of interest received in that sale there is good reason to believe A Cab's taxi medallions and CPCN have substantial value to a local or out of state buyer. Perhaps even a sufficient value to fully satisfy the Judgment. But that value is not easily realized in a judgment collection context. While that CPCN, like any other asset, can be seized to satisfy the judgment it only has value to a transferee approved by the NTA to operate a taxicab business. While seizing those assets is easily accomplished, arranging such a transfer of A Cab's CPCN to an NTA approved transferee may prove difficult and time consuming.

10. It is apparent, based both on its operating history since this litigation was commenced in 2012, and its current operating reports to the NTA, that A Cab, if properly managed, can generate sufficient profits over the next five years, or less, to fully satisfy the Judgment. The report of Special Master George Swarts filed with the Court on February 1, 2019 indicates A Cab had net income of \$854,000 in 2016 and during the three year period from 2016-2018 its owners withdrew \$1,900,000 in equity from its business. A Cab, must, and does, report passenger fare revenue information to the NTA that, in turn, periodically publishes that information on its website (A Cab

1 also receives advertising revenue in an amount that is not publicly disclosed). The
2 most current information so released for A Cab (at www.taxi.nv.gov), for September of
3 2020, indicates A Cab's taxis performed 25,779 passenger trips in that month, equal to
4 52.72% of the 48,898 such trips they conducted in September of 2019. It generated
5 \$17.57 in revenue for each such trip and for those trips involving taxicabs it leased it
6 generated \$17.94 in revenue. It is not known how many of each sort of trip A Cab's
7 taxis performed, but if the lower figure (\$17.57 per trip) is used A Cab generated
8 \$452,937 in passenger revenue in September of 2020. That would yield over
9 \$5,435,244 of revenue over the course of 12 months (and presumably much more than
10 that over the next 12 months as the COVID pandemic recedes). The NTA has publicly
11 stated that the profit margins of Las Vegas taxicab companies are, on average, 9.46%,
12 as reported by the Las Vegas Sun on September 27, 2011. Even if A Cab's profit
13 margin is a far more modest 6% of revenue (I believe it is far greater than that amount)
14 it would generate profits of \$324,000 per year on yearly revenue of \$5,400,000. A
15 Cab's revenue and resulting profits will be greater than those amounts and it can easily
16 fully satisfy the Judgment from its operating profits over the next five years or less.

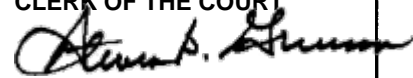
17
18 I have read the foregoing and affirm the same is true and correct.

19
20 Affirmed this 30th day of December, 2020

/s/ Leon Greenberg

Leon Greenberg

EXHIBIT “D”



ORDR

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Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

A CAB TAXI SERVICE LLC and A CAB, LLC,

Defendants.

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

**ORDER DENYING PLAINTIFFS' MOTION TO ALLOW JUDGMENT ENFORCEMENT;
PLAINTIFFS' MOTION TO DISTRIBUTE FUNDS HELD BY CLASS COUNSEL; AND
PLAINTIFFS' MOTION REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF
THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320; AND ORDER GRANTING
DEFENDANTS' COUNTERMOTION FOR STAY OF COLLECTION ACTIVITIES**

Plaintiffs' Motion to Allow Judgment Enforcement; Motion to Distribute Funds Held by

1 *Class Counsel; and Plaintiffs' Motion Requiring the Turnover of Certain Property of the Judgment*
2 *Debtor Pursuant to NRS 21.320* were filed on October 3, 2019. Defendants' *Oppositions* to said
3 motions and *Countermotion for Stay of Collection Activities* were filed on October 23, 2019. The
4 hearings on these motions and the countermotion were held on November 12, 2019 and December 3,
5 2019. Plaintiffs were represented at the hearings by their attorneys, Leon Greenberg and Dana
6 Sniegocki of Leon Greenberg Professional Corporation. Defendants were represented at the hearings
7 by their attorneys, Esther C. Rodriguez of Rodriguez Law Offices, P.C., Michael K. Wall, of
8 Hutchison Steffen, and Jay A. Shafer of Cory Reade Dows & Shafer. Also present at the hearing of
9 December 3, 2019, was Steven J. Parsons, Esq. on behalf of Special Master George C. Swarts.

10 Plaintiffs' *Motion to Allow Judgment Enforcement* requested an Order from the Court
11 granting them leave to handle in their sole discretion without any further order from the Court nor
12 challenge by Defendants on procedural grounds, collection of the judgment for \$614,599.07; as well
13 as an order to receive Defendants' information from Special Master Swarts, previously deemed
14 confidential by the Court, in order to utilize such information to execute upon assets to satisfy their
15 judgment.

16 In response and in opposition, Defendants argued that Plaintiffs' request is in contravention
17 to the NRCP and NRS which provide for due process and rights to object to seizures and collection
18 activities. Defendants also asserted that Plaintiffs are not entitled to confidential materials ordered
19 by the Court for other purposes, not for purposes of facilitating Plaintiffs' collection activities.

20 Defendants' *Countermotion for Stay of Collection Activities Pending Appeal* moved the
21 Court for a stay of Plaintiffs' collection activities. In support of said request, Defendants offered
22 additional security consisting of another \$100,000 to be deposited to Plaintiffs' counsels' trust
23 account (increasing the deposit to \$303,494.54), as well as a proposal to maintain corporate
24 transparency with the Special Master to insure no improper transfers were made which would
25 jeopardize Plaintiffs' judgment.

26 Plaintiffs' *Motion Requiring the Turnover of Certain Property* requested the seizure of
27 certain motor vehicles alleged to be owned by the taxicab company. Defendants opposed this motion
28 as the same requested relief had previously been denied; and EDCR 7.12 bars multiple application.

1 Defendants also opposed the seizure of income-generating assets.

2 Plaintiffs' *Motion to Distribute Funds Held by Class Counsel* requested authority to
3 distribute the funds held in the trust account of Plaintiffs' counsel. Defendants opposed this motion
4 arguing that said funds were improperly taken and declaratory relief pertaining to these funds is
5 pending in another court; the Court does not have subject matter jurisdiction over these claims; and
6 the Plaintiffs' proposed plan for distribution does not further the stated goals of the Court.

7 The Court reviewed the briefing; entertained argument from both Plaintiffs and Defendants;
8 as well as heard from counsel for Special Master Swarts (Mr. Swarts was unavailable due to personal
9 family issues). Mr. Parsons indicated to the Court that Mr. Swarts was definitely of the opinion that
10 any significant shifting of capital or assets away from the business, threatened the existence of the
11 business. Further, Mr. Parsons indicated to the Court that at the time of the Special Master's analysis
12 and reporting, the posting of a supersedeas bond was not within the capacity of A Cab, but no
13 information was available to confirm the current financial ability to do so.

14 The Court, having read all the pleadings and papers on file herein, hearing the arguments of
15 the parties, and good cause appearing, finds that a limited stay is warranted and appropriate.
16 Accordingly, Plaintiffs will be permitted to conducted discovery that would be appropriate in a post-
17 judgment scenario, but actual collection activity will be stayed. The Court recognizes that the taking
18 of assets or monies in a collection sense could cripple the business and put it out of business, which
19 is not the desired outcome.

20 Accordingly, the Court **DENIES** Plaintiffs' *Motion Requiring the Turnover of Certain*
21 *Property of the Judgment Debtor Pursuant to NRS 21.320.*

22 The Court finds that at this stage there are two main objectives: those being to keep the
23 company going and to secure the judgment should Defendants lose their appeal to the Nevada
24 Supreme Court. As such, the Court finds that it is appropriate to reactivate the role of Special Master
25 Swarts to further analyze the corporate records of Defendant in order to report to the Court what, if
26 any, percentage of profits could be segregated as a further security while the appeal proceeds. It is
27 apparent to the Court that Defendants cannot post a supersedeas bond for the approximately \$1.4
28 million; and therefore the Court cannot grant a stay for all purposes on everything, because

1 Defendants are without means to post the entirety of the bond at this point. However, the Court finds
2 that Defendants have posted a partial security which will soon exceed \$300,000, and that a limited
3 stay is appropriate.

4 The Plaintiffs will maintain this security deposit as well as any future security deposits in the
5 trust account of Plaintiffs' counsel. The Court recognizes that disbursement of these funds offered as
6 security was not appropriate as it would be impossible to recover said funds distributed to hundreds
7 of class members in small amounts, in the event that Defendants prevail in their appeals.

8 Accordingly, the Court **DENIES** Plaintiffs' *Motion to Distribute Funds Held By Class*
9 *Counsel*.

10 **IT IS HEREBY ORDERED** that:

- 11 1. *Plaintiffs' Motion To Allow Judgment Enforcement* is **DENIED**;
- 12 2. *Plaintiffs' Motion To Distribute Funds Held By Class Counsel* is **DENIED**;
- 13 3. *Plaintiffs' Motion Requiring The Turnover of Certain Property of The Judgment*
14 *Debtor Pursuant to NRS 21.320* is **DENIED**; and
- 15 4. *Defendants' Countermotion For Stay of Collection Activities* is **GRANTED**.

16 **FURTHER THE COURT ORDERS:**

17 The Court-appointed Special Master, George Swarts, will be re-activated to provide
18 additional information to the Court to address what, if any, percentage of Defendant's profits could
19 be segregated as a further security while the appeal proceeds.

20 The Court will set a status check in light of the present circumstances created by the COVID-
21 19 pandemic including the closure of non-essential businesses including the Defendants' business, to
22 determine a realistic date to accomplish a report by the Special Master.

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

The Court further instructs the parties to provide additional briefing as to whether the additional fees incurred by the Special Master should be borne equally between the parties. Plaintiffs' response on this issue is due December 17, 2019; and Defendants' response is due December 31, 2019. After reviewing the briefs, the Court ORDERS that Special Master's fees shall be equally borne by the parties.

DATED this 17th day of July, 2020.


DISTRICT COURT JUDGE
ROB BARE


HGL

Submitted by:

RODRIGUEZ LAW OFFICES, P.C.

Approved as to form and content:

LEON GREENBERG PROFESSIONAL
CORPORATION


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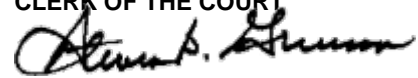

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Attorneys for Plaintiffs

EXHIBIT “E”



1 ORDER

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6
7 MICHAEL MURRAY, and MICHAEL
8 RENO, Individually and on behalf of others
9 similarly situated
10 vs.

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

13 Defendants.

Case No.: A-12-669926-C

Dept.: I
**ORDER GRANTING PLAINTIFFS'
COUNTER MOTION FOR
JUDGMENT ENFORCEMENT
RELIEF**

Hearing Dates:
September 26, 2018
September 28, 2018
December 13, 2018

14 On September 21, 2018, Defendants filed "Defendant's Ex-Parte Motion to
15 Quash Writ of Execution and, in the Alternative Motion for Partial Stay of
16 Execution on Order Shortening Time. The Court set the hearing for September
17 26, 2018. On September 24, 2018, Plaintiffs filed "Plaintiffs' Response to
18 Defendants' Ex-Parte Motion to Quash Writ of Execution on an OST and
19 Counter-Motion for Appropriate Judgment Enforcement Relief." In Plaintiffs'
20 Counter-Motion, Plaintiffs requested a) ordering a Judgment-Debtor
21 examination, b) ordering property be deposited with plaintiffs' counsel, c)
22 enjoining any transfer of funds from A Cab LLC and any of its series LLCs, d)
23 issuing an order of attachment, and/or e) appointing a receiver. In Plaintiffs'
24 Counter-Motion, Plaintiffs advised "Plaintiffs' counsel understands that the
25 Court may not wish to issue any relief on the counter-motion at the scheduled
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PA 0178

1 hearing given the short notice.” This Court agreed, and continued Plaintiffs’
2 Counter-Motion for Appropriate Judgment Enforcement Relief to October 22,
3 2018, to be heard at the same time as the several other pending motions
4 scheduled for that day, so that Defendants may be afforded an opportunity to
5 respond to Plaintiffs’ Counter-Motion. On October 15, 2018, Defendants’ filed
6 their Opposition to Plaintiffs’ Counter-Motion for Appropriate Judgment Relief.
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9 On October 22, 2018, the Court heard 1) Defendants’ Motion for Dismissal
10 of Claims on Order Shortening Time, 2) Defendants’ Motion for
11 Reconsideration, Amendment, For New Trial, and For Dismissal of Claims, and
12 3) Plaintiffs’ Motion to Amend Judgment. Because of the issues discussed during
13 that hearing, the Court stayed the matter for 10 days, and continued Plaintiffs’
14 Counter-Motion for Appropriate Judgment Relief to November 29, 2018, to be
15 heard with the several other pending motions set to be heard on that day. On
16 November 20, 2018, the Court issued a minute order setting those pending
17 motions to December 4, 2018 for announcement of decision.
18
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20

21 On December 4, 2018, the Court announced its decision on the majority of
22 the pending motions, and heard from both sides regarding Plaintiffs’ still pending
23 Counter-Motion which requested the appointment of a receiver. The Court
24 inquired of counsel as to the appropriate scope of the receivership and set the
25 matter over to December 13, 2018 so that the Court may appropriately and
26 thoughtfully determine what powers to grant the receiver given the complexity
27 this case has presented. The Court, having reviewed the papers and pleadings on
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1 file, having heard oral argument by counsel, and based on the entire record of
2 these proceedings, enters the following order:
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4

5 **The Request for Appointment of a Receiver**

6 The plaintiffs request the appointment of a receiver pursuant to NRS
7 Chapter 32. The Court, given the circumstances presented, as discussed at the
8 hearing on December 4, 2018, concludes at this time it would be more
9 appropriate to appoint a Special Master. Accordingly, the request is granted to a
10 limited extent in the form of an appointment of a Special Master as follows:
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13 1. George C. Swarts is appointed as a Special Master pursuant to
14 NRCP Rule 53;

15 2. The Special Master shall be provided by the judgment debtor A Cab
16 LLC also known as A Cab Series LLC, including Creighton J. Nady and any
17 other agents of judgment debtors, copies of all electronic and paper financial and
18 business records of the judgment debtor A Cab LLC also known as A Cab Series
19 LLC that the Special Master deems advisable to possess for the preparation of
20 the report directed in this order, including but not limited to all such records
21 involving all of its contracts or agreements with any other entity or person,
22 including any series LLC it has issued pursuant to NRS 86.296. Upon being
23 presented with a copy of this Order all persons and entities possessing any such
24 records of the judgment debtor A Cab LLC also known as A Cab Series LLC
25 shall deliver them to the Special Master;
26
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28

1 3. The Special Master shall promptly advise plaintiffs' counsel of all
2 property of the judgment debtor A Cab LLC also known as A Cab Series LLC
3 that it has identified and plaintiffs' counsel shall take no action to proceed with
4 any legal execution upon such property to satisfy plaintiffs' judgment pending
5 further order of the Court following the Special Master's report;
6

7 4. The Special Master shall issue a report by February 1, 2019 to the
8 Court advising the Court of:
9

10 (a) A proposed plan, to the extent that they deem it feasible, for the Special
11 Master to be appointed Receiver pursuant to NRS Chapter 32 over the operations
12 of judgment debtor A Cab LLC also known as A Cab Series LLC in a manner
13 that will allow the profits from the operation of the taxi medallions authorized to
14 it to be applied towards satisfaction of the plaintiffs' judgment.
15
16

17 5. Plaintiffs' counsel shall be required to make available to the
18 Special Master, from the funds they have collected on the plaintiffs' judgment
19 and are holding in their IOLTA account pursuant to this Court's prior Orders, a
20 sum not to exceed \$20,000 (Twenty Thousand Dollars) to pay for the Special
21 Master's services. The Special Master shall be entitled to be paid a fee not
22 exceeding \$300.00 (Three Hundred Dollars) per hour for their services. The
23 Special Master shall be authorized, in their discretion, to cease further work and
24 present the report discussed in paragraph 4 to the Court, to the extent it is able to
25 complete such a report, once the cost for their services have exceeded 90% of the
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1 amount specified in this paragraph that plaintiffs' counsel shall be required to
2 make available to pay for such services.

3 6. The information and records received by the Special Master
4 shall be kept confidential and subject to a protective order issued by the Court,
5 precluding production to the general public except as directed by the Court.
6

7 7. Judgment debtors shall not create any additional Series LLCs
8 without further order of this Court.
9

10 **The Request for a Judgment Debtor Exam**

11 As the Court ruled at the December 4, 2018 hearing this issue is the subject
12 of a separate motion and will be addressed by a separate order.
13

14 **The Request to Enjoin Certain Transfers of Funds**

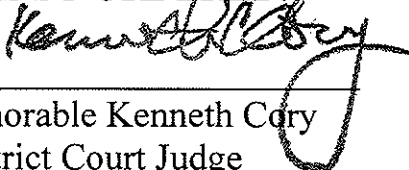
15 The plaintiffs requested that A Cab and any series LLC it has issued (the
16 "series LLCs" that defendants also refer to as "cells" of A Cab) be enjoined from
17 transferring any funds to defendant Nady or any of his family members. At the
18 December 4, 2018 hearing the Court was advised by counsel for A Cab that
19 defendant Nady's prior deposition testimony about regular transfers of funds
20 from the series LLCs to Nady was incorrect and such transfers were actually to a
21 trust. This branch of plaintiffs' motion is granted to the limited extent of
22 prohibiting the transfer of any monies or other property owned by judgment
23 debtor A Cab LLC (also known as A Cab Series LLC) to defendant Nady, to any
24 of his family members, or to any trust of which Nady or any of his family
25 members is a trustor, trustee or beneficiary. To the extent plaintiffs' motion
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1 sought further restraints on transfers by the series LLCs it is, without prejudice,
2 denied at this time.
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6 **Other Requested Relief**

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8 Plaintiffs' other requested forms of relief are, without prejudice, denied by
9 the Court at this time.
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11 **IT IS SO ORDERED.**

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13 Honorable Kenneth Cory
14 District Court Judge
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12/17/2018
Date

EXHIBIT “F”

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

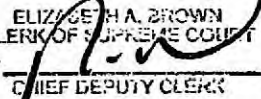
vs.

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

No. 81641

FILED

NOV 09 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court postjudgment order: (1) denying a motion to allow judgment enforcement, (2) denying a motion to distribute funds held by class counsel, (3) denying a motion requiring the turnover of certain property of the judgment debtor pursuant to NRS 21.320, (4) granting a countermotion for a stay of collection activities pending the appeal from the underlying judgment, and (5) reactivating a special master to gather additional information regarding the possibility of requiring further security deposits during the pendency of the appeal from the underlying judgment. Respondents have filed a motion to dismiss, arguing that the district court's order is not substantively appealable. Appellants have opposed the motion, and respondents have filed a reply.

This court has limited jurisdiction, and may only consider appeals authorized by statute or court rule. *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). “[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”

Moran v. Bonneville Square Assocs., 117 Nev. 525, 527, 25 P.3d 898, 899 (2001).

First, appellants assert that the district court's order is appealable as a special order entered after final judgment. NRAP 3A(b)(8) allows an appeal from "[a] special order entered after final judgment." To qualify as an appealable special order entered after final judgment, the order "must be an order affecting the rights of some party to the action, growing out of the judgment previously entered." *Gumm v. Mainor*, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002). Crucially, however, "no statute or court rule appears to allow for an appeal from an order that relates to the mere enforcement of a prior judgment." *Superpumper, Inc. v. Leonard Tr. for Morabito*, Docket Nos. 79355 & 80214 (Order Dismissing Appeal and Regarding Motions, March 6, 2020).

For example, in *Gumm v. Mainor*, this court concluded that a postjudgment order that distributed a significant portion of the appellant's judgment proceeds to certain lienholders was appealable because it altered his rights under the final judgment. *See id.* at 920, 59 P.3d at 1225. We noted, in contrast, that a postjudgment order directing a portion of the appellant's judgment proceeds to be deposited with the district court clerk pending resolution of the lien claims was not appealable. *See id.* at 914, 59 P.3d at 1225.

In a number of similar contexts, this court has consistently reiterated that postjudgment orders that do not affect the rights incorporated in the judgment are not appealable as special orders after final judgment. *See, e.g., Superpumper, Inc. v. Leonard Tr. for Morabito*, Docket Nos. 79355 & 80214 (Order Dismissing Appeal and Regarding Motions, March 6, 2020) (orders denying claims of exemption asserted by appellants

in post-judgment enforcement proceedings were not appealable); *Zandian v. Margolin*, Docket No. 69372 (Order Dismissing Appeal, March 4, 2016) (postjudgment order requiring appellant to appear for a debtor's examination and produce documents was not appealable).¹

Here, the district court's postjudgment order did not alter the amount of appellants' judgment or distribute any portion of the judgment to other parties. Nor did the order reduce respondents' liability or obligations under the judgment. Instead, the order simply stayed appellants' judgment enforcement proceedings during the pendency of respondents' appeal of the underlying judgment, thereby reserving resolution of appellants' efforts to enforce their judgment. Thus, because the district court's postjudgment order did not affect the rights incorporated in the judgment, it is not appealable as a special order entered after final judgment. See 15B Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice and Procedure* § 3916 (2d ed. 1992 and Supp. 2020) ("Appeal ordinarily should not be available as to any particular post-judgment proceeding before the trial court has reached its final disposition."); see also *Aspen Fin. Servs. v. Eighth Judicial Dist. Court*, 128 Nev. 635, 640, 289 P.3d 201, 205 (2012) (noting that an order granting or denying a stay of proceedings is not appealable).²

¹Appellant cites *McCulloch v. Jeakins*, 99 Nev. 122, 659 P.2d 302 (1983), for the proposition that an order staying judgment enforcement is appealable. *McCulloch*, however, did not discuss jurisdiction and predates this court's decision in *Gumm*.

²Although appellants argue that the district court's order directed them to split the costs of a special master, this did not alter their legal rights under the substance of the judgment and, thus, does not render the order

Next, appellants contend that the district court's order is appealable as an order appointing or refusing to appoint a receiver. Under NRAP 3A(b)(4), "[a]n order appointing or refusing to appoint a receiver or vacating or refusing to vacate an order appointing a receiver" is appealable. The rule does not, however, mention an order appointing a special master. And, this court has repeatedly held that such an order is not appealable. *See, e.g., Russell v. Thompson*, 96 Nev. 830, 832, 619 P.2d 537, 538 (1980) (concluding that the district court's appointment of a special master to facilitate an appropriate division of certain property was not appealable, noting, "reference to a special master is not an appealable order"); *Hammer v. Rasmussen*, Docket No. 70647 (Order Dismissing Appeal, Aug. 9, 2016) (observing that "[n]o statutes or court rules provide for an appeal from . . . an order appointing a special master").

Here, the district court's postjudgment order neither granted nor denied a request to appoint a receiver. Rather, the order reactivated a special master to provide additional information to the court regarding the possibility of further security deposits during the pendency of the appeal from the underlying judgment. As noted, however, such an order is not appealable.³

an appealable special order after final judgment. *See generally Morrel v. Edwards*, 98 Nev. 91, 92, 640 P.2d 1322, 1324 (1982) (amendment that merely struck an award of costs from a judgment "did not affect the legal rights and obligations of the parties" in the substance of the judgment and, therefore, was not appealable).

³While appellants assert that the district court's minutes show that it intended to appoint a receiver, this court has made clear that "the clerk's minute order, and even an unfiled written order are ineffective for any purpose." *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987).

Finally, appellants contend that the district court's postjudgment order is appealable as an order "resolving a supplementary judgment enforcement proceeding" under NRS 21.320. "A 'supplementary proceeding' is 'held in connection with the enforcement of a judgment, for the purpose of identifying and locating the debtor's assets available to satisfy the judgment.'" *Nevada Direct Ins. Co. v. Fields*, Docket No. 66561 (Order Vacating Judgment and Remanding, Feb. 26, 2016) (quoting *Black's Law Dictionary* (8th ed. 2004)). Pursuant to NRS 31.460, "appeals may be taken and prosecuted from any final judgment or order in such proceedings as in other civil cases."

Assuming, without deciding, that appellants' various postjudgment enforcement efforts could be construed as a "supplementary judgment enforcement proceeding," the district court has yet to reach a final disposition in such proceedings. Instead, as explained above, the district court stayed those proceedings during the pendency of respondents' appeal of the underlying judgment, thereby reserving resolution of appellants' efforts to enforce their judgment. Thus, the district court's postjudgment order is not appealable under NRS 31.460. As it does not appear that the challenged order is otherwise appealable at this time, we conclude that this court lacks jurisdiction, and we grant the motion to dismiss and

ORDER this appeal DISMISSED.

 J.
Gibbons

 J.
Stiglich

 J.
Silver

cc: Hon. Rob Bare, District Judge
Leon Greenberg Professional Corporation
Rodriguez Law Offices, P.C.
Cory Reade Dows & Shafer
Hutchison & Steffen, LLC/Las Vegas
Eighth District Court Clerk

EXHIBIT "G"



NEVADA TAXICAB AUTHORITY ORDER

and

AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

ADMIRAL TAXICAB SERVICE, LLC
d/b/a A CAB, LLC

CPC T 1052 SUB 1
EFFECTIVE NOVEMBER 1, 2015



The Nevada Taxicab Authority ("Authority") finds that the above-named carrier has met the requirements of N.R.S. 706.8827 and received authority from the Taxicab Authority to engage in transportation in Clark County as a taxicab motor carrier on May 1, 2001, and the Taxicab Authority over the intervening time having ordered additional medallions and the removal of medallion restrictions now finds it in the best interest of the Authority and the Taxicab Industry to issue this Amended Certificate of Public Convenience and Necessity ("Certificate"), therefore:

IT IS ORDERED, that the said carrier be, and is hereby, granted this Amended Certificate of Public Convenience and Necessity as evidence of the continuing authority of the holder to engage in transportation in Clark County as a taxicab motor carrier, subject however, to such terms, conditions, and limitations as now are, or may hereafter be attached to the exercise of the privileges herein granted to the said carrier; and

IT IS FURTHER ORDERED, and is made a condition of this Certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure to do so shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that nothing contained herein shall be construed to be either a franchise or irrevocable; and that the failure to comply with the rules and regulations and/or orders of the Taxicab Authority or applicable statutory provisions shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that any interest in this Certificate including, but not limited to, shares of stock, shall not be sold, transferred, leased or otherwise altered without having first obtained authorization from the Taxicab Authority; and

IT IS FURTHER ORDERED, that the transportation service to be performed by said carrier shall be as specified below:

Admiral Taxicab Service, LLC d/b/a A CAB, LLC, is authorized to operate one hundred fifteen (115) taxicab medallions for the transportation of fares or passengers originating within Clark County, Nevada.

IT IS FURTHER ORDERED that this Certificate supersedes any and all prior Certificates held by this carrier, or any predecessor-in-interest of this carrier, and said prior Certificates are void and are hereby revoked; and

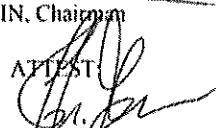
IT IS FURTHER ORDERED that the Taxicab Authority retains jurisdiction to correct any errors which may have occurred in the drafting of this Certificate.

DATED this 28th day of January, 2016.

BY THE AUTHORITY:


ILEANA DROBKIN, Chairman

ATTEST


RONALD GROGAN
Taxicab Authority Administrator

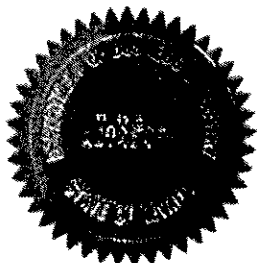


EXHIBIT “H”

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15 christian@gabroy.com
16 kmesser@gabroy.com

17 Attorneys for Plaintiffs

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 MICHAEL MURRAY and MICHAEL)
21 RENO, Individually and on behalf of others)
22 similarly situated,) Case No. : A-12-669926-C
23) Dept. No.: XXXII
24 Plaintiff,)
25)
26 v.)
27)
28 A CAB TAXI SERVICE LLC and A CAB,)
SERIES LLC, formerly known as A CAB)
LLC, and CREIGHTON J. NADY,)
Defendants.)

29 **ORDER APPOINTING RECEIVER**

30 Whereas a judgment was entered in this case on August 21, 2018 in favor of
31 890 plaintiffs in varying amounts and against defendant A Cab LLC currently

1 known as A Cab Series LLC ("A Cab") for a total amount \$1,033,027.81 as
2 specified therein and on February 6, 2019 an Order awarding \$614,599.07 in
3 attorney's fees and costs was entered in favor of the plaintiffs and against defendant
4 A Cab (collectively "the Judgment");
5

6 Whereas A Cab is operating, and intends to continue to attempt to operate, a
7 taxicab business in Clark County, Nevada, pursuant to a certificate of public
8 convenience and necessity (its "CPCN") issued to it for that purpose by the Nevada
9 Taxicab Authority;
10

11 Whereas the Judgment remains unsatisfied and no bond has been posted by
12 A Cab that would allow A Cab to prevent, as a matter of right, execution of the
13 Judgment upon its assets or other legal action based upon the Judgment that would
14 interfere with A Cab's ability to operate its taxicab business;
15
16

17 Whereas pursuant to NRS 32.010 and this Court's equitable powers this
18 Court has the power to appoint a Receiver to assist in the collection of the
19 Judgment;
20

21 Whereas the revenue and profits from A Cab's taxi business, and the
22 operation of the taxi medallions issued to it under its CPCN, that are not needed for
23 the payment of expenses necessary to operation of that business or for
24 reinvestment in A Cab's taxi business and that would otherwise be available for
25 distribution to A Cab's members or owners who are entitled to such profits, should
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1 be kept in escrow pending a future disposition of such monies to either the
2 plaintiffs or A Cab as shall be determined by their future agreement as approved of
3 by the Court or by the Court in the absence of such agreement (the "A Cab Profits
4 Escrow");
5

6 Whereas it is hereby Ordered that:

7 1. is appointed Receiver of A Cab with the power to
8 monitor; to collect and review information; to report to the Court and the parties; to
9 control the transfer, use and disposition of its assets and payment of its expenses
10 and obligations, including control, if he or she deems it desirable, of all bank
11 accounts or investment accounts held by A Cab; to control the operations of A Cab
12 as specified herein; and to handle, place in interest bearing Treasury Bills or other
13 insured interest bearing depository account(s), and preserve in such manner as she
14 or he deems appropriate, all funds that are part of the A Cab Profit Escrow. The
15 powers afforded herein to the Receiver are, except for the reporting requirement
16 specified in paragraph 8 *infra*, discretionary and to be exercised or not exercised as
17 the Receiver determines, in his or her independent professional judgment, is
18 appropriate, with the Receiver at all times exercising such judgment in the fashion
19 that she or he determines will maximize the amount of the A Cab Profit Escrow;
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22 2. The Receiver shall have full and unlimited access to all records and
23 information possessed by A Cab, by all series LLC entities that A Cab has created,
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1 and by all lessees of taxi medallions issued to A Cab pursuant to its CPCN. The
2 Receiver shall have the power to copy all such materials and maintain them at the
3 Receiver's office and shall not be restricted to accessing and reviewing such
4 materials in the offices maintained by A Cab or under the supervision of or in the
5 presence of A Cab employees. The Receiver shall have the power to require A
6 Cab deliver to the Receiver's office, copies of all such materials, in electronic form
7 or any other form the Receiver deems desirable, with the frequency that he or she
8 deems appropriate, including "real time" access to A Cab's computer system via a
9 suitable internet connection. The Receiver shall have the power to require that A
10 Cab advise him or her, in the form, time frame, and manner that she or he deems
11 appropriate, of all operational decisions A Cab makes and all information that
12 comes into A Cab's possession.
13

14 3. The Receiver shall have the power to void leases and/or uses of taxi
15 medallions issued to A Cab pursuant to its CPCN and require his or her approval of
16 any such leases and/or uses and may impose conditions on those leases and/or uses
17 as she or he, solely in his or her professional judgment, deems appropriate.
18

19 4. The Receiver shall have the power to require that A Cab secure his or
20 her approval to void all leases and/or uses of taxi medallions issued to A Cab
21 pursuant to its CPCN and require his or her approval of any such leases and/or uses
22 and may impose conditions on those leases and/or uses as she or he, solely in his or
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1 her professional judgment, deems appropriate.

2 5. The Receiver shall have the power to take all actions that A Cab's
3 controlling managers and members are legally entitled to take and the power to
4 override or disallow all actions that A Cab's controlling managers and members
5 may take. Absent the Receiver taking action to limit or override the actions of A
6 Cab's controlling managers and members, such controlling managers and members
7 shall continue to act with full authority in respect to all of A Cab's affairs except as
8 the Receiver directs be limited.
9

10
11 6. The Receiver shall have no liability to the plaintiffs or A Cab for his
12 or her failure to exercise any of the powers granted to her or him as Receiver or for
13 his or her decision to exercise such powers in a manner that she or he deems
14 appropriate in her or his professional judgment irrespective of whether such
15 decision results in damages to plaintiffs or A Cab that might have been avoided if
16 he or she had not exercised such powers or exercised them in a different fashion.
17 The Receiver shall have no liability to any non-party for his or her failure to
18 exercise his or her powers as a Receiver and to the extent she or he does exercise
19 such powers, and any non-party asserts they have sustained an injury as a result,
20 his or her liability shall be limited to the extent of her or his own actual established
21 negligence or other misconduct and he or she shall not, to the full extent allowed
22 by law, be deemed in any fashion a joint tortfeasor with A Cab or jointly liable
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1 with A Cab for any injury primarily, wholly, or partially the responsibility of A
2 Cab. To the extent the Receiver is found to be liable for damages to a non-party
3 for any reason besides his or her intentional or malicious conduct while acting as a
4 Receiver he or she is to be fully indemnified by A Cab for all such liability and A
5 Cab shall be jointly and primarily liable for such damages.
6

7 7. The Receiver shall be paid a fee of per hour by A Cab
8 for his or her work as Receiver and his or her necessary expenses shall also be paid
9 by A Cab. The Receiver is empowered to direct A Cab to make such payments to
10 him or her in such fashion and timing as he or she deems appropriate. The
11 Receiver, when he or she makes any direction for such payment, shall furnish
12 itemized statements of the basis for such payments to A Cab and counsel for the
13 plaintiff.
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17 8. The Receiver shall file reports with the Court at 90 day intervals with
18 the first such report being due 120 days from the date this Order is entered. In
19 those reports he or she shall advise the Court of the A Cab Profit Escrow amount
20 (if any) that is under his or her control and in what fashion he or she is maintaining
21 control of the same. The Receiver shall also report on such other matters that he or
22 she believes are prudent and appropriate for him or her to report upon. This duty
23 to report does not, in any fashion, limit the Receiver's ability to seek at any time
24 such action or guidance from the Court that he or she deems appropriate or restrict
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1 his freedom to report to plaintiffs and A Cab about such other matters in such
2 fashion, and with such frequency, as he or she, in his or her sole judgment, deems
3 advisable.
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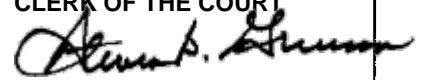
5 9. Plaintiffs and A Cab retain the power to ask the Court, upon motion and
6 appropriate notice to he Receiver, to direct he Receiver report to them or the Court
7 in a fashion otherwise than elected to by the Receiver or to undertake such other
8 actions, or refrain from undertaking such actions, as they may desire.
9

10 DATED this day of February, 2021.
11
12

13 IT IS SO ORDERED:
14
15

16 _____
District Judge

Date



OPPM

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Attorney for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiff,

v.

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

Defendants.

Case No. : A-12-669926-C

Dept. No.: XXXII

DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR
APPOINTMENT OF A RECEIVER
TO AID JUDGMENT
ENFORCEMENT OR
ALTERNATIVE RELIEF

1 **DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR APPOINTMENT OF A**
2 **RECEIVER TO AID JUDGMENT ENFORCEMENT OR ALTERNATIVE RELIEF**

3 Defendants A Cab, LLC, by and through their attorneys of record, Esther C. Rodriguez,
4 Esq., of Rodriguez Law Offices, P.C., and Jay A. Shafer, Esq. of Cory Reade Dows & Shafer,
5 hereby submit this PLAINTIFFS' MOTION FOR APPOINTMENT OF A RECEIVER TO
6 AID JUDGMENT ENFORCEMENT OR ALTERNATIVE RELIEF. This Opposition is based
7 on the attached points and authorities, all pleadings and papers on file herein, and any
8 argument by counsel at the time of the hearing on this matter.

9 This Opposition asks the Court to deny Plaintiffs' motion to Appoint a Receiver and
10 stop the operations of Defendant, as it is improper, untimely and it is not well founded in the
11 rules, case law or the facts. Moreover as this is not the first time this request has been brought,
12 and ruled upon, EDCR 7.12 bars the requested relief.

13 DATED this 19th day of January, 2021.

14 CORY READE DOWS AND SHAFER

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POINTS AND AUTHORITIES

I. INTRODUCTION

A. Summary Of Argument

Plaintiffs have repeatedly brought the same motions, including a request for a receiver. This is a self-confessed attempt to try and get Defendants to pay for their own prosecution¹, limiting their ability to operate or provide for their own defense. Plaintiffs' argument has failed to gain traction not just in this Court, but with the Nevada Supreme Court, who have rejected Plaintiffs' argument that granting the stay was improper. This is not the first such repetitious filing, but one of many improperly brought motions.

Plaintiffs' motion is barred by rule, including Eighth Judicial Court Rules ("EDCR") 2.24 (Motions for reconsideration must be brought within 14 days of the notice of order) and 7.12 (Multiple applications for the same relief prohibited), as well as failing to show any basis under Nevada Rule of Civil Procedure 60 (basis for relief from a Judgment or Order must be brought timely and for limited enumerated reasons).

The Motion is untimely, sets forth no good cause for reconsideration and is violative of the prior orders of the Court. Moreover, the request is made without merit, and granting would serve no good purpose, and would likely lead to the death of the enterprise, as Defendant A Cab's license to operate is not a transferrable certificate. Indeed, the acknowledged purpose of the receivership is to preclude the continued operation of A Cab.

B. Factual Summary

The instant request for appointment of a receiver was first raised over two years ago, and has been regularly re-attempted. The initial application occurred shortly following the entry of the judgment.² At a hearing on December 4, 2018, the Court considered the possible appointment

¹ See Exhibit "7", Plaintiffs' December 17, 2019 Supplemental Brief regard appointment of Receiver, 2:5-6.

² Plaintiffs' have referenced in extensive detail the claimed nature of the judgment, but the nature of this judgment is irrelevant to the instant issue. How said judgment was issued is of interest, as such contested judgment came about due to a rush to judgment rather than through a considered and deliberative process.

1 of a receiver.³ To that end the Court asked Counsel for Plaintiffs to submit a proposal for
2 appointing a Receiver to outline what exactly Plaintiffs were contemplating by such a request. In
3 response, Plaintiffs proposed the appointment of a receiver with nearly universal powers,
4 Defendants objected to this, arguing firstly that no relief was warranted; but if an officer of the
5 court were to be appointed, it should be a much more limited scope at a limited cost. Judge Cory
6 agreed, and denied the motion for a receiver. Plaintiffs did not appeal this decision.

7 Plaintiffs argued for the appointment of a receiver in a hearing before Judge Cory of
8 Dept. I of the Eighth Judicial Court on December 13, 2018.⁴ In that hearing Plaintiffs argued for
9 a “receiver to take possession of assets” with the ability to “withhold operation of the [taxi]
10 medallions which are possessed by the judgment debtor”.⁵ The same request now brought before
11 this Court.

12 This request was for an improper purpose as Plaintiffs acknowledged that the medallions
13 were not assets of the judgment debtor, but rather of another series LLC organized pursuant to
14 NRS 86.296.⁶ Indeed they conceded that the receivership was “not for the purpose of doing
15 anything with those medallions but to ensure cooperation” from the other series LLCs. Plaintiffs
16 also argued that that the cost for the Receiver be borne by the Defendants.⁷

17 The court specifically denied Plaintiffs’ request for a receiver, but instead appointed a
18 special master.⁸

19
20 Significant and major procedural issues have been raised and briefed before the Nevada Supreme Court, and it
is anticipated the judgment will be remanded if not altogether reversed and vacated.

21 3 See Exhibit “1”, December 4, 2018 Decision of the Court, page 4.

22 4 See Exhibit “2”, Transcript of Proceedings for December 13, 2018 hearing.

23 5 See Id. Transcript of Proceedings for December 13, 2018 hearing. Page 3:16:-4:19.

24 6 There has been a continuing confusion by Plaintiffs as to the nature of the series LLCs, refusing to
25 recognize their existence as separate organizations and not just groupings of the corporate organization. This
will likely be addressed further, but unless the Court is willing to overturn the validity of NRS 86.296 and its
entire legislative scheme, there must be the presumption that series LLCs can exist as separate entities if
created in compliance with the statute.

26 7 See Exhibit “2”, Transcript of Proceedings for December 13, 2018 hearing. Page 6:16-18.

27 8 See Id. Page 12:2-8.

1 The Court's order of December 18, 2018 specifically recognized that Plaintiffs had asked
2 for a receiver but that the Court's decision and order was to appoint a Special Master.⁹ Whether
3 the Court denied or granted, or some partial order of the same does not make a difference as the
4 running of the time for reconsideration. The Notice of Entry for this order was filed on January
5 2, 2019.¹⁰ Plaintiffs did not move for reconsideration, nor appeal this denial of their request for
6 appointment of receiver.

7 On January 30, 2019, Plaintiffs filed another pleading again requesting a receiver. In
8 their "Response in Opposition to Defendants' Motion to Pay Special Master on an Order
9 Shortening Time and Counter-Motion for an Order to Turn Over Property," Plaintiffs again
10 sought a further attempt to again request a receiver.

11 Subsequently, the Special Master George Swarts filed a report of February 1, 2019, to
12 the Court indicating that a receiver would not be appropriate: "It is my opinion because of the
13 financial condition of A CAB, the appointment of a receiver is not feasible."¹¹

14 On March 4, 2019 the Court issued an Order, which approved the Special Master
15 appointment, and endorsed the report as well as the ongoing service and reappointment of the
16 special Master". This order also stayed judgment collection until further order of the Court.¹²

17 Plaintiffs then attempted to thrust A Cab into an involuntary bankruptcy, staying this
18 matter. In this attempt Plaintiffs unsuccessfully sought to have a trustee take charge of the
19 affairs of A Cab, in the same manner as a receiver. Plaintiffs' petition to place A Cab into
20 involuntary bankruptcy was dismissed outright by the U.S. Federal Bankruptcy Court. Again,
21 this was another attempt by Plaintiffs to have the federal bankruptcy court appoint a
22 trustee/receiver to take over control of A Cab. This attempt was dismissed; and Plaintiffs did not
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24 9 See Exhibit "3", December 18, 2018 Order Granting Plaintiffs Countermotion for Judgment
Enforcement Relief, page 1 line 25, page 3: lines 5-14.

25 10 See Exhibit "4", January 2, 2019 Notice of Entry of Order.

26 11 Exhibit "5", Report of Special Master George C. Swarts, CPA, p. 4:16-17. (emphasis added).

27 12 See Exhibit "6", March 4, 2019 Order re Special Master, page 4 Item D.

1 appeal therefrom.

2 Once the bankruptcy stay was lifted and the matter was back before the District Court,
3 Plaintiffs had the gall to seek yet again appointment of a receiver. This time the request was
4 brought before Judge Rob Bare, as Judge Cory recused himself from the case.¹³ In October of
5 2019, Plaintiffs sought to reconsider the stay of judgment collection. Despite the request for a
6 receiver not being indicated in Plaintiffs' motion their request was renewed at oral argument at
7 the hearing on December 3, 2019. Given the surprise renewal, Judge Bare requested additional
8 briefing so the matter could be heard on the merits. On December 17, 2019, Plaintiff's
9 supplemental brief regarding appointment of a receiver argued for this relief.¹⁴ Defendant A
10 Cab filed an opposing brief addressing that this issue, which demonstrated that the issue was
11 instead for appointment of a special master, and addressing the issue of compensation for the
12 special master.¹⁵ The Court issued its Order on this on July 17, 2020, staying all collection
13 activities, as well as indicating that the Special Master's fees were to be "equally borne by
14 parties".¹⁶ The Notice of Entry for this order was filed the same day, July 17, 2020.

15 Counsel for Plaintiffs' declaration makes certain assertions regarding what was
16 understood or not understood regarding George Swarts service as a special master.¹⁷ George
17 Swarts never made his "acceptance" of appointment conditional as part of the July 17, 2020
18 order, nor could he. Mr. Swarts had already been appointed special master, with powers set forth
19

20 13 While of no consequence, Plaintiffs are incorrect in suggesting that Defendant A Cab hired a new
21 attorney to cause a recusal. Judge Cory did not recuse himself due to Defendant A Cab retaining counsel, but
rather because its long retained counsel joined with Judge Cory's brother.

22 14 See Exhibit "7", Plaintiffs' Supplemental Brief Regarding Appointment of a Receiver.

23 15 See Exhibit "8", Defendants' Supplemental Brief Regarding Special Master filed December 31,
2019.

24 16 See Exhibit "D" to Plaintiffs' motion for Appointment of Receiver, "Order Denying Plaintiffs
25 Motion to Allow Judgment Enforcement; Plaintiffs Motion to Distribute Funds Held by Class Counsel; and
Plaintiffs Motion Requiring the Turnover of Certain Property of the Judgment Debtor Pursuant to NRS 21.320;
and Order Granting Defendants Countermotion for Stay of Collection Activities"

26 17 See Exhibit "C" Plaintiffs' motion for Appointment of Receiver, Declaration of Leon Greenberg,
27 Paragraph 4.

1 in a December 18, 2018 Order, as well as a March 3, 2019 order, and was simply being
2 “reactivated” or revived in duties. Counsel’s declaration notwithstanding, there is no evidence
3 of the need for further orders.¹⁸

4 On December 26, 2020, Steve Parsons, counsel for George Swarts, advised that Mr.
5 Swarts had passed away the day before. On December 31, 2020, Plaintiffs brought the instant
6 motion to ask again for a receiver, knowing that his absence and the novelty of this issue to the
7 court might create an opportunity to succeed where they had repeatedly failed before.

8 **II. PLAINTIFFS’ MOTION IS IMPROPER AS BEING PREVIOUSLY BROUGHT**
9 **BEFORE THE COURT CONSTITUTES A VIOLATION OF EDCR 7.12**

10 EDCR 7.12 is applicable to preclude unnecessary duplication and repetition in litigation.
11 EDCR 7.12 specifies as follows:

12 Multiple application prohibited. When an application or a petition for any writ
13 or order shall have been made to a judge and is pending or has been denied by
14 such judge, the same application, petition or motion may not again be made to the
15 same or another district judge, except in accordance with any applicable statute
and upon the consent in writing of the judge to whom the application, petition or
motion was first made.

16 In this instance, there has been no consent in writing obtained to bring the same issue before this
17 Honorable Court. The Court has already heard, and ruled upon the request for appointment of
18 receiver, and has declined to grant the requested relief in every circumstance.

19 **III. PLAINTIFF’S MOTION IS TIME BARRED UNDER THE DISTRICT COURT**
20 **RULES AND DOES NOT MEET THE STANDARDS FOR RECONSIDERATION**
21 **BEFORE THIS COURT.**

22 *A. The Motion is time barred.*

23 Under EDCR 2.24, there is no right to a rehearing or motion for reconsideration without
24 leave of the Court, especially one that is time barred.

25 ///

26 ¹⁸ If true, it is further improper that communications were made *ex parte* with Counsel for the
27 Special master

Rule 2.24. Rehearing of motions.

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.

(b) A party seeking reconsideration of a ruling of the court, other than any order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the period for filing a notice of appeal from a final order or judgment.

(c) If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument or may reset it for reargument or resubmission or may make such other orders as are deemed appropriate under the circumstances of the particular case

Motions seeking reconsideration of an order must be timely filed or should be summarily disregarded. *See Carmar Drive Tr. v. Bank of Am., N.A.*, 386 P.3d 988 (Nev. 2016) (district court was within its discretion in denying appellant's motion under EDCR 2.24(b) setting forth a 10-day time frame for filing a motion for reconsideration).

Plaintiffs argue that Nevada Rules of Civil Procedure, Rule 60, provides an exception to the rehearing timeliness requirement. However, Plaintiffs' argument on this issue dissembles the true consideration here. The ruling at hand which is to be reconsidered is not just the July 17, 2020 order, but rather multiple orders dating back to December 18, 2018. Indeed, the Supreme Court's order dismissing the appeal recognizes that the ruling on the receiver had been brought long before. The Supreme Court held that "the district court's [July 17, 2020] postjudgment order... reactivated a special master" pursuant to a prior order of the court. Thus reconsideration of the denial for a receiver must have been brought by January 2, 2019, or if by the March 3, 2019 order, by March 17, 2019.

NRCP 60 provides a framework required for reconsideration of a Court's Order under a narrow range of circumstances, functioning only as a limited "safety valve". See Nev. R. Civ. P. 60.

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1 **Rule 60. Relief From a Judgment or Order**

2 **(b) Grounds for Relief From a Final Judgment, Order, or**
3 **Proceeding.** On motion and just terms, the court may relieve a party or
4 its legal representative from a final judgment, order, or proceeding for the
5 following reasons:

- 6 (1) mistake, inadvertence, surprise, or excusable neglect;
7 (2) newly discovered evidence that, with reasonable diligence,
8 could not have been discovered in time to move for a new trial under Rule
9 59(b);
10 (3) fraud (whether previously called intrinsic or extrinsic),
11 misrepresentation, or misconduct by an opposing party;
12 (4) the judgment is void;
13 (5) the judgment has been satisfied, released, or discharged; it is
14 based on an earlier judgment that has been reversed or vacated; or
15 applying it prospectively is no longer equitable; or
16 (6) any other reason that justifies relief.

17 **(c) Timing and Effect of the Motion.**

18 (1) **Timing.** A motion under Rule 60(b) *must be made within a*
19 *reasonable time* — and for reasons (1), (2), and (3) no more than 6 months
20 after the date of the proceeding or the date of service of written notice of
21 entry of the judgment or order, whichever date is later. The time for filing
22 the motion cannot be extended under Rule 6(b).

23 (emphasis added)

24 However, this rule only applies under a discrete set of circumstances, which are not
25 present here. Nev. R. Civ. P. 60(b) provides that a court may provide relief only from a “final
26 judgment, order, or proceeding”. Further, among the requirements for relief from a prior order,
27 the party must demonstrate “mistake, inadvertence, surprise, or excusable neglect” or “newly
28 discovered evidence which by due diligence could not have been discovered in time to move for
29 a new trial under Rule 59(b).” *Id.* This remedy is not without its own timeliness requirement.
30 NRCp 60(c)(1) states that a motion for relief must be brought “within a reasonable time” but
31 with an outside limit of 6 months for most of the basis for relief. Here, the other considerations
32 outside this six month limit do not apply. The ruling is not void, does not concern the release of
33 a judgment, or other basis under NRCp 60(b)(6).

34 Plaintiff does not even begin to address the timeliness argument. The sole basis is the
35 naked, and unsupported, claim stating the decision itself is “clearly erroneous”. While this

1 argument is fatuous and unsupported, even if valid would not allow Plaintiffs to avoid the
2 timeliness requirement of NRCP 60. As a fire must have both spark and fuel, reconsideration
3 must have merit and be timely made. If not timely, there is no basis for further reconsideration.
4 Here, it has been nearly two years since the denial of a receiver, and the imposition of a stay.
5 Thus this clearly exceeds the six month outside limit under NRCP 60, and as any reasonableness
6 argument is absent, there can be no good cause shown for the delay.¹⁹ Similarly, Plaintiffs'
7 request to reconsider the apportionment of any expenses was also an issue previously decided by
8 the Court.

9 Even if that were not the case, and that the July 17, 2020 order is the operative one,
10 Plaintiffs' reconsideration is untimely. The order was brought in July of 2020. Plaintiffs
11 learned on November 9, 2020 that their position was incorrect, yet took no action to proceed
12 again for nearly two months. There is no basis to assert that this motion was brought within a
13 "reasonable time".

14 The Court's inquiry can stop right at this point because the Motion is not timely, and
15 Plaintiff does not provide good cause (or even ask this Court) to enlarge the time. The Motion
16 must thus be summarily denied.

17 ***B. Plaintiffs Provide No Good Cause For Reconsideration***

18 If the untimeliness is ignored, rehearing is still not warranted. Reconsideration is only
19 proper given the right circumstance. See Harvey's Wagonwheel, Inc. v. MacSween, 96 Nev.
20 215, 606 P.2d 1095 (1980). "Rehearings are not granted as a matter of right and are not allowed
21 for the purpose of reargument, unless there is a reasonable probability that the court may have
22 arrived at an erroneous conclusion." Geller v. McCowan, 64 Nev. 102, 108, 178 P.2d 380
23 (1947). The purpose for rehearing a motion is to inform the court that it has overlooked an
24 important argument or fact or misunderstood a case or fact in the record. See In re Ross, 99 Nev.

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26 ¹⁹ Plaintiffs must further be estopped from claiming additional facts now showing good cause, when
27 such argument should have been presented in the initial motion. To allow such on a reply would be unfair and
28 prejudicial.

1 657, 668 P.2d 1089 (1983). "Only in very rare instances in which new issues of fact or law are
2 raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be
3 granted." Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). "Points or
4 contentions not raised in the original hearing cannot be maintained or considered on rehearing."
5 Achrem v. Expressway Plaza Ltd., 112 Nev. 737, 742, 917 P.2d 447, 450 (1996).

6 The court can review the decision only if the decision set out "substantially different
7 evidence" which renders an opinion both "clearly erroneous" and "works manifest injustice".
8 Masonry and Tile v. Jolley Urga 117 Nev. 737, 741 941 P.2d 486, 489 (1997). Further, a
9 motion for reconsideration is to be brought only when new issues of fact or law not available at
10 the time the Motion are presented. Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 p.2d 244,
11 246 (1976). Because Plaintiff has failed to raise substantially different evidence in this Motion
12 and the decision is not clearly erroneous, the Court should deny the Motion for Reconsideration.
13 The instant motion may not be utilized as a vehicle to reargue matters considered and decided in
14 the court's initial opinion. In re Ross, 99 Nev. 657, 659, 668 P.2d 1089, 1091 (1983). A motion
15 for reconsideration is not an opportunity for a second opinion or a chance to re-argue the same
16 facts and law that were argued in the original motion. Masonry & Tile Contrs, 113 Nev. at 741.

17 Here, Plaintiffs have had not just one, nor two, but multiple bites at this same apple, and
18 each time the argument was that the prior rulings were "clearly erroneous". Candidly, aside from
19 a factual recitation devoid of any exhibits or evidence and which contains material
20 misrepresentations, Plaintiffs' argument does not even make sense. As no good cause is set
21 forth, this court should deny Plaintiffs' repeated application for a receiver.

22 ***C. Plaintiffs Motion is one for Reconsideration and not a New Motion***

23 This Motion is one for Reconsideration, and should be decided accordingly. Such a
24 decision will have the effect of maintaining the status quo and is inline with the structure
25 established under the Nevada Rules of Civil Procedure and the Eighth Judicial District Court
26 rules. This case in particular demands regular and consistent application of the rules, and as set
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1 forth further herein, is a cautionary tale as to why a measured and steady application of the law is
2 in the best interest of all concerned. To find otherwise would be to upset the prior tolling effect
3 of all the prior decisions by this District Court. Further, it would cause further confusion and
4 chaos, contrary to the purposes of the rules of civil procedure. On this basis, the Court should
5 deny Plaintiffs' motion for reconsideration under EDCR 2.24, if not for EDCR 7.12.

6 **IV. JUDGE BARE'S ORDER WAS NOT A CLEARLY ERRONEOUS VIOLATION OF**
7 **NRCP 62**

8 Plaintiffs argue that "Judge Bare's order staying judgment collection without the posting
9 of a *supersedeas* bond violates NRCP Rule 62(d)", without any substantive argument on this
10 point. The argument does not accurately recite the decision of the cited case Nelson v. Heer, 122
11 P.3d 1252, 1254 (Nev. Sup. Ct. 2005). In Nelson, the Nevada Supreme Court considered the
12 factors to be used in determining what type of security would be appropriate for a stay, and
13 endorsed certain factors endorsed in a Seventh Circuit decision.²⁰ Plaintiffs' citation to this case
14 omitted the most crucial ruling, when the Supreme Court held "the district court is in the best
15 position to weigh the relevant considerations in determining whether alternate security is
16 warranted". Id. at 1254-55. The reasoning is that the district court is better positioned to resolve
17 any factual disputes concerning the adequacy of any proposed security, as it was "vastly" more
18 familiar with the facts. The Supreme Court, on appeal, having not considered the facts was thus
19 loath to substitute its judgment for that of the judge who actually heard the factual issues. Here,
20 as Plaintiffs did not like the decision of Judge Bare, now ask for a court not familiar with the
21 facts and history of this case to second guess the prior rulings.

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20 Dillon v. City of Chicago, 66 F.2d 902 (7th Cir.1988) set forth five factors to consider in
determining when a full *supersedeas* bond may be waived and/or alternate security substituted:

24 (1) the complexity of the collection process; (2) the amount of time required to obtain
25 a judgment after it is affirmed on appeal; (3) the degree of confidence that the district
26 court has in the availability of funds to pay the judgment; (4) whether the defendant's
27 ability to pay the judgment is so plain that the cost of a bond would be a waste of
28 money; and (5) whether the defendant is in such a precarious financial situation that
the requirement to post a bond would place other creditors of the defendant in an
insecure position.

Moreover, Plaintiffs' argument is without basis as Judge Bare's decision did comply with Nelson. Nelson does not require the satisfaction of all five elements, nor would such a test even be possible. For example, elements four and five of the Dillon factors are in direct tension if not outright contradiction. It is not generally possible to have a situation where a defendant whose "ability to pay the judgment is so plain that the cost of a bond would be a waste of money" and is in "such a precarious financial situation that the requirement to post a bond would place other creditors of the defendant in an insecure position". However, if there were such a situation the instant matter would be one. Indeed these were factors considered explicitly by the court who found that, while there were assets of the business, further collection would cripple and disable the business as Defendant was in a financial status which precluded the ability to post a bond in the full amount.

The court also discussed its degree of confidence in Defendant paying the judgment when it considered the amount of the partial security and the ability to cooperate with the Special Master. The Court considered the additional posting of funds as a "partial security" in excess of \$300,000. The Court also considered the complexity of the collection, acknowledging that collection and disbursement would be difficult given that if the judgment was overturned by the Supreme Court, recovery of the funds to Defendant A Cab would be impossible. The Court further considered the submission of the Report of the Special Master, whose report found that the appointment of a receiver was not financially feasible.²¹

The purpose of the security is to maintain the status quo, and this is where the focus must remain. Id. at 1254. This analysis was conducted by the District Court and incorporated into the applicable order. There are no facts, transcript or other evidence which are cited to by Plaintiffs, only the naked claim that the decision was clearly erroneous. Judge Bare made his decision, after long and full consideration and made the same conclusion that was previously made by Judge Cory, that a receiver was not warranted. Indeed, Plaintiffs raised the argument that Judge Bare's

²¹ Exhibit "5", Report of Special Master George C. Swarts, CPA, p. 4:16-17.

1 decision was clearly erroneous and this argument was not embraced by the Nevada Supreme
2 Court. Thus it is not only because the rules preclude reconsideration, but because there was a
3 valid consideration, that Plaintiffs' present motion is improper and thus should be denied.

4 **V. APPOINTMENT OF A RECEIVER IS NOT WARRANTED**

5 While it is unnecessary to address the merits of the motion as the prior arguments
6 sufficiently mandate denial of the repetitious receiver motion, even if the merits are reviewed
7 Plaintiffs still do not establish a sufficiently meritorious basis for the appointment of a receiver.
8 A receivership is an extraordinary remedy, the costs of which will unnecessarily burden
9 Defendant A Cab, and diminish any recovery in the event Plaintiffs are successful on appeal.

10 ***A. Receivership is an Burdensome Remedy Which Will Not Be Successful as a***
11 ***Receiver Is Not Permitted to Operate Using A Cab's Certificates of Public***
12 ***Convenience and Necessity.***

13 The appointment of a receiver is governed by statute and is appropriate only under
14 circumstances described in statute. State ex rel. Nenzel v. Second Jud. Dist. Ct., 49 Nev. 145,
15 155, 241 P. 317 (1925); Shelton v. Second Jud. Dist. Ct., 49 Nev. 487, 494, 185 P.2d 320 (1947).
16 The Court must consider the entire circumstances of the case when considering the appointment
17 of a receiver. Bowler v. Leonard, 70 Nev. 370, 383 (1954). Indeed, the maintenance of the status
18 quo and the prevention of irreparable harm are the primary concerns. These factors have already
19 been considered by the court, and found in favor of the denial of a request for a receiver. These
20 circumstances have not changed. The most substantial value of the business is in its continued
21 operations, which fact both Judge Cory and Judge Bare²² have explicitly found, and Counsel for
22 Plaintiffs have concurred with.

23 Moreover while the extreme nature of this relief exceeds the reasonable scope of
24 collection law, it also violates the provisions of NRS 706.8827. is an important distinction
25 which has already been noted by Judge Cory, in that the regulatory agency for the taxicab

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22 See Exhibit "D" to Plaintiffs' Motion for Receiver, July 17, 2020 Order, page 3:14-20

1 industry (the State of Nevada Taxicab Authority) has indicated its opposition to an appointment
2 of a "receiver," which would pose problems for licensing and operations, as a "receiver" does
3 not hold a license to operate the business. (See NRS 706.491 Motor carrier must be licensed.
4 Every person operating as a common, contract or private motor carrier must, before
5 commencing operation in this State in any calendar year, secure from the Department a license
6 and make payments therefor as provided in NRS 706.011 to 706.861, inclusive, as applicable.)

7 This statute provides that a person "shall not engage in the taxicab business" unless the
8 person "holds a certificate of public convenience and necessity". NRS 706.8827(1). It is not a
9 property right but a personal license, which requires a specific finding that the applicant is
10 suitable.²³ Here, there is no receiver who holds this certificate. NRS 706.391(2) references that
11 one of the duties is the persistent maintenance of services of a common carrier, and the
12 imposition of an uncertified receiver would cause the interruption of services and a failure of this
13 statutory burden. As such, the appointment of a receiver to run the business as a suggested by
14 Plaintiff would necessarily create a violation of statute. The best result is that the company
15 would have to be liquidated as it could not be operated by the receiver, and the likely result
16 would lead to fines or other sanctions by the Taxi authority.

17 . Moreover, any application for a new certificate of public convenience and necessity
18 potentially imperils the existing license, as it requires showing that there are insufficient service
19 for the territory for which the certificate is sought, that the granting will not adversely affect the
20 other carriers, and that it will benefit the taxicab business. NRS 706.8227(2)(c)-(e). It is very
21 likely then, than given the reduction in demand for taxi services and the rise of other less
22 regulated ride sharing services, that the Nevada Taxicab Authority (the "NTA") may decide to
23 deny the grant of said licenses and cancel the existing licenses.

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25 _____
26 ²³ Plaintiffs' brief in the pending motion acknowledges that the NTA must govern any license, and
27 must approve any applicants. Yet, inexplicably, Plaintiffs claim that this "asset ... is subject to seizure",
28 without any basis whatsoever.

1 ***B. Receivership is Intended to Coerce Complete Capitulation Rather Than Continue***
2 ***the Existing Business.***

3 Plaintiffs' application to the Court is not for a continued operation. There is no
4 examination of how the receiver might be qualified, or whether even a receiver could operate
5 under a privileged license. Rather the intent is revealed in Plaintiffs' argument that the purpose
6 is to o transfer the "physical taxi medallions that would otherwise be affixed to operating taxi
7 cabs to the Sheriff (or class counsel) for safekeeping".²⁴ This request is improper for two
8 reasons. First, a turnover of property has already been sought multiple times, and indeed was
9 founded to be precluded under EDCR 7.12 by this Court.²⁵ Second, this is the sort of relief which
10 provides the worst of all possible outcomes. The seizure of these metal plates would yield
11 nothing to Plaintiffs except a pound or two of tin. Plaintiffs, or anyone else, cannot use these
12 medallions, and under NAC 706.543(8) Defendant cannot operate without them and would be
13 forced to incur the expense, and lost operational time, to obtain new ones. Indeed it is the
14 express purpose of Plaintiffs to try and hold Defendants hostage, to shut down Defendant A Cab
15 unless they completely capitulate.

16 As one of the stated purposes of the statute authorizing a receiver is to preserve the
17 property during the pendency of the appeal, it does not make sense to cause the destruction of the
18 company in the process. NRS 31.010(4). Further, it is clear that the intent of Plaintiffs is not to
19 preserve the entity but to cause its liquidation regardless of the harm to the current drivers,
20 employees and the general public. It is better to continue with the appointment of a special
21 master who can monitor the financial records of A Cab to make sure that no improper
22 transactions or payments are being made.

23 ///

24 ///

26 24 Plaintiffs' Application for Receiver, page 10:24-11:9.

27 25 Sec Exhibit "D" to Plaintiffs' Motion for Receiver, July 17, 2020 Order, page 2:26-3:1

1 *C. Plaintiffs' Application Receivership Is Contrary To The Existing Expert Report,*
2 *And Without Any Of The Required Elements To Maintain A Receivership.*

3 Further, the Court Appointed Special Master George Swarts has already indicated in his
4 report of February 1, 2019 to the Court that a receiver would not be appropriate, and there is no
5 evidence to conclude that this evaluation has changed.²⁶ Plaintiffs' motion argues that this
6 evaluation is incorrect, but cannot make up its mind as to why. Plaintiffs concede that A Cab's
7 revenue year on year, are substantially diminished²⁷, but then argue there is substantial
8 revenue. Neither position is supported by any evidence, nor well considered.

9 Plaintiffs' motion is further deficient in that there is no identification of the potential
10 receiver, their qualifications or whether they would be suitable for the role. Given this
11 complete void in this required element, there is no reasonable basis upon which a Court could
12 grant a receiver. Indeed, NRS 32.265 explicitly precludes such an appointment. Plaintiffs
13 must further be estopped from trying to correct this deficiency now and thus depriving
14 Defendant A Cab of an opportunity to respond.

15 Plaintiffs' sole argument for a receiver is the self-serving and unsupported declaration of
16 counsel. This declaration is both legally and factually insufficient, if not entirely void. This
17 declaration claims that Counsel for Plaintiffs' "investigation indicates that A Cab possesses few
18 material assets that can be levied upon through a conventional judgment execution".²⁸ There is
19 no indication of what this "investigation" consisted of, nor any facts which would support this
20 conclusion. Indeed, Plaintiffs do not appear to be concerned about a loss of revenue, as they

21 _____
22 26 Exhibit "5", Report of Special Master George C. Swarts, CPA, p. 4:16-17. "It is my opinion
because of the financial condition of A CAB, the appointment of a receiver is not feasible".

23 27 See Plaintiffs' Application for Receiver, Page 4:15-18. Plaintiffs' evaluation of the finances is
24 peculiar in that they acknowledge the extensive impact of the COVID 19 epidemic, but then assert that the
company is doing a business "at a level which exceeds 50% of its same month 2019 business". This number is
25 not supported, except by the declaration of counsel instead of citation to the actual published numbers. Indeed
the actual revenue claimed is completely speculative. Plaintiffs' analysis conflates a claimed industry profit
26 margin from a decade ago, prior to the use of ride sharing apps and services and without the huge impairment
to transportation caused by the COVID 19 epidemic.

27 28 See Exhibit "C", Declaration of Plaintiffs' Counsel, Leon Greenberg, Esq, Paragraph 8.

1 allege there is “every reason” to believe that there is sufficient revenue to pay the judgment.²⁹

2 Plaintiffs further request that in the event of an appointment of a receiver, that
3 Defendant A Cab Pays the entire fund. If Plaintiffs desire a collection investigator, they should
4 bear the costs. Defendants also request the Court to weigh the fact that while any costs paid by
5 Plaintiffs are recoverable; to the contrary, any expenses paid by Defendants will not be
6 recoverable from the individual driver Plaintiffs should Defendants prevail in their appeal.

7 **VI. CONCLUSION**

8 Based on the foregoing argument, Defendant A Cab respectfully requests that this Court
9 deny Plaintiffs’ “Motion For Appointment Of A Receiver To Aid Judgment Enforcement Or
10 Alternative Relief”, on the basis that it is barred by prior order of the Court, is untimely, is not
11 sufficiently meritorious and that good cause does not exist. Should the Court find that this
12 Motion was brought in violation of EDCR 7.12 and/or EDCR 2.14, Defendant requests leave to
13 file a request for the filing of fees and costs incurred in responding to this unnecessary motion.
14

15 DATED this 19th day of January, 2021.

16 CORY READE DOWS AND SHAFER

17 By: /s/ Jay A. Shafer
18 JAY A. SHAFER, ESQ.
Nevada Bar No. 9184
19 CORY READE DOWS AND SHAFER
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20 Las Vegas, Nevada 89128
Tel: (702) 794-4411
21 Fax: (702) 794-4421
JShafer@crdslaw.com
22
23
24
25

26 _____
27 ²⁹ See Plaintiffs’ Application for Receiver, Page 4:18-21
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 20th day of January, 2021 I electronically filed the foregoing with the Eighth Judicial District Court Clerk of Court using the E-file and Serve System which will send a notice of electronic service to the following:

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

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



A Representative of CORY READE DOWS AND SHAFER

EXHIBIT “1”

EXHIBIT “1”

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

December 04, 2018

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

December 04, 2018 9:00 AM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

PARTIES	Dubowsky, Peter	Special Master
PRESENT:	Greenberg, Leon	Attorney for the Plaintiff
	Shafer, Jay A.	Attorney for the Defendant
	Sniegocki, Dana	Attorney for the Plaintiff

JOURNAL ENTRIES

ALL PENDING - ANNOUNCEMENT OF DECISION (PLAINTIFFS' RESPONSE TO DEFENDANTS' EX-PARTE MOTION TO QUASH WRIT OF EXECUTION ON AN OST and COUNTER-MOTION FOR APPROPRIATE JUDGMENT ENFORCEMENT RELIEF... PLAINTIFFS' OBJECTIONS TO CLAIMS OF EXEMPTION FROM EXECUTION AND NOTICE OF HEARING... PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS FEES AND COSTS AS PER NRCP RULE 54 AND THE NEVADA CONSTITUTION... PLAINTIFFS' MOTION FOR AN ORDER GRANTING A JUDGMENT DEBTOR EXAMINATION AND FOR OTHER RELIEF) PLAINTIFFS' EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER AND MOTION ON AN ORDER REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320

ANNOUNCEMENT OF DECISION

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

Defendants argue there are a number of objections, including Plaintiffs' request is overbroad. The

PRINT DATE: 12/18/2018

Page 1 of 5

Minutes Date: December 04, 2018

Court has determined at this juncture in the case it is sufficient that the interests that are argued in the defendant's opposition are protected by having in place a Protective Order. Accordingly, COURT ORDERED, Motion for Judgment Debtor Examination GRANTED. Counsel to fashion an appropriate Protective Order. COURT FURTHER ORDERED, none of the information which is turned over, or discovered through judgment debtor examination by the plaintiff may be revealed beyond anyone other than those directly involved with this case. The Protective Order applies to ALL personnel in Mr. Greenberg's firm.

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

COURT ORDERED, Motion GRANTED. The Court is awarding \$568,071.00 in attorneys' fees, pursuant to Article 15, Section 16 of the Nevada Constitution. The Court is satisfied over the objection of the defendants that the plaintiff has kept records.

In response to the defendants' argument that the plaintiffs have failed to exceed an Offer in Judgment, the Court is issuing the following decision:

Defendants' contend that Plaintiffs did not beat the offer of judgment when Defendants offered \$7,500 to Plaintiff Michael Murray and \$15,000 to Plaintiff Michael Reno. Defendants argue that because Plaintiff Reno was ultimately awarded \$4,966.19, and Plaintiff Murray was awarded \$770.33, Plaintiffs failed to obtain a more favorable judgment. Without addressing the reasonableness of rejecting such an offer based on the filing of a Punitive Class Action, the Court's granting of class certification, and the fact that Plaintiffs secured a judgment in excess of \$1,000,000 on behalf of more than 900 defendants, the Court holds that Plaintiffs DID obtain a more favorable judgment pursuant to Article 15, Section 16, of the Nevada Constitution AND NRCP 68.

Article 15, Section 16, of the Nevada Constitution states a prevailing plaintiff in a MWA action "shall be awarded his or her reasonable attorney's fees and costs." At the time those offers of judgment were made, plaintiffs' counsel had already expended more than 70 hours totaling at least \$20,000. The Offers of Judgment to Plaintiffs in the amount of \$7,500 and \$15,000 were "inclusive of interest, costs, and attorney's fees." Again, we are dealing with Constitutional provisions, which provisions serve a compelling public purpose. The award of attorney's fees to a prevailing plaintiff is mandated by the constitution. Therefore, reading the MWA together with NRCP 68, the Court finds Plaintiffs obtained a more favorable judgment.

As to Defendants' argument that Plaintiffs' request is untimely, the Court rules as follows:

Defendant argues Plaintiffs' request is untimely pursuant to NRCP 54(b). First, the quote provided by

Defendant is actually NRCP 54(d)(2)(B), which deals only with Attorney Fees and provides, "the motion must be filed no later than 20 days after notice of entry of judgment is served." The rule also states, "The time for filing the motion may not be extended by the court **after** it has expired." There is no provision within that rule which prohibits this Court from extending the time for filing the motion PRIOR to the expiration of the 20 days. Contained within the Court's ORDER GRANTING SUMMARY JUDGEMENT, SEVERING CLAIMS, AND DIRECTING ENTRY OF FINAL JUDGMENT at page 34 paragraph E, the time for class counsel to apply for an award of fees and costs pursuant to Rule 54 was extended to 60 days after the service of that Order with Notice of Entry. The Order was filed on August 21, 2018, with the Notice of Entry filed on August 22, 2018. Therefore, the deadline for Plaintiffs' to file their motion for attorney's fees was October 21, 2018. Plaintiffs' filed their Motion for Attorney's Fees on October 12, 2018, which was well within the 60 day period afforded by this Court.

Defendants' argue that costs must be denied because Plaintiffs are seeking in excess of \$29,000 for experts who were never utilized, but more so were subject to being stricken as having not met the required standards for admissibility, citing to Defendants Motion in Limine to Exclude Plaintiffs' Experts.

First, the Court will note that the Court was prepared to DENY Defendants motion holding that the court is satisfied that (1) Charles Bass and Terrence Claurite have the requisite knowledge, skill, experience, training, or education to express expert opinions on the Plaintiff's model; (2) their testimony as to the reliability of the model, and the propriety of using such a model in the instant case, would assist the trier of fact in determining whether and to what extent wages are owed to the class members; (3) is appropriately limited in scope to each of their areas of expertise; (4) is based upon sufficiently reliable methodology; and (5) is largely based on particularized facts.

In post summary judgment proceedings Defendants continue to allege they were blindsided by the Court's appointing a Special Master and subsequent granting of Plaintiff's Motion for Summary Judgment, as evident once again by their citation to their Motion in Limine. The Court will take this opportunity to explain to the Defendants the course and reasoning of the December and January proceedings.

The Court heard Plaintiff's Motion for Partial Summary Judgment on December 14, 2017. The Court GRANTED that motion to the extent Plaintiff has established liability. Thereafter, Plaintiff filed "Plaintiffs' Supplement in Support of Motion for Partial Summary Judgment" arguing that damages and liability are inextricably related. Defendants' also filed their Motion for Summary Judgment on November 27, 2017, and heard on January 2, 2018. Other motions before the Court in the end of December 2017 and early January 2018 included Plaintiffs' Motion to Place Evidentiary burden on

Defendant, Plaintiffs' motion to bifurcate or limit issues at trial, Defendants' objection to the Discovery Commissioners Report and Recommendation, both Defendants' and Plaintiffs' motions in limine, Defendants' Supplement regarding the January 2, 2018 hearing, both sides Objections pursuant to 16.1(3), and Plaintiffs' motions to strike affirmative defenses. It was upon review of all of these motions that the Court found that liability and damages were inextricably related. That is precisely why the Court gave Defendants' one more opportunity to present evidence which would rebut that liability, and yet they could not.

It was in preparation of those pretrial motions that the Court inquired into what evidence would be submitted and presented at trial. In that Defendants' Motion in Limine, Defendants argued that Plaintiffs' experts methodology was unreliable because it calculated damages derived from inaccurate information, despite Plaintiffs' experts using information consisting of computer data files provided by A Cab. Defendants' argued at that time that the Tripsheets were the only accurate information. That is precisely why this Court appointed a special master, who expended more than \$85,000 to review Tripsheets which did not comply with NRS 608.115, to make a determination on a precise calculation of hours. Defendants continued to use their noncompliance with the record keeping statute as both a sword and a shield. That is when this Court decided to apply the reasoning of *Mt. Clemmons*, which stated that "the employer cannot be heard to complain that the damages lack the exactness of measurement that would be possible had he kept records..."

Contrary to the Defendants' assertions that the experts were never utilized, Plaintiffs' experts were necessary to this Court granting summary judgment. It was defendants' lack of evidence of the precise amount of work performed to negate the reasonableness of the inference to be drawn from the employees' evidence, which warranted the granting of summary judgment. Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680, 687 (1946) (The burden then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence *688 to negative the reasonableness of the inference to be drawn from the employee's evidence. If the employer fails to produce such evidence, the court may then award damages to the employee, even though the result be only approximate.) This Court gave defendants every opportunity to come forward with precise evidence, and yet Defendants failed to provide the initial \$25,000 deposit as ordered by this Court. Defendants might have a colorable argument against Plaintiff's expert costs had the Special Master completed his work regarding the Tripsheets, and had the trial proceeded on that basis. However, that is not the case here. Plaintiffs' experts were necessary and their expenses reasonable given the extent of the work performed in calculating damages based upon computer data information provided by ACAB. Therefore, costs are awarded in their entirety.

The Court agrees with Plaintiffs analysis regarding their objections. Defendants' Claims of Exemption are DENIED except as to the Nevada "Wildcard" pursuant to NRS 21.090(1)(z). Therefore, the NRS 21.090(1)(z) exemption is applied and the Clerk of the Court shall remit \$10,000 to A Cab LLC. The Remainder of the funds deposited with the Clerk of the Court shall be remitted to plaintiffs' counsel for placement in their IOLTA account.

Now, having made those determinations, the Court goes back to not a boilerplate, but expansive motion, and that is, plaintiffs' countermotion. When the defendants filed their Ex-Parte Motion to Quash the Writ of Execution, the plaintiffs' filed a Counter-Motion for Appropriate Judgment Enforcement Relief in which they asked for a judgment debtor examination. The Court's already granted that from the specific order. In terms of the countermotion, COURT ORDERED, DENIED AS MOOT, as it was already granted in the specific motion filed by plaintiffs.

Plaintiffs have asked the Court order the property in the possession of the series LLC's belonging to A Cab, LLC, be deposited with plaintiffs' counsel. The Court is NOT going to Order this. The COURT will ORDER, it not be sold off or given away, the property MUST be maintained pending further Order of the Court. COURT FURTHER ORDERS, there is to be no transfer of funds from A Cab, LLC to any of its series LLC's, or to Defendant Nady, or any family members, without further order of the Court. The plaintiff also asked for an Order of Attachment of assets including the CPCN Medallion and the sale of same. The Court is NOT ordering this at this time.

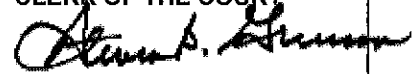
Arguments by Mr. Greenberg as to appointing a Receiver and vehicles to be seized towards judgment satisfaction. Mr. Shafer argued the plaintiffs are essentially asking for an injunction to shut down the business. They want every vehicle A Cab uses and are basically asking for injunctive relief not just to A Cab but all the other series. Without a hearing or a proper source of claim for exemption they could basically take anything or put the defendant in a significant risk of harm. Court DIRECTED plaintiff to submit an order by the end of the week to the Court and make it very precise as to what powers the Receiver would have and the issue will be addressed on 12/13/18. . COURT ORDERED, TEMPORARY RESTRAINING ORDER TO REMAIN IN PLACE.

COURT FURTHER ORDERED, Plaintiff's Motion to File Supplement in Support of an Award of Attorney's Fees and Costs as Per NRCP Rule 54 and the Nevada Constitution GRANTED.

CONTINUED TO: 12/13/18 10:30 AM (PLAINTIFFS' EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER AND MOTION ON AN ORDER REQUIRING THE TURNOVER OF CERTAIN PROPERTY OF THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320)

EXHIBIT “2”

EXHIBIT “2”



TRAN

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

MICHAEL MURRAY, et al,

Plaintiffs,

vs.

A CAB TAXI SERVICE, LLC, et al,

Defendants.

CASE NO. A-12-669926

DEPT. NO. I

BEFORE THE HONORABLE KENNETH CORY, DISTRICT COURT JUDGE

THURSDAY, DECEMBER 13, 2018

TRANSCRIPT RE:

PLAINTIFFS' EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER
AND MOTION ON AN ORDER REQUIRING THE TURNOVER OF CERTAIN
PROPERTY OF THE JUDGMENT DEBTOR PURSUANT TO NRS 21.320

APPEARANCES:

For the Plaintiffs:

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

For the Defendants:

ESTHER C. RODRIGUEZ, ESQ.
MICHAEL K. WALL, ESQ.
JAY A. SHAFER, ESQ.

For Resolution Economics:

PETER DUBOWSKY, ESQ.

ALSO PRESENT:

JONATHAN WILSON
Resolution Economics

CREIGHTON J. NADY

RECORDED BY: Lisa Lizotte, Court Recorder

PA 0227

1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 13, 2018, 10:39 A.M.

2 * * * * *

3 THE CLERK: Michael Murray versus A Cab Taxi Service. Case Number
4 A669926.

5 THE COURT: Good morning.

6 COUNSEL IN UNISON: Good morning, Your Honor.

7 THE COURT: Will counsel enter your appearances, please.

8 MR. GREENBERG: Leon Greenberg for plaintiff, Your Honor.

9 MR. DUBOWSKY: Peter Dubowsky for the special master, Resolution
10 Economics. And my client is here also, Mr. Jonathan Wilson.

11 MR. GABROY: Christian Gabroy, Bar Number 8805, for the plaintiffs.

12 MR. MESSER: Kaine Messer also for the plaintiffs.

13 THE COURT: All right.

14 MR. SHAFER: Good morning, Jay Shafer for A Cab.

15 MS. RODRIGUEZ: Good morning. Esther Rodriguez for the defendants.

16 MR. WALL: And Michael Wall for the defendants.

17 THE COURT: Good morning. And I see that Mr. Nady is here.

18 All right. As it stands this morning, Mr. Greenberg, what is the
19 plaintiff's suggestion to the Court as to how to proceed?

20 MR. GREENBERG: Well, Your Honor, it was my understanding from our
21 appearance last week there were two issues Your Honor wished to address today.
22 One has to do with the TRO you signed.

23 THE COURT: Please be seated, folks.

24 MR. DUBOWSKY: Thank you.

1 MR. GREENBERG: The TRO you signed and the request for the transfer of
2 those motor vehicles or an order coordinating the transfer, so to speak, or assisting
3 me in having those motor vehicles transferred ultimately to the sheriff for sale on
4 judgment execution. And the other issue was this question of the appointment of
5 a receiver pursuant to what I understood to be your concerns last week. I did
6 submit, as you instructed, on Friday two different proposed orders for the Court's
7 consideration and some correspondence that Your Honor may have seen. I did
8 get a call yesterday from your law clerk, who asked me to provide those orders
9 in computer format, presumably for further review by the Court. I'm pleased to
10 address either of those issues or anything else I can help the Court with, but that's
11 my understanding as to what I'm supposed to be doing here today.

12 THE COURT: All right. We have this morning the matter of whether to
13 appoint a receiver, and if so, under what terms. You've seen the proposed order
14 submitted by the defendants, which modifies the order which you had proposed.
15 What is your view of that?

16 MR. GREENBERG: Well, Your Honor, I have two concerns regarding the
17 order that they are proposing on that issue. One is that they are removing the
18 provision that I had proposed to the Court. And just by way of background, Your
19 Honor, I had essentially proposed two approaches here consistent with my
20 understanding of the Court's concerns voiced last week. One would be really a
21 limited form of receivership which would allow the receiver to take possession of
22 assets that are under the control of the judgment debtor corporation, A Cab, LLC,
23 and hold those assets, potentially pay liabilities in his discretion if he thought it was
24 important to preserve the business, and to also gather information for a report to

1 the Court and a proposal, if possible, for actually managing the business in full for
2 the purposes of satisfying the judgment, Your Honor. He would not have the power,
3 essentially, to interfere or control any of the operations at this point, which is truly
4 what a receiver does in the normal course.

5 As part of that receiver proposal, he would have also had the authority
6 to withhold operation of the medallions which are possessed by the judgment debtor
7 from the Series, these cells to which I am sure they have all now been leased and
8 put in possession of who are generating revenue from them, not for the purpose
9 of doing anything with those medallions but simply to assure cooperation from
10 those cells in his work so that he can gather appropriate information. And if the
11 cells refuse to cooperate, the cells of course are all controlled by Mr. Nady. He
12 would have the authority to terminate those leases or if necessary ask the Taxi
13 Commission to terminate -- excuse me -- terminate the leases of those medallions
14 or ask the Taxi Commissioner to terminate the use of those medallions, essentially
15 just to give him the power so that he could, if necessary, coerce sufficient
16 cooperation so he can get the information he needs to do his job because as Your
17 Honor is aware, it is the position of the defendants that these 200 or so cells are
18 separate entities, they're not subject to o the judgment. We have no asked the
19 Court to, you know, go beyond or deal with that issue.

20 The other form of order I proposed to the Court was far more limited
21 and that was based on my discussion with Mr. Swarts last week, who said that
22 perhaps a special master appointment would be more appropriate here, and that
23 is far more limited. The special master would not actually take possession of any
24 assets of A Cab. He would have no authority to pay expenses. He would simply

1 be essentially in charge of obtaining the records and reviewing the books and have
2 access to the information of the company. He would have no coercive power in
3 respect to the taxi medallions as I was proposing for the limited receiver. And he
4 also would have a report to the Court with a proposal as to whether a receivership
5 could be managed and how it would be managed for the business.

6 Under the special master proposal, which is obviously the far more
7 limited of the two, that's the model the defendants have proposed a variation on
8 to Your Honor, okay. Their variation of that model does two things that I would be
9 strongly opposed to. First is it removes the provision that the special master would
10 provide to plaintiffs' counsel information as to assets he locates that are in the name
11 of the judgment debtor. The judgment is outstanding. I believe if there is going to
12 be a special master appointment we're not going to have a receiver who's actually
13 going to take possession of any assets. Plaintiff's counsel should be told, you know,
14 what assets the special master comes up with so we can take effective means, if
15 we can, to secure those assets for the benefit of our clients. They've removed that
16 power from their proposed special master appointment.

17 The other thing that they have done is they've capped the fee that
18 would be paid to the special master at \$5,000. That's clearly going to be an
19 inadequate amount for me to get anyone to be willing to accept the appointment.
20 I'm not pleased with seeing large amounts of money spent on a special master or
21 a receiver. I have, as I've told the Court, believed it would be appropriate to commit
22 some portion of the funds that have been attached in the Wells Fargo accounts
23 and I actually did submit an order to the Court, I believe it was two days ago, asking
24 Your Honor to direct the disbursement of those funds from the core \$10,000 to the

1 defendants, with the rest to go into my IOLTA account. This was ruled on last week
2 by Your Honor at the hearing. But \$5,000 is not going to be enough. Mr. Schwarz'
3 normal hourly fee is \$300 an hour. That is fairly substantial, although I suspect it's
4 probably within the range of people typical with his experience in this area. I'm not
5 eager to see, again, a large amount of money earmarked for a special master or a
6 receiver, but I suspect a commitment more in the range of \$20,000 probably needs
7 to be made to assure some kind of meaningful efforts are undertaken by anyone
8 who's appointed for a special master or a receiver.

9 And the way I structured both of the orders I proposed to Your Honor
10 is that the person so appointed would be earmarked such amount from the funds
11 collected that Your Honor believes is appropriate and in the event that they have,
12 you know, gone through 90 percent of that earmarked funds, they will at that point
13 sum up whatever they can and provide whatever report they can to the Court at that
14 point, even if it is a partial or incomplete report; the point being that we would like
15 to get some sort of completed result from this process of having a special master or
16 receiver appointed. Ultimately the cost of a receiver or special master really should
17 be borne by the defendants, Your Honor, not by my clients, but I understand the
18 problems we've had in this case and I cannot contemplate Mr. Swarts or anyone
19 else being willing to take on such an appointment, particularly given the history
20 we've had here, without an assurance that there are funds that have been dedicated
21 in advance to pay them for some measure of their work and also an assurance that
22 they will be relieved from doing unpaid work, which is why I tried to structure the
23 orders I presented to Your Honor in that fashion.

24 So I think that reviews what I've proposed to the Court, the thoughts

1 I have about this, the concerns I have with the alternative proposal that was given
2 yesterday by defendants. If the Court has questions, I'd like to help if I can.

3 THE COURT: All right, thank you. We are at this juncture, of course,
4 because of the refusal of the defendants, including Mr. Nady, to come forward with
5 funds necessary to pay the special master.

6 Mr. Nady, I asked you to be here -- well, more than that. I ordered you
7 to be here today and I indicated that I was seriously considering putting you in jail for
8 contempt of court. You might be asking, well, what brought that about? But when
9 I see that your attorneys are in here complaining that you simply can't pay -- first it
10 was \$25,000 and then it was \$41,000 to the special master to do the work that
11 really should have been done by you originally to make sure that the drivers were
12 receiving under the law the minimum wage and that, you know, secondarily, if it
13 wasn't done before there should have been evidence forthcoming from your side
14 as to what the appropriate amount was. And all we ever heard was it can't be done,
15 it can't be done; the trip sheets are the only accurate way to do it. And so we had
16 a way to accomplish that through the special master, admittedly an expensive
17 proposition, but that's what happens when you have to come back and clean up
18 somebody else's mess.

19 When I found that you, despite your protests in September and
20 October that you simply didn't have the money to pay the special master and then
21 the plaintiff effected a seizure of a bank account and there's some \$230,000 laying
22 in that bank account, I have become extremely immune to cries from an individual or
23 a company individual that they just don't have the money to pay the special master
24 to complete this work. And so it has resulted in the special master coming to the

1 Court and asking to be paid. It was the Court that appointed the special master
2 and I am certainly more than amenable to making sure that the special master gets
3 paid for the work that they've put into the project, up to the point where the Court
4 found that it was going to be so cumbersome and so expensive that it was better
5 to simply grant the plaintiffs' earlier motion for summary judgment that included
6 approximations. And according to the United States Supreme Court, those -- if
7 that's what you have, that's what you have and you can rely on those in a judgment.

8 So perhaps you can understand why it seemed to the Court that I
9 might have to just put you in jail in order to get your attention. Well, fortunately for
10 you and perhaps for all of us, rather than blow this matter up even further, there is
11 a way that I believe I can accomplish that without having to put you in jail. It gives
12 me no great pleasure to put you in jail, Mr. Nady, which is why I was so late coming
13 to the point of seriously considering doing that. It's my belief that with the proposals
14 that have been put forward by the plaintiff and been modified proposal by your
15 counsel that there is a way that we can get the special master paid, albeit it is a
16 way that will incur more fees that have to be paid.

17 I'm going to grant the relief that the plaintiffs have asked for in the
18 sense of having a special master appointed again. This time we're not going to use
19 the special master that previously was there. They have -- I wouldn't ask them to
20 continue on at this point, but I am highly likely in a few minutes -- I want to hear
21 from your attorney first, but I'm highly likely to appoint a special master, to have it
22 Mr. Swarts and to order the defendants and their agents, and at this point that's
23 where you come in, to give a full and complete disclosure of all the financial records
24 that pertain to the company.

1 I wanted to say that at this point because maybe it's just if you were
2 feeling nervous and if you have your toothbrush in your pocket, I wanted you to
3 realize that I'm not going to send you to jail today. Notwithstanding that, I hope that
4 out of all of this you will come to realize that the Court is very serious about having
5 this case proceed to its final resolution, including the payment of the judgments
6 which have been awarded.

7 So with that, Mr. Shafer, what do you have to say further? I have
8 received your opposition with your modifications of the proposed order by the
9 plaintiffs. One of those was for confidentiality, which I think is appropriate. Anything
10 which is revealed to the plaintiff should not be revealed to the public at large. I don't
11 assume that there's any problem with that from the plaintiffs. I am inclined, as I just
12 indicated, to not even make it an appointment of a receiver at this point, but I am
13 inclined to make it be a special master with a view towards, if need be, becoming a
14 receiver. Partly I have come to that conclusion because of your protests that when
15 it comes to those medallions, at least, that you can't have someone else running the
16 company or you run into problems. I don't know whether that is accurate, but I don't
17 propose to jump into the middle of that issue by literally turning the company over
18 to a receiver at this point. I agree with plaintiffs' counsel that to put a limit of \$5,000
19 for a special master at this point is not realistic for the job at hand. I may say that
20 my whole purpose in doing this -- immediate purpose is to get the previous special
21 master paid. Those are the things that I'm considering doing. What do you say?

22 MR. SHAFER: And I appreciate it, Your Honor. Obviously we've I think
23 addressed most of our big points in our opposition. I think that you've hit the nail
24 on the head that at least in our interpretation of the statutory authority appointment

1 of any operational control over A Cab would result in termination of its business or
2 at least the current operators would have to go to the Taxicab Authority and say
3 we can't operate anymore, which I think would cause problems for everybody.

4 As far as -- so we stand by our objection to the appointment of any
5 receiver or special master on the record, just because it's an extraordinary remedy.
6 They haven't even had a chance to look at our responses to their post-judgment
7 debtor request for production yet. I think we're a little premature on that. But given
8 that the Court's inclination is to appoint a receiver, we would like to make that as
9 limited as possible with the goal of accomplishing what the Court's concerns are,
10 and that's to maintain the assets to make sure we know what the current status is.

11 And I want to -- I'm glad the Court brought up the issue of the
12 \$230,000 or \$250,000 that was taken in September of this year. That was not
13 A Cab's money. As we briefed before the Court, and perhaps Mr. Dubowsky was
14 not aware of this when he filed his motion for the special master, a majority of that
15 money was held in trust either to pay employee tax provisions, the employer side
16 tax provisions, FICA, and to pay the State, the Taxicab Authority its revenue and
17 to pay the airport for its revenue. Those -- while those are collected daily, those
18 are remitted quarterly. So those funds, a large majority of those funds represents
19 payments that were held in escrow to be submitted to the State and its Authority.
20 So it's not like they had a quarter million dollars sitting in an account that was
21 available to pay whoever they wanted. That was already earmarked to be paid
22 and was owed to be paid for sales tax, transfer tax and other authority.

23 As far as the issue of the receiver, our goal should be to limit the
24 amount of costs that are incurred, the friction loss that is involved in this. My client

1 does not have the money to pay it. There is a limited amount of funds. And so
2 the more duplicative work that is done will decrease the return to the actual drivers.
3 As minimal as it is now, we would like to avoid that further.

4 So our request is just to limit it just to receipt and review of the
5 financial records of the company with the appropriate protective order. We put a
6 placeholder \$5,000, indicating our desire to have that be minimal. Whether or not
7 that's an accurate one, I don't know, but given the problem we had in this case of
8 the \$200,000 special master, we would like -- we have no objection to Mr. Swarts
9 being appointed, particularly if the Court is inclined to do that, but we would like it
10 to be limited. And if additional funds were needed to complete additional review, we
11 would rather them come back to the Court and ask for additional funds, rather than
12 being unlimited and all of a sudden we run up a \$20,000 bill within the first week
13 and not have additional funds later on. So that is why we put that placeholder, but
14 if you'll notice we left most of the blanks -- we left placeholders for most of the other
15 fees. But our goal is to have it as limited as possible and A Cab will cooperate to
16 provide the financial records to minimize the costs and expenses that it is being
17 forced to incur for the special master if the Court does grant that special master.

18 I think that's --

19 THE COURT: Let me do this. I have reworked the draft that was submitted
20 by the plaintiff and it's the short version. I've made some changes to it. This is
21 what I am considering ordering. I think it would be best maybe if we just took a few
22 minutes at least to let both sides see what's in the order that I'm thinking of signing
23 and seeing whether or not that covers the various needs and issues of the parties.
24 So why don't we run a couple of copies of this and let counsel have it and -- let's

1 see, let's make about four copies. My law clerk will run copies of that.

2 Let's -- while they're doing that, that kind of takes care of what -- on
3 my check-off sheet that takes care of two out of three. One is the appointment of
4 a receiver. I'm going to make that a special master for now. The prime objective
5 of the receiver of Mr. Swarts, assuming that he's the one that accepts this, will be to
6 get the previous special master paid. I want to see that happen and I want to see it
7 happen as a primary goal of the special master at this point. That is more important
8 to me than pulling funds out to pay the judgment creditor.

9 As to the contempt, I've already indicated I'm not going to hold Mr.
10 Nady -- well, I have held the defendants in contempt, but I'm not going to put Mr.
11 Nady into jail, until such time as he complies with the Court's order.

12 That leaves the final thing as being the temporary restraining order
13 not to sell items. Is there anything more that needs to be argued about that? I don't
14 see that it impedes the defendant's business to simply enter an order that says don't
15 sell any of the assets, whether they are the automobiles or anything else, any of the
16 assets without clearing it with the Court first.

17 Do defendants have problems with that?

18 MR. SHAFER: Our concern I think is just the transactional nature of this,
19 whether or not -- you know, when they -- if they dispose of a certain asset, whether
20 they have to get clearance from the Court to throw away a broken stapler or to --
21 you know, if a car is wrecked, to deal with that issue. We would probably put in
22 a request that anything be -- if there is a sale that it be for equivalent value and
23 records be maintained of that. So if they do sell that broken stapler, they donate it
24 to charity, there's a record of that, or if they have to -- if there is a wrecked car and

1 they get an insurance payoff, that there's an earmark or identification of that --

2 THE COURT: Uh-huh.

3 MR. SHAFER: -- which would -- and our concern is --

4 THE COURT: Well, in terms of a wrecked car, that's -- if the only prohibition
5 is from selling it -- oh, you're saying that it would be so wrecked you wouldn't be
6 fixing it.

7 MR. SHAFER: Yeah. And, you know, the insurance company would
8 probably require a sign-over of the wrecked vehicle in exchange for insurance
9 proceeds, I imagine. And I think that also deals with our other concern that exerting
10 control over the company might be considered exerting control over the operations
11 and would put us in violation of the statute.

12 THE COURT: Well, if it's a special master and he's given no power to control
13 at least initially, then that shouldn't be a problem, should it?

14 MR. SHAFER: I am not -- my concern is not reporting that to the special
15 master or not notifying the special master or not including that in the finances, but as
16 to the TRO and the Court exerting control over or precluding transfer or dealing with
17 those assets as they are in the ordinary course of business. That's our only objection
18 to that. We do not anticipate a sell-off of assets or otherwise deprive defendants of
19 any rightful recovery that they have. And so I think it is over-broad to require -- to
20 preclude them from transferring any asset, unless there is an exception --

21 THE COURT: Well, if we put a dollar amount in there and say something like
22 don't dispose of any assets of a value of \$500 or more without at least advising the
23 special master first --

24 MR. SHAFER: I think if the restriction is to reporting it to the special master,

1 I think that would probably be fine because that is -- you're not exerting control over
2 the operations of the business, just requiring disclosure of the financial records,
3 which is consistent with our position on the limitation and the nature of the special
4 master.

5 THE COURT: Well, but I'm talking about doing more than simply requiring
6 a reporting to the special master. I'm talking about saying don't dispose of assets.
7 Obviously we don't want to see the assets walking out the back door when we're in
8 a mode of trying to get a special master paid and then trying to get a plaintiff paid.
9 So I don't see that it's, you know, assuming any managerial role in the company
10 to have that kind of an order in place that the defendant is not to sell off assets.

11 MR. SHAFER: Our only caveat would be to -- if such an order is entered,
12 to be in the -- it's not to be sold off except in the ordinary course of business.
13 With that exception and with a notification requirement we can be assured that the
14 judgment creditor would receive equivalent value. Whether it's in a car or whether
15 it's in cash, it would make no difference to the judgment creditor. And would -- with
16 the notification requirement if a car is sold for a dollar and it is clearly a fraudulent
17 transfer, they would be notified of that transfer and would be able to recover it back.

18 THE COURT: All right. Then I'll go for that as long as there's some time
19 period of delay after notifying the special master before you actually dispose of the
20 assets. It doesn't do much good to tell the special master and then just go ahead
21 and sell the asset. If we say that, we haven't accomplished anything more than
22 the provisions that all the financial -- that the finances of the company be made
23 available to the special master.

24 MR. SHAFER: I understand. If I might have just one moment to --

CERTIFICATE OF SERVICE

I certify that on March 29, 2022, I served a copy of the foregoing
PETITIONERS' APPENDIX VOLUME I of VI upon all counsel of record by
the Court's ECF system which served all parties electronically.

Affirmed this 29th Day of March, 2022

/s/ Leon Greenberg

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